Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 5 APRIL 1977

Electronic reproduction of original hardcopy

TUESDAY, 5 APRIL 1977

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:—

Greenvale Agreement Bill;

Queensland Performing Arts Trust Bill;

Anglican Church of Australia Bill;

Coal and Oil Shale Mine Workers (Pensions) Act Amendment Bill;

Electoral Districts Act and Another Act Amendment Bill;

Irrigation Act and Another Act Amendment Bill;

Universities Acts Amendment Bill;

Libraries Act Amendment Bill.

PAPERS

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.

Harbours Act 1955–1976.

State Housing Act 1945–1974.

Co-operative and Other Societies Act 1967–1976.

Regulations under the Public Service Act 1922–1973.

MINISTERIAL STATEMENT

Comments Attributed to Member for South Brisbane on Sex Education in Schools

Hon. V. J. BIRD (Burdekin—Minister for Education and Cultural Activities) (11.6 a.m.): It is with deep regret that I make this statement to the House. If recent comments attributed to the member for South Brisbane, Mr. Lamont, are in fact comments made by him, then he is deserving of the strongest possible condemnation insomuch as he has mischievously and deliberately misled the Press and, through the Press, the people of this community. I refer specifically to the statements attributed by "Sunday Sun" of 3 April last to the member for South Brisbane implying that I favour the introduction within our schools of sex courses taught by inexpert people and dealing with abortion, contraception, abnormal sex and masturbation. Not one word of that accusation is parallel to the truth. Those words are in fact totally untrue.

Mr. Lamont is further credited with saying that it is the parliamentary education committee which is in favour of funds being made available to organisations such as the Family Life Movement to enable them to develop further and increase the scope of their classes dealing with areas of sex education but offered to families and individuals outside of school hours. He infers that I am not in favour of this, when in fact it is the very suggestion that I have persistently put forward and pursued since even before I was appointed Minister for Education and that I have advocated at meetings with parent bodies throughout the entire State. But even on this point, let me make it clear that I would insist upon the closest investigation of all that such movements advocate and teach before I would recommend greater support for them.

So let me make it clear here and now to the Press, to the community, to the House and particularly to the member for South Brisbane that neither I nor the Directors of Education advocate the introduction of sex education courses dealing with abortion, contraception, abnormal sex and/or masturbation into our State schools next year or at any specific time. We, my directors and I, remain convinced this is an area of education which is the prerogative of parents. We are very well aware that parents too frequently abrogate these responsibilities and we are aware that it is therefore our responsibility to exhaustively investigate ways and means by which adequate education in all aspects of human relationships may be introduced to school students and parents by persons and in a manner conducive to general community acceptance.

Let me say most definitely that the pressures for the introduction of human relationships courses, which would include a component of sex education, have come from outside of my department—from church organisations, women's groups, political party committees and education organisations. However, we shall not be manipulated by self-interest minority groups; we shall not be stampeded even by the several sincere and well-respected representatives of majority groups, such as the churches, women's associations, political party education committees and school bodies. We shall—I repeat shall—take cognisance of all submissions made to us, and we shall endeavour to produce a plan to assist our young people achieve a beneficial respect for their own bodies and emotions and sensitivities as well as for those of others.

It was for this reason that I proposed to my education committee that there should be appointed a committee specifically to investigate existing resource materials related to human relationships courses, to investigate what we are being asked to do by the various groups I have mentioned, and what we may be able to consider for introduction to our schools at a time when we can be reasonably assured of having come up with a generally acceptable course and the right people to offer that course. In point of fact, my idea was for a committee similar to that appointed some years ago to investigate the

ways and means of introducing a generally acceptable religious education course into our schools.

Those are the facts—facts clearly contrary to the irresponsible statements attributed to the honourable member for South Brisbane.

PETITION

WEST MORETON COALFIELDS

Mr. MARGINSON (Wolston) presented a petition from 836 citizens of Queensland praying that the Parliament of Queensland will rescind the decision to cut back the quotas from the West Moreton coalfields or find alternative markets for the coal and provide funds for alternative employment for miners from these fields who may be retrenched.

Petition read and received.

PERSONAL EXPLANATION

Mr. JONES (Cairns) (11.12 a.m.), by leave: In a ministerial statement on the last day of sitting, the Minister for Works and Housing made certain statements in connection with the deletion of works in particular electorates and said that the Cairns Technical College was never the subject of representations by me. That was a gross misrepresentation of the facts. Correspondence dating back to the early 1970s directed to his predecessors and extracts from "Hansard" give the lie to that and indicate the entire irresponsibility of the Minister in making that statement. It should be remembered that the major portion of the funds for technical and further education came from Federal sources.

It would be well to judge the veracity of the whole text of the ministerial statement, and the Minister's credibility, on his attempt to mislead this House with such a false pronouncement. My claims are clearly true and are well documented. The people of Cairns are aware of the facts, but I seek to put the record straight here.

In his reply to a question asked on 30 April concerning the Trinity Bay High School tuck-shop extensions and library, the Minister at the end of his reply, as an afterthought—it was not in the original text of the answer as supplied by departmental sources, but was printed in the records on 31 March—said that this portion of the work also was not undertaken as a result of my representations. Again in a vainglorious attempt to discredit me, the Minister turned the gun on himself and misled the House. My original representations on the tuck-shop and the library at that school go back to correspondence dated 25 November 1974.

I regret that the Minister has deigned to resort to these tactics. I suggest that he should apologise to the House on all counts.

QUESTIONS UPON NOTICE

1. RECEIPTS FROM TAXATION

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

(1) What receipts has Queensland received so far this financial year from State taxation for licences and permits involving (a) State transport, (b) liquor, (c) traffic, (d) fishing, (e) auctioneers and agents, (f) land tax, (g) pay-roll tax, (h) stamp duty, (i) succession and probate duty, (j) totalisator and betting tax, (k) bookmaker's turnover tax and (l) soccer pools tax?

(2) Has the State Treasury made any estimates as to how much finance Queensland will receive under the new federalism proposal in which each State shares 33.6 per cent of the personal income tax pool for the financial year 1977-78 and, if so, what are the estimates?

Answers:—

(1) Full details of receipts to 31 December 1976 have been published in the quarterly Government Gazette. The 31 March 1977 figures will be available shortly and I will ensure that their publication is expedited.

(2) No realistic estimate can be made at this stage of the amount to be received under the tax-sharing arrangements for the year 1977-78. It is expected, however, that the return to the State will be in excess of what it would have been under the previous Financial Assistance Grant formula.

2. WORKERS' ACCOMMODATION

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

(1) Do inspectors of his department inspect regularly each year workers' accommodation provided under the Workers' Accommodation Act and, if not, at what intervals is accommodation inspected?

(2) When inspectors find that accommodation does not meet the standards of the Act, do they report to the chief inspector and do prosecutions have to be approved by the Minister?

(3) In each of the last five years, how many approvals to prosecute have been given by the Minister?

(4) Is he aware that workers in western Queensland are concerned at the deterioration in the standard of workers' accommodation, which in many instances has become unusable?

(5) When was the Workers' Accommodation Act last amended and updated?

(6) What is the minimum standard of accommodation allowed under the provisions of the Act for (a) married workers and (b) single workers?

Answers:—

(1) Inspectors of workers' accommodation do not inspect workers' accommodation every year. There is no set period prescribed as to how often accommodation must be inspected. In western areas, owing to climatic factors and the number of properties in each district, such properties cannot be inspected on a regular basis. However, where accommodation is known to be below standard or a complaint is received, inspectors are instructed to make an immediate inspection and follow-up inspections until such time as the accommodation meets the required standard.

(2) Inspectors of workers' accommodation are required to forward a report to the chief inspector whether or not the accommodation meets the standard required by the Act. Prosecutions have to be approved by the Minister.

(3) Since 1 July 1972 approval has been granted to institute 11 prosecutions involving four employers in matters related to the Workers' Accommodation Act. A further 10 prosecutions involving one employer are being processed at the present time.

(4) I am aware that workers in western Queensland are concerned with the present standard of workers' accommodation. During the period from 1960 to 1970 the greater part of western Queensland suffered prolonged drought conditions causing financial hardship for the owners of many sheep and cattle stations. Since 1970, inflation and resultant high wages have made the provision of new accommodation a rather costly proposition. The chief inspector of workers' accommodation is aware that, because of the aforementioned factors, there has been some deterioration in standards and this is in the process of being attended to.

(5) The Workers' Accommodation Act 1952–1972 has not been amended since 1952 apart from the amendments relating to metric conversion in 1972. However, the regulations which lay down the standard of accommodation have been amended on a number of occasions over the years, the most recent (apart from metric conversion) permitting the use of urethane foam mattresses as from 24 June 1971.

(6) The Workers' Accommodation Act is, as its name implies, concerned with accommodation for workers and does not distinguish between married and single workers. However, I am advised that in western areas married station hands normally are provided with cottage-style accommodation which exceeds the standards prescribed under the Workers' Accommodation Act.

3. RECLAMATION WORKS FOR MANLY BOAT HARBOUR

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

(1) Is he aware that more than 70 concerned persons have made written submissions to him and the Government and at least 90 persons have made verbal objections strenuously opposing the reclamation proposed by his department in the Manly Boat Harbour between the Manly jetty and the reclaimed land at the southern end of the harbour?

(2) Does he realise that, if this reclamation is allowed to proceed, a substantial amount of potential mooring and boating area within the harbour will be lost?

(3) Will he give favourable consideration to the depositing of spoil from the dredging of the Manly Boat Harbour in an area south of the harbour, adjacent to the esplanade and the already reclaimed land, which will result in usable reclaimed land and no loss to the future boating potential of the harbour, or, alternatively, to depositing the spoil adjacent to Darling Point in order to permit the formation of yet another boat haven?

Answers:—

(1) Yes.

(2) The area in question has no economic potential for development as a mooring area because of the hard underlying material. The cost of dredging this hard material is in excess of four times the cost of dredging in other areas at the harbour, and the additional capital cost in excess of $1,000,000 could not be recommended.

(3) A proposal is already before my department for reclamation south of Manly Boat Harbour by the Royal Queensland Yacht Squadron. The formation of a boat harbour to house about 150 vessels adjacent to Darling Point is estimated to cost $2,000,000. This gross capital cost is beyond the economic resources of my department and the cost per vessel is unacceptably high.

4. WEEK-END AIR POLLUTION

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

(1) Is he aware that either by intention or by accident a considerable amount of air pollution in all forms, from the backyard incinerator to industry, occurs after hours or on week-ends?

(2) Further to my question of 29 March and my earlier approaches to him on the matter of the setting up of a suitable structure within the Air Pollution Council to handle this very real problem, so that the affected parties can report and have immediate action taken, what action is he taking?

Answer:—

(1 and 2) The Clean Air Act was designed specifically to control air pollution from industrial and commercial sources. In my opinion, it would be competent for a local authority to take action under the Local Government Act, or in the case of the Brisbane City Council under the City of Brisbane Act, to deal with nuisances created by backyard incinerators.

I can appreciate the honourable member's concern and as I mentioned in my reply of 29 March I am looking into the whole question of the feasibility of an after-hours answering service to deal with complaints in respect of all pollution matters which come within my department's jurisdiction. I am having discussions with the Minister for Community and Welfare Services, who also has a problem with answering services, to see if it is possible to set up an after-hours service.

5. Long Service Leave for Building Workers

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

(1) Is he aware that the Building Workers' Union in its campaign proposals for long service leave has avoided the real meaning of the words "long" and "service"?

(2) Does this Government, with all other good employers, give and will it continue to give reward to employees who effectively serve their employers over a long period of time?

(3) In respect of continuity of service, has the Building Workers' Industrial Union a very poor record by advising its members to strike for other than industrial matters?

(4) Does the award rate of pay for building workers take into account the ad hoc nature of their employment?

Answer:—

(1 to 4) Long service leave in its present concept is a reward for long, continuous service with the same employer. Because of the nature of the building industry, few employees are afforded the opportunity of attaining long and continuous service with the same employer. The proposals envisage long service leave as a reward for long continuous service to an important and vital industry as distinct from one employer. There is nothing novel or unique in this concept. Long service leave benefits have existed in the coal-mining industry and the stevedoring industry for many years. Portability of service within local authorities and with fire brigade boards has been accepted for a number of years. Moreover, funds accumulated to meet the contingency could give a stimulus to the building industry in times of recession.

The Government does not propose to withdraw any existing rights to long service leave in respect of any employee. These are guaranteed by existing legislation.

It would be true to say that the Building Trades Group of Unions have frequently advocated strikes in protest against matters which have no industrial content and are outside the competence of employers to change. This would have imposed hidden costs on the industry, which cannot be justified and this practice cannot be condoned. In all fairness, such strikes are normally of short duration but in any case under the existing law an employee's entitlement to long service leave is not put in jeopardy because of his strike record.

The award rate prescribed for building workers does include a loading as compensation for time lost of approximately one week per year in moving from one building job to the next. However, no loading is included in the wage structure as compensation for inability to accrue long service leave entitlements.

6. Anti-discrimination Laws

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

(1) Has he read the article by John Singleton in "The Australian" on the anti-discrimination Bill as introduced into the New South Wales Parliament?

(2) Will he guarantee that legislation providing for the Government to direct (a) employers whom to employ, (b) schools whom to enrol and/or (c) independent schools how to run their schools, as the N.S.W. legislation directs, will never be allowed in Queensland while the National and Liberal Parties are in Government?

Answers:—

(1) Yes.

(2) I think I made this fairly clear in my answer of 30 March to the honourable member for Carnarvon. However, I take this opportunity of categorically stating that never while I am Premier of Queensland will this Legislative Assembly see any such dangerous, pernicious and discriminatory—yes, discriminatory—legislation as the so-called Anti-Discrimination Bill introduced by the A.L.P. in New South Wales.

7. Marijuana

Mr. Ahern for **Mr. Powell,** pursuant to notice, asked the Minister for Health—

(1) Has his attention been drawn to the probability of legislation being introduced in other States to legalise marijuana?

(2) Does the use of so-called soft drugs lead to experiments with and eventual dependence upon hard drugs?

(3) Have case histories of drug addicts proved that marijuana is a first step to hard-drug addiction?

Answers:—

(1) I am aware of reports that certain changes in legislation dealing with cannabis are contemplated in New South Wales. I am not aware of any move towards legalising the use of that drug.

(2 and 3) There is no satisfactory evidence that cannabis or soft-drug use promotes the use of harder drugs. Large numbers of users of, or experimenters with, cannabis and soft drugs never proceed to narcotics. It is likely that those who change their drug habits do so because of certain personality qualities rather than on account of any "addictogenic" qualities of cannabis or soft drugs. It is a fact that some users of cannabis or soft drugs do subsequently become users of narcotic drugs.

8. Queensland's Budgetary Position

Mr. Marginson for **Mr. Houston,** pursuant to notice, asked the Deputy Premier and Treasurer—

With reference to this quotation from the Premier's address to the Queensland Petroleum Exploration Association, as published in "The Courier-Mail" of 24 March, "The export tax alone is worth some $120,000,000 a year—more than enough to take care of any budget deficit Queensland might have now" and to his recent statement that Queensland in all probability will have a balanced Budget this financial year, what is the present budgetary position of the Government and the expected relationship between expenditure and income for the remainder of the financial year?

Answer:—

I submit that I have answered very fully previous questions put by the honourable member in recent weeks on the State Budget and I am somewhat at a loss to know how else I can state the position to him.

The present State Government Consolidated Revenue Fund budget position is quite sound indeed, owing, firstly, to the good budgetary control method exercised by the Government and, secondly, to the degree of success the Federal Government is having in its fight against inflation, in that our cost increases this year are less than those for the last few years and less than estimated. Because of this, we have been able to release $65,000,000 of Consolidated Revenue funds during the year for employment-generating capital works for roads, railways, sewerage, schools, housing, hospitals, Agricultural Bank loans, etc., in accordance with the statements I made in my Budget speech.

I expect the full year's result to be a balanced or near-balanced Budget.

9. Value of Exports and Imports

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

For the latest 12 months for which figures are available, what was the value of (a) exports from Queensland to (i) overseas and (ii) other Australian States and (b) imports into Queensland from (i) overseas and (ii) other Australian States?

Answer:—

Figures covering Queensland's overseas imports and exports for the year 1975-76 will be found in the February 1977 Monthly Summary of Statistics published by the Australian Bureau of Statistics—Reference No. 13-304.

As for Queensland's interstate trade, the latest figures available are for the year 1974-75. These are set out in the Australian Bureau of Statistics publication entitled "Queensland—Overseas and Inter-State Trade 1974-75"—Reference No. 53-302. So it cannot be said that we do not give all the information in detail. Both of these publications are available in the Parliamentary Library. They are sent also to the Leader of the Opposition. It is a pity that he did not show them to the honourable member. I am advised the interstate trade figures for 1975-76 are currently being finalised and will be available shortly.

10 and
11. Forestry and Other Employment for Displaced Fraser Island Workers

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

With reference to the $300,000 of Commonwealth funds allocated by the State Government to the Forestry Department to provide work for ex-Dillingham-Murphyores sand-mining workers for the period to 30 June and the $3,100,000 allocated for the three years to 30 June 1980, what are the details of the programme of work drawn up by the department for the two periods, for what forest areas have these funds been allocated and what is the respective number of jobs provided?

Answer:—

The $300,000 allocated for the Forestry Department to the end of June will provide direct employment for 40 to 50 men (currently 46), who will be employed on an increased planting programme and associated works on the Tuan and Toolara State Forests and on the construction of walking tracks through the State forest on Fraser Island.

Whilst the detailed programme for the remaining $3,100,000 has still to be finalised, approximately the same number of men will continue to be employed and, in

addition to the above areas, it is expected that operations will commence on a further area north of Maryborough.

Non-departmental dozers will be used on clearing additional areas to provide scope for the increased employment level. During this period expansion of recreational facilities on above State forests, particularly Fraser Island, will also be undertaken.

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

With reference to the $500,000 of Commonwealth funds allocated by the State Government for the National Parks and Wildlife Service to provide work for ex-sand-mining workers for the period to 30 June 1977 and the $450,000 allocated for the three years to 30 June 1980, what are the details of the programme of works drawn up by the department for the two periods, indicating projects adopted and employees involved?

Answer:—

(a) The honourable member refers to $500,000 Federal funding for Fraser Island National Park for the period to 30 June 1977. The total amount over the period ending 30 June 1980 is $500,000. The amount provided for the period ending 30 June 1977 is $50,000.

(b) The details of the works proposed by the National Parks and Wildlife Service from funds provided by the Commonwealth are as follows to 30 June 1977:—

(1) Establishment of base camp on Bowarrady Road;

(2) Develop site for administrative centre;

(3) Construct corduroy road from beach;

(4) Begin development of recreation site;

(5) General signposting.

1 July 1977 to 30 June 1978:—

(1) Complete construction of workers' accommodation;

(2) Construct water supply system for administration centre;

(3) Development of camping area with amenities;

(4) Construct garage and storeroom;

(5) Rehabilitation of degraded areas;

(6) Construct ranger's residence.

1 July 1978 to June 1979:—

(1) Construct office and administrative centre;

(2) Construct workers' accommodation;

(3) Construct walking tracks, upgrade road, rehabilitate surrounding landscape.

1 July 1979 to June 1980:—

(1) Construction of camping area;

(2) Road maintenance;

(3) Continuation of walking tracks.

(c) Staff, selected where possible from the pool of displaced Fraser Island miners, will consist of two for the initial period to July 1977, four for 1977-78, and the number will increase to six for the remainder of the programme.

12. Forestry Department Office Accommodation, Maryborough

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

(1) Has his attention been drawn to the conditions under which Forestry Department officers are working in the Forestry building, Maryborough, and, in particular, that each employee has only 60 sq. ft. in the main office and that the district forester has to share his office with an assistant forester?

(2) In view of the quite inadequate office accommodation arrangements, what plans are in hand to provide a more suitable office building for the department at Maryborough?

Answers:—

(1) I am aware that the Department of Forestry has approached the Public Service Board for allocation of additional space in the building presently occupied. However, as space in this building is apparently fully committed, efforts are being made to improve the situation as far as possible by utilising to better advantage the area now available to the department.

(2) I have no detailed knowledge of any plans to provide alternative accommodation for the Forestry Department. However, I understand that the Minister for Works has been asked to consider the construction of a new Government building in Maryborough when finance permits.

13. North-west Queensland/Northern Territory Development Study

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

(1) When will the North-west Queensland/Northern Territory Development Study be released?

(2) Will he give an assurance that the Queensland State members representing these areas will be consulted at least a few days before the official release?

Answers:—

(1) The report of the North-west Queensland/Northern Territory Development Study is expected to be received from

the consultants in its final form within the next few days. It will then be reviewed by officers of both the State and Commonwealth Governments, which jointly commissioned the study.

(2) When the report of the officers is received, the question of distribution and other matters incidental thereto will be considered.

14. Process for Upgrading Copper Minerals

Mr. Ahern for **Mr. Bertoni,** pursuant to notice, asked the Minister for Mines and Energy—

Is he aware of the new metallurgical process for upgrading copper minerals which is being developed by Triako Mines N.L. and M.I.M. Holdings Limited and could such a process alter the viability of a custom treatment plant for small copper producers in the Mt. Isa and Cloncurry mineral fields?

Answer:—

I am aware that a metallurgical process for treating copper ores is being developed by Triako Mines N.L. in association with M.I.M. Holdings Limited. However, it is understood that considerable research and development are required before the economic viability of the process can be determined. My technical officers will be keeping a close watch on this development.

15. Storage Conditions of Eggs

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

(1) With reference to his Press release of 22 March entitled "Campaign to Ensure Top Quality Eggs Marketed" and to the booklet "The Incredible Egg" published by the Egg Boards of Australia, which states that eggs lose quality rapidly at warm room temperatures and that there is a rapid deterioration of well over 50 per cent within seven days in the quality of eggs if stored between 21.2°C and 37.8°C when the recommended temperature for storage is under 15.5°C, is he aware that some large national retailers such as Coles and Woolworths are holding over one week's supply of eggs in storerooms and shops with temperatures around 32°C?

(2) Does he still insist that many Q.E.M.B. eggs are not stale before sale to Queensland consumers?

Answers:—

(1) No. When the retailers purchase eggs from the Egg Board or its agents, the responsibility for the provision of proper storage passes to the retailers. Firms such as Coles and Woolworths should be aware that perishable foodstuffs such as eggs require cool storage and suitable humidity conditions to preserve quality.

It will be of interest to the honourable member that officers of my department in conjunction with those of the Egg Marketing Board are planning a series of workshops designed to inform retailers and their staffs of the need for care in the handling and storage of eggs at the retail level.

(2) No. I never have insisted that eggs sold by the board are always still fresh at time of purchase by the consumer. The board, however, is doing everything possible to ensure that eggs meet the standards laid down at time of dispatch from the board. Also, in its area of operations it supervises the rotation of stocks in retail stores and advises retailers on general storage procedures to ensure the least possible loss in quality before sale.

In the case of Mt. Isa I am informed that eggs are delivered to the board's agent, Hammond and Pedwell, by refrigerated rail wagon. These wagons operate at a temperature up to 4°C. maximum. The agent stores the eggs at 13°C.

16. World Sugar Policies

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

(1) Is he aware of a recent meeting between 22 Latin American and Caribbean sugar-exporting countries which resolved a definite policy approach to the forthcoming International Sugar Conference in Geneva and also a recommendation to President Carter by the United States International Trade Commission regarding future sugar import quotas into that country?

(2) If so, and as he is leader of the Queensland sugar delegation to the Geneva conference instead of the Premier, what effects does he feel that these fixed actions by a major group of exporters and a key importing country will have on the possibility of negotiating a new International Sugar Agreement?

Answers:—

(1) Yes. I am aware of both developments.

An association of Latin American and Caribbean sugar exporting countries was formed in 1975 and I am aware that one of the regular meetings of the association was held recently. Not unexpectedly, the forthcoming International Sugar Conference was one of the listed agenda items for the meeting. However, I understand that the members of the association did not agree on a common attitude to be expressed at the Geneva conference. Reports indicate that they discussed the major issues but did not seek to finalise a common negotiating position.

It is true that the United States International Trade Commission recently recommended the imposition of quotas on

sugar imports and that the recommendation is currently being considered by President Carter and his advisers. But these are not the only recommendations currently under consideration. A special Agriculture Department task force has prepared a report on sugar and the views of all the various sectors of the industry have been sought and given. As might be expected, there is considerable divergence of views and the trade commission's preference for quotas is only one of the recommendations to be taken into account. Another is full United States' participation in the forthcoming I.S.A. negotiations.

(2) The attitude of the United States is certainly important to a successful negotiating conference. Government leaders of that country are on record as saying they will work hard at achieving a satisfactory outcome. However, the attitudes of other major importing countries, such as Canada and Japan, will also be important.

The E.E.C., with its increased export potential, is also important and reports indicate that, at the official level in Brussels, there is considerable support for a new Sugar Agreement. Of course, on the exporter side, the attitude of the Latin American and Caribbean countries will be important. World sugar authorities acknowledge that Australia's position, as the largest exporter to the free market, will be a key factor. Our views are sought and respected. Our past performance during previous negotiations and our performance as a member of operative I.S.A.s, have built up a reputation of trust and reliability which we will be seeking to maintain.

The honourable member will recall that I represented the Queensland Government during the last conference when "the task of leadership of the Queensland team" was delegated to me by the Premier. That experience will be of value during the forthcoming conference.

17. TRAFFIC LIGHTS FOR SYDNEY STREET INTERSECTIONS, MACKAY

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

(1) Has the Main Roads Department programmed the installation of traffic lights at the intersection of Sydney and Shakespeare Streets, Mackay, and, if so, when will this work be carried out?

(2) Is he aware that, as a result of the daily congestion of traffic trying to get onto the Forgan Bridge across the Pioneer River at Mackay, severe dislocation of cross-city traffic occurs because every intersection in the main city area becomes blocked at peak hours?

(3) Will he have a survey undertaken regarding the need for traffic lights at the intersection of Sydney and Gordon Streets to allow a better cross-city flow of traffic?

Answers:—

(1) At the request of the Mackay City Council provision has been made from the Traffic Engineering Trust Fund in the financial years 1976-77 and 1977-78 for installation of traffic signals at the intersection of Sydney and Shakespeare Streets. At present survey information to be provided by the council is awaited. The installation will follow immediately on completion of design.

(2) I am informed that there is some congestion at the Victoria and Gordon Street intersections with Sydney Street around 5 p.m. I am informed also that the cause is considered to be the drivers entering intersections which are not clear.

(3) The Mackay City Council has requested the installation of traffic signals at both the Shakespeare and Gordon Street intersections with Sydney Street, and has placed top priority on those at Shakespeare Street. Installation of signals at Gordon Street will be considered when formulating future programmes. As in many cases, the need does not have to be established.

18. RAILWAY CAMP WAGONS

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

As he is aware of my concern for the improvement of accommodation for railway employees in the Gregory electorate, when will the new type camp-wagon accommodation replace the present second-class type of accommodation being used by the bridge and flying gangs?

Answer:—

In reply to a similar question asked by the honourable member on 17 November 1976, I outlined the programme being prosecuted by the Railway Department for the progressive injection into the service of new camp wagons and for the provision of modern transportable camp units, as well as permanent camping sites for the accommodation of migratory gangs.

Since that date the construction of a further seven camp wagons has been virtually completed in the Rockhampton workshops, and approval has recently been given for the construction of a further six camp wagons in those workshops as a continuation of the programme. Furthermore, tenders have been invited and contracts are about to be awarded for the supply of migratory gang transportable accommodation units of steel-framed construction in the form of nine bunk houses, 13 ablution blocks and six kitchen-diners.

Camp wagons and the transportable accommodation units are allocated to gangs on the basis of priorities, and the honourable member may be assured that the claims of the area to which he referred will be fully taken into account in the determination of those priorities.

19 and 20. Reconstituted Fruit Juices

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

(1) Is he aware of the practice of marketing fruit juices, particularly citrus juices, in cartons where the juice is reconstituted concentrate often imported from overseas?

(2) Is he aware that these products are promoted as "fresh" products and housewives are led to believe that the products are made from fresh Australian-grown fruit?

(3) Will he consider an amendment to the Food and Drug Regulations to protect the interests of consumers so that the products are marketed on their merits?

Answers:—

(1) Yes.

(2) Aspects of the promotion of these products are being investigated.

(3) If, following investigations, legislation is found to be inadequate, action will be taken to amend the Food and Drug Regulations.

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

(1) Is he aware of the big increase in the sales of citrus juices in the State, where the juices are mainly reconstituted products from overseas?

(2) On behalf of Queensland growers whose industry is very depressed, will he approach Queensland processers with a view to having a product marketed which is made in Queensland from locally grown products and is clearly recognisable as such?

Answers:—

(1) Statistics are not available for sales of citrus juice in Queensland. However, Australian sales of orange juice have increased from an average of 75 600 tonnes fresh fruit equivalent in the period 1968-69 to 1971-72 to 249 000 tonnes fresh fruit equivalent in 1975-76. Although orange juice imports were negligible up to 1972, imports increased dramatically to reach 77 500 tonnes fresh fruit equivalent in 1975-76.

Because of industry concern at the increasing levels of orange juice imports, the matter was referred to the Temporary Assistance Authority, which consequently restricted imports, at current rates of duty, to a level of 62 000 tonnes fresh fruit equivalent for 1976-77. Imports of orange juice in excess of this figure are subject to an additional tariff of 12 cents per litre.

(2) Golden Circle Cannery is the major processer of citrus in Queensland and processed some 6 800 tonnes of oranges during the 1976 cannery year. Golden Circle does not use imported concentrates for reconstitution into juice products. Since the Temporary Assistance Authority decision to limit imports of orange concentrate, growers have found outlets for all of their juicing oranges, and fresh market prices are continuing to firm from the depressed prices experienced during 1975 and early 1976.

Whilst I acknowledge the Australian orange industry's inability to fully supply processers' requirements, I am concerned at the prospects of uncontrolled imports. To this end, officers of my department made extensive representations at the recent Industries Assistance Commission hearing on the Australian citrus industry.

21. Selection of Chairmen by Lot

Dr. Lockwood, pursuant to notice, asked the Minister for Justice and Attorney-General—

(1) In view of the report that the position of chairman of the South West Queensland Electricity Board was decided by pulling his name from a hat, will he seek a Q.C.'s opinion and report to this Parliament on the legality of the method of selection having regard to the requirements laid down in the Electricity Act?

(2) If deciding by lot is in conformity with the Electricity Act, what written or unwritten law or laws support this procedure?

(3) If deciding by lot is held not to constitute an election, will he have the selection of the chairman nullified?

Answer:—

(1 to 3) The question by the honourable member seeks legal opinion on hypothetical facts. It is not my function to give or to obtain legal opinions in respect of such matters, particularly as the Act in question is administered by my colleague the Honourable the Minister for Mines and Energy.

If the honourable member provides information to the Honourable the Minister for Mines and Energy which indicates that a possible breach of the law has occurred, then I would be happy to have the Honourable the Minister furnished with any necessary advice in respect of that factual situation. I suggest, in the circumstances, that the honourable member take up with the Honourable the Minister and furnish him with any information which he has in respect of the subject-matter.

22. Electricity Connections to Russell Island

Mr. Marginson, pursuant to notice, asked the Minister for Mines and Energy—

(1) Is he aware of newspaper reports that a widow called Betty Churchman living on Russell Island, Moreton Bay, has

stated that she has been advised by the Southern Electric Authority that it would cost her $12,000 to have the power connected, despite the fact that her residence is only approximately 10 light poles away from the existing power supplies?

(2) Will he give an itemised account for the amount of $12,000?

(3) What investigations have been conducted by him or the Southern Electric Authority of Queensland to see if power can be supplied to residents?

Answers:—

(1) Yes, I am aware of the newspaper report. Mrs. Churchman's residence is located on Marina Heights Estate on Russell Island, originally developed by Regional Pastoral Co. Pty. Ltd. No formal approach has been made by the developers to the Southern Electric Authority of Queensland for electricity reticulation on the estate.

(2) Mrs. Churchman's residence is approximately 800 m from existing L.V. mains. To make supply available to her residence and one other residence in the same estate it would be necessary to construct 870 m of 11 kV mains ($7,160), erect a 10 kVA one-pole transformer station ($1,440), construct 160 m of L.V. mains ($1,700) and carry out associated clearing work ($1,540), at a total preliminary estimated cost of $11,840. This estimate was made in July 1976.

(3) Mrs. Churchman first approached the authority in April 1975 to inquire about the availability of supply. Since that time the matter has been discussed on a number of occasions between Mrs. Churchman and an officer of the authority located at Cleveland. A preliminary survey was made and established that only two residents on the estate required electricity, involving a high-cost extension of mains.

Mrs. Churchman was advised of the approximate cost of the work involved and informed that such an extension would not be economic unless considerable development occurred on the estate. At no stage has a formal offer of supply been made to Mrs. Churchman, nor has she been asked to meet the estimated cost of the extension.

23. SOLAR ENERGY

Mr. Marginson, pursuant to notice, asked the Minister for Mines and Energy—

(1) With reference to recent reports that four physicists at the Sydney University have made a major scientific breakthrough which could make solar energy economic in Australia and for most of the world, what plans has either his department or the electricity authorities in Queensland with regard to solar energy?

(2) What studies have been undertaken in this regard and what have been the results?

(3) Will he consider reviewing the existing State policy on solar energy in view of the findings of the energy research centre at the School of Physics at the Sydney University?

Answers:—

(1) The major scientific breakthrough in solar energy reported recently was the development of a new type of solar collector to produce heat at up to 300°C.

Substantial development is always required between invention and commercial production of any new device.

The electricity supply industry must necessarily await commercial production of plant which can be bought after competitive tendering—and plant, moreover, the performance of which can be guaranteed under penalty.

The Departments of Electricity Supply and Mines have no specific plans for utilising this new development in solar energy but are maintaining a watching brief.

(2) Investigations have been undertaken into solar water heaters and their effects on the future demand for electricity. At current tariffs for electricity, the economics of transfer of the water-heating load from electrical to solar energy are doubtful.

The electricity supply industry is supporting research by the Queensland University into solar energy supplies to remote rural dwellings in outback areas. Solar energy may be an economic way to supply electricity as well as low-grade heat in these cases because of the high costs of transmitting electricity to isolated consumers in these remote areas.

(3) No. The new development opens up the possibilities of using solar energy to supply the high-temperature heat required in the process industry. Its application to large-scale generation of electricity may take decades of further research and development.

24. KAMERUNGA AND AVONDALE BRIDGES

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

When will construction of the Kamerunga Bridge over the Barron River and the Avondale Bridge at Smithfield commence, in order to have an all-weather road for people on the northern side of the Barron River?

Answer:—

Construction of the Kamerunga Bridge is currently programmed to commence about April 1979, and the Avondale Creek Bridge to start about September 1979. This timing may vary depending upon the level of funds made available by the Commonwealth Government in the particular categories. However, planning for the design of the new crossing is proceeding as soon as possible.

It should be noted, however, that although this work will upgrade the standard of these two crossings, owing to other low-immunity sections in the Redlynch Freshwater area and at Carabonica it will not result in a completely all-weather route.

25. BARRON RIVER BRIDGE AT STRATFORD

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

(1) When will the Barron River Bridge at Stratford be completed?

(2) When will the northern and southern approaches to the bridge be completed and when will it be open to traffic?

Answers:—

(1) The Barron River Bridge at Stratford is programmed for completion in October 1977.

(2) The northern approach and the southern approach from Tully Street to the Barron River are programmed for completion by Christmas 1977. The bridge will be opened for traffic at that time using a temporary connection to the present highway via Tully Street. Construction of the balance of the deviation from Saltwater Creek to Tully Street is anticipated for completion by the end of 1978.

26. IMPROVEMENTS AT MT. MOLLOY SCHOOL

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

(1) Will the demountable building for Mt. Molloy School be installed before the middle of April?

(2) Will 500 cubic yards of loam be supplied at this new school for the parents and citizens' association to spread and plant lawn over the rocks and clay that presently make up the main part of the school land?

Answer:—

(1 and 2) My department's district officer has reported that the new school building is now available for occupation.

The school grounds are reported to be overgrown with grass and arrangements have been made to have it slashed to ascertain the condition of the playing area. A sufficient quantity of topsoil will be provided to bring the surface into a reasonable condition for general play purposes.

The new building contract provides for the top-dressing of the building platform and batter banks.

27. COMPTON ROAD UNDERPASS

Mrs. Kyburz, pursuant to notice, asked the Minister for Local Government and Main Roads—

(1) As the negotiations among the Albert Shire Council, Brisbane City Council, his department and the Railway Department have taken at least two years, whom can the people of Woodridge accuse for holding up any repairs to Compton Road underpass?

(2) As bureaucratic procrastination is not understood by many people, will he direct the councils concerned to take temporary measures and divert heavy traffic around Acacia Road as I have suggested?

Answer:—

(1 and 2) The honourable member asks whom can we blame. To be honest I must say there is a certain amount of buck-passing going on. We could blame any one of three or four different authorities. I appreciate that the honourable member for Salisbury has worked very hard to overcome the difficulties associated with this part of Compton Road. It is a boundary road. The cost the honourable member refers to is to the order of $300,000 or $400,000. I have had discussions with the chairman of the Albert Shire (Mr. Hugh Muntz), who indicated to me that the Albert Shire Council would be prepared to allocate about $100,000 towards the cost of the scheme. Likewise, I have had discussions with the Brisbane City Council, which believes that its contribution would be to the order of $100,000. The Main Roads Department is prepared to make a contribution. I suggest to the honourable member that it might be a good idea if she were to speak to her colleague the Minister for Transport, a member of her own party, to see if it is possible to raise some funds from the Railway Department. As I say, this is a major job and it is easy to pass the buck. We can blame one another, but the longer we do that, the longer it will be before the job is done.

I repeat that the honourable member has worked very hard for this problem area in Compton Road. We are trying to help her. I do not propose to direct the

councils, but I do intend to make further representations to them on the honourable member's behalf.

28. Traffic Lights and Signs, Kingston and Smith Roads, Woodridge

Mrs. Kyburz, pursuant to notice, asked the Minister for Local Government and Main Roads—

(1) Further to his advice, which I received in July 1976, that traffic lights would be installed at the junction of Kingston and Smith Roads in Woodridge, when will the lights be installed and functioning?

(2) What is the cost of such an installation and to what extent is the Albert Shire Council financially involved in road-works and signs on Kingston Road?

Answers:—

(1) It is anticipated that the traffic signals at the Kingston Road/Smith Road intersection will be functioning early in the 1977-78 financial year.

(2)—

(a) The cost of this installation will be approximately $50,000. There are variations in cost from site to site depending on the volume of traffic, turning movements to be accommodated, etc.

(b) At the present moment Kingston Road is a declared secondary road. Therefore, the Albert Shire Council is required to repay 25 per cent of the cost of road-works and signs carried out under a permanent works scheme and 30 per cent of the cost of signs erected under maintenance. As the road will become a declared main road under the road plan review, the repayments by the shire will change to 10 per cent for permanent works and nil for maintenance.

29. Report of Law Reform Commission

Mrs. Kyburz, pursuant to notice, asked the Minister for Justice and Attorney-General—

(1) As I received advice early in August last year that the Law Reform Commission would shortly complete its report and recommendations on the laws relating to rape, is the report now complete and available to members of Parliament?

(2) Have the recommendations of the Queensland Council of Women on the changes to the Criminal Code, particularly relating to laws of evidence, been taken into account and dealt with as a matter of urgency by the Law Reform Commission?

Answers:—

(1) The report has been received from the Law Reform Commission but as several other matters have been raised I propose to refer the report back to the commission for further consideration. The report is therefore not available for tabling in Parliament at present.

(2) I am advised that changes to the Criminal Code relating to evidence were considered by the commission when compiling its report.

30. Fraser Island Timber

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

(1) What was the average royalty collected in 1975-76 for native hardwood timbers produced on (a) all Queensland State forests and (b) Fraser Island?

(2) What was the total volume of timber produced and the average number of Forestry Department employees permanently employed on Fraser Island in each of the last five years?

(3) What was the total revenue collected from the sale of timber products from Fraser Island and what were the total costs of conducting Fraser Island forestry operations in each of the last five years?

Answers:—

(1) The average royalty collected for native hardwood for 1975-76 was—

State Forests Queensland—$5.80 per cubic metre;

Fraser Island—$5.91 per cubic metre.

(2) Details over the last five years for Fraser Island are—

Year	Total Timber Cut	Average Number of Employees
1971–72 ..	18 227 m³	24
1972–73 ..	18 632 m³	20
1973–74 ..	20 652 m³	21
1974–75 ..	15 286 m³	17
1975–76 ..	18 931 m³	13

(3) Revenue collections are readily available for the past three years only:

Year	Revenue from sale of Timber Products	Total Cost of Fraser Island Operations
	$	$
1971–72	Not available	137,063
1972–73	Not available	131,440
1973–74	61,300	160,198
1974–75	92,500	145,092
1975–76	109,200	148,304

31. NURSING STAFF ESTABLISHMENTS, BRISBANE HOSPITALS

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

(1) What were the nursing staff establishments and the actual staff at the Royal Brisbane, Women's and Children's Hospitals as at 1 February 1976 and what are they at present?

(2) What were the monthly overtime totals at each hospital in November, December and January for (a) nurses, (b) domestics and (c) sisters?

Mr. KNOX: As the information is somewhat lengthy and involves a lot of figures I table it and ask that it be incorporated in "Hansard".

Answers:—

(1) Nursing staff establishments for the Royal Brisbane, Royal Women's and Royal Children's Hospitals as at 1 February 1976 and at present are as follows:—

1 February 1976:

Hospital	Establishment	Employed
Royal Brisbane	1,091	1,027
Royal Women's	408	385
Royal Children's	265	254

31 March 1977:

Hospital	Establishment	Employed
Royal Brisbane	1,124	1,161
Royal Women's	408	376
Royal Children's	299	293

(2) Overtime totals at each of the above hospitals are as follows:—

Hospital	Month	Staff Category	Hours
Royal Brisbane	Nov. 1976	Registered nurses ..	431
		Other nurses ..	185
		Domestics	299
	Dec. 1976	Registered nurses ..	621
		Other nurses ..	267
		Domestics	161
	Jan. 1977	Registered nurses ..	368
		Other nurses ..	158
		Domestics	204
Royal Children's	Nov. 1976	Registered nurses ..	61
		Other nurses ..	75
		Domestics	21
	Dec. 1976	Registered nurses ..	84
		Other nurses ..	107
		Domestics	27
	Jan. 1977	Registered nurses ..	33
		Other nurses ..	42
		Domestics	39
Royal Women's	Nov. 1976	Registered nurses ..	23
		Other nurses ..	15
		Domestics	62
	Dec. 1976	Registered nurses ..	67
		Other nurses ..	45
		Domestics	44
	Jan. 1977	Registered nurses ..	33
		Other nurses ..	22
		Domestics	59

The information outlined in (1) and (2) above has been supplied to me by the North Brisbane Hospitals Board.

32. DRUG OFFENDERS

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

(1) Do courts currently refer young people directly to gaol after conviction for drug addiction?

(2) Where are drug pedlars currently sent after conviction when they are (a) addicted themselves and (b) not addicted?

(3) How many have needed medical treatment?

Answers:—

(1) Depending on the facts and circumstances presented to the court, including previous convictions, if any, the offender, after conviction might be—

(a) sentenced to serve a period of imprisonment; or

(b) released on probation for a specified period subject to a condition that he submits to treatment.

Where imprisonment is ordered, the warrant is endorsed that the offender is to be medically examined on admission to prison, and is to receive such treatment as is considered necessary.

If the offender is released on probation, the order for probation is conditioned that he submit to such medical, psychiatric and/or psychological treatment as the Director of Psychiatric Services considers necessary. He is, of course, supervised by a probation officer. If the offender disobeys the condition, he may be charged with a breach of a condition of his probation order.

(2) Drug pedlars are almost invariably sentenced to a term of imprisonment, whether or not they are addicted themselves.

(3) Details of medical treatment are not held by the Justice Department. This part of the question should be directed to the Honourable the Minister for Health.

33. SILTATION AT TOONDAH HARBOUR, CLEVELAND

Mr. Ahern for **Mr. Goleby,** pursuant to notice, asked the Minister for Tourism and Marine Services—

As tenders are to be called for dredging at the Victoria Point jetty to overcome the siltation problem, will he take similar action to overcome the dangerous siltation problem at Toondah Harbour, Cleveland, at the approach to the boat ramp?

Answer:—

In relation to the approach channel to the boat ramp at Toondah Boat Harbour, I would refer the honourable member to my answer to his question of 9 March 1977.

34. HIGHWAY LITTERING, TOOWOOMBA RANGE

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

(1) As a disgraceful litter situation exists on both sides of the main highway leading into Toowoomba on the range side of that highway, who is responsible for its cleaning?

(2) What action will he take to see that this section is cleaned and kept clean?

Mr. HINZE: I thank the honourable member for his question. He asked who is responsible for littering the roads. Of course I would have to say that it results from the attitude of Queensland motorists. Apparently we throw everything out of the car. It is a good job that wives have seat-belts across them; otherwise perhaps some of them would go out, too. It is a pleasure to drive through some local authority areas which are doing something about the litter problem. By comparison with some overseas countries and some other States, obviously there is something wrong with Queensland motorists.

I now read the prepared answer.

Answer:—

(1 and 2) Cleaning of the litter is a routine maintenance function. However, the level of funds available does not permit litter clean-ups on a daily basis. It is likely therefore that there will be some build-up between routine cleaning operations.

A special effort will be made immediately to rectify the condition which the honourable member has brought to my attention.

35. SAFETY RAMP, TOOWOOMBA HIGHWAY

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

As the safety ramp on the range highway leading out of Toowoomba is in a dangerous condition owing to lack of proper drainage, will he have this matter investigated so that it can be used in safety?

Answer:—

The design of the safety ramps incorporates a top layer of some 300 mm of loose river gravel which is intended to aid in the retardation of an out-of-control vehicle. By its very nature, this river gravel is free-draining. However, over a period of time the river gravel becomes contaminated with clay, refuse, vegetable matter, etc. so that to some extent its ability to retard an out-of-control vehicle is diminished and, further, it is no longer free-draining. It is intended that the contaminated gravel be replaced with clean gravel to improve both the retarding effect and the drainage.

36. PRECAUTIONS AGAINST NIGHT ACCIDENTS FOR COUNTRY POLICE CARS

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

Will he allow country policemen to place driving lights and kangaroo bars on their cars to avoid having numerous night accidents?

Answer:—

The fitting of this equipment has received consideration over a number of years. Although many kangaroo bars have been examined by the Police Department, an efficient bar designed for fitting to sedan motor vehicles has not been found. In fact, many of such bars presently on the market could cause damage instead of preventing it.

All new police motor sedan vehicles are XC Ford sedans, which are fitted with quartz halogen headlights. These are of similar power and brightness to all but the most expensive driving lights. Therefore, no advantage would be served in the fitting of additional driving lights to new Falcon police motor vehicles.

37. BRIDGE OVER RETREAT CREEK

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

Will he have a bridge built over Retreat Creek on the Gregory Highway between Clermont and Emerald to avoid long delays owing to flooding?

Answer:—

There are insufficient funds available in 1977-78 to allow this bridge to be programmed having regard to existing commitment on such major bridges at the Dawson and Comet Rivers. The level of funds available after 1977-78 is not yet known.

Considering the enormous funds that we are spending on bridges over the Dawson and Comet Rivers in the Belyando electorate—and not without good reason—I ask the honourable member in all seriousness if he would mind if I spent some of my funds in the other 81 electorates of Queensland.

38. FAIRBAIRN DAM

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

What is the current situation relating to the total progress of the Fairbairn Dam project?

Answer:—

With the exception of gravelling of new roads and some minor structures, virtually all of the works required for the left bank

of the Nogoa River are now completed. Opening of two remaining new farms on this bank is currently being considered.

Construction of the Weemah Main Channel, which serves the right bank area, has commenced. A tender for the earthworks for the first 10·5 kilometres of this channel was recently accepted. Plans for the balance of the works to be constructed on the right bank will be completed by the end of 1977. Provided adequate funds can be made available in future years, construction of works to serve 80 farms will be completed in about three years' time.

39. CORPORATE AFFAIRS INSPECTOR

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

With reference to the position of inspector in the Building Societies Branch, Inspection Section, of the Office of the Commissioner for Corporate Affairs, which has recently been advertised by the Government, will he give an explanation of the qualifications and guide-lines set down for this position?

Answer:—

Qualification statements for all vacant classified positions in the Public Service are obtainable from the Department of the Public Service Board.

40. MEALS ON WHEELS

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

(1) Is he aware of the increasing financial difficulty which the "Meals On Wheels" organisation is experiencing?

(2) In view of the important function it performs in the community and, as State-run hospitals and instrumentalities recommend their ex-patients and clients to the organisation, will he investigate the possibility of making financial or other aid available so that it can remain viable and expand its services to the community?

Answer:—

(1 and 2) Meals on Wheels organisations receive financial assistance from the Commonwealth Department of Social Security. Some Meals on Wheels organisations are based on senior citizens' centres. Many of these centres have been constructed from funds provided by the Commonwealth and State Governments and local organisations.

41. POLICE PRIORITIES

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

(1) In view of former Police Commissioner Whitrod's presumed expertise in crime clean-up from 1971 to 1975, why did the number of homicides, serious assaults and breaking and entering offences rise, even though the number of police in the force rose from 3,353 to 4,034 or from 602 to 565 members of the public per police officer?

(2) Will he endeavour to see that there is a concentration by the force in the priority area of serious crime rather than with minor traffic offence convictions, which rose from 39,750 to 48,007 between 1971 and 1975?

(3) Will he give further consideration to the establishment of the community-policeman concept in order to not only raise community respect for the force, but also enable individual policemen to be closer to the public generally?

Answers:—

(1) As the increase in the number of crimes cannot be attributed to one person, I am unable to answer this question. World-wide trends reflect these increases which are not restricted to Queensland alone.

(2) All appropriate measures commensurate with availability of manpower and finance will be taken to reduce the crime rate. Likewise, whilst traffic enforcement remains the responsibility of the Police Department, all necessary steps will be taken to reduce the toll of the road.

(3) Yes.

42. WAGE INDEXATION AND MEDIBANK LEVY

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

(1) Is he aware of the results of the Commonwealth Arbitration Commission's decision in relation to wage indexation and the Medibank levy?

(2) If so, what effect will the decision have upon the economic climate in Australia and the endeavour to curtail inflation and unemployment?

Answers:—

(1) Yes.

(2) Australia is still caught in a damaging wage-price spiral. The Consumer Price Index for the six State capitals increased 14.4 per cent between the 1975 and 1976 December quarters, although the trend in the latter months, if we exclude the artificial influence of Medibank, is much improved.

The Arbitration Commission in its latest decision felt bound not to award a full flow on of the movement in the Consumer Price Index for the December 1976 quarter because of the adverse effect this would have had on the national economy. It settled on a compromise position which, however, will still not ease the task of the Federal Government curtailing inflation and unemployment.

43. School Sites to West and South of Beenleigh

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

(1) What are the latest developments regarding the purchase of school sites to the west and south of Beenleigh, how many sites are there and where are they situated?

(2) Which site is being considered for a high school?

Answer:—

(1 and 2) Three primary school sites and one high school site have been investigated in relation to meeting future educational needs to the south and west of Beenleigh.

Action is presently being taken by the Land Administration Commission to acquire one primary school site with a frontage to Mt. Warren Boulevard in the Mt. Warren Park Estate. The remaining two primary school sites are receiving consideration in the Department of Education in conjunction with available information respecting probable future residential development.

The Land Administration Commission has also been requested to initiate the necessary action for the acquisition of a high school site just south of Windaroo Creek and with a frontage to the Beenleigh-Beaudesert Road.

44. School Site, Anglers Paradise/Paradise Point Area

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

What is the up-to-date information on the acquisition of a high school and primary school site being considered near Pine Ridge Road in the Anglers Paradise/Paradise Point area?

Answer:—

Action initiated in 1976 for the acquisition of a combined primary and high school site just north of the junction of Pine Ridge and Coombabah Roads was discontinued because objections lodged by the owners to the resumption of the land for school purposes were considered to be valid. The Land Administration Commission has now been requested to acquire an alternative site.

45. Works Department Depot, Gold Coast/Albert Shire Area

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

Further to my question on 12 November 1975 regarding a Works Department main depot and workshop in the Gold Coast/Albert Shire area, has any decision been made to establish such a depot?

Answer:—

No. The district office headquarters and depot facilities in the department's Ipswich Road workshops area are adequate for the operational needs in the Gold Coast/Albert Shire area for the time being.

Mr. YEWDALE: I point out, Mr. Acting Speaker, that the preamble has been taken out of question No. 46, which certainly changes its context. Nevertheless, I ask the question as it appears on the notice paper.

46. Fire Brigades Act Amendment Bill

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

(1) In the main, were the trustees Mr. King and Mr. Heath not consulted regarding the recent amendments to the Fire Brigade Act?

(2) Did his under secretary decline a position on the board of trustees and was Mr. Clarke appointed to the board?

(3) Before introducing the recent amendments, was consideration given to the requirements of the Trusts Act, which provides a limitation of no more than four members on the board of trustees?

Answer:—

(1 to 3) One of the recent amendments to the Fire Brigades Act was with respect to the composition of the trustees of the Fire Brigade Employees Superannuation Plan. This was an exercise in democratic representation and I am surprised that the honourable member is querying it.

The honourable member should realise the weakness in the composition of the present trustees is that it is very much Brisbane oriented; it does not have any representation from country fire brigade boards, and it has no specific representation from fire brigade employees. The amendments to the Act correct this obvious imbalance in representation.

Last year my under secretary declined appointment as a trustee because he considered such an appointment would be incompatible with his responsibilities as permanent head of the department and recommended, as being more appropriate, that the chairman of the State Fire Services Council be appointed in his stead. Finally, my legal advisers inform me that the amendment to the Fire Brigades Act, when it becomes law, will override, with respect to the Fire Brigade Employees Superannuation Plan, any limitation on the number of trustees under the Trust Act of 1973.

47. PRICES OF SPARE PARTS FOR MOTOR VEHICLES AND AGRICULTURAL MACHINERY

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

(1) How many complaints has the Consumer Affairs Bureau received from consumers regarding the high cost of spare parts for motor vehicles and agricultural machinery?

(2) Will the bureau, his department or the State Government be making any submission at the Prices Justification Tribunal's inquiry into the prices of spare parts of motor vehicles and agricultural machinery and, if not, what are the reasons?

(3) What programme has been undertaken by the Government in relation to the reduction of prices for spare parts to assist the motorist and the man on the land with relation to agricultural machinery?

Answer:—

(1 to 3) Complaints received by the Consumer Affairs Bureau which have involved prices, on the one hand, and motor vehicles and agricultural machinery on the other, have not been so indexed as to indicate the number of complaints received about the high cost of spare parts for motor vehicles and agricultural machinery. It is therefore not possible, in the time available, to indicate the number of complaints received about the high cost of spare parts for motor vehicles and agricultural machinery.

The Consumer Affairs Council has already carried out a survey of the prices in Queensland of certain spare parts used in popular makes of motor vehicles and, in the cases of those particular parts, it reached the conclusion that there were no serious discrepancies between manufacturers' recommended prices and actual retail prices.

I would welcome any extension into Queensland of the Prices Justification Tribunal's activities in this regard, because the interstate nature of the transactions involved makes it difficult for any State authority to adequately investigate all the ramifications.

48. ELECTION PROMISES TO WORKERS BROKEN AFTER COUNTRY REPRESENTATIONS

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

As the Minister for Industrial Relations has had protracted discussions with the Building Workers' Industrial Union and its officers including Mr. H. Hamilton, President of the Communist Party, and as the Minister for Industrial Development, Labour Relations and Consumer Affairs in this House on 29 March indicated that the 1974 election campaign promise of long service leave for all workers was withdrawn because of representations from members from country electorates, what other promises in the 1974 policy have been withdrawn because of similar representations, or is this promise to workers the only promise broken in this fashion?

Mr. BJELKE-PETERSEN: In the first place, I must point out that the honourable member is quite wrong when he says that the suggested legislation was withdrawn because of representations made by members from country electorates. That is quite untrue.

Mr. Houston: The Minister said it.

Mr. BJELKE-PETERSEN: It was a decision made by the joint Government parties after full agreement had been reached by those parties. I want to make that quite clear.

Opposition Members interjected.

Mr. ACTING SPEAKER: Order! The Premier will be heard in silence or I will invoke the Standing Orders.

Mr. BJELKE-PETERSEN: I could not miss the opportunity to correct the honourable member. Evidently he does not know what is the true position, but that is exactly correct—dead right—so he can put that in his pipe and smoke it. I now read the prepared answer.

Answer:—

It is ridiculous for the Opposition to ask such a question of the leader of a Government, whoever he might be.

Therefore, it is more in the nature of a sympathetic gesture than in an endeavour to make political capital out of his inquiry that I inform him my Government has either implemented, or is in the process of implementing, the policies it believes will be most beneficial to the welfare and advancement of Queensland and its people, and we will always do that.

49. AWOONGA DAM

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

(1) Has a final decision been made as to the type of wall to be built to increase the storage capacity of the Awoonga Dam?

(2) What will be the height of the wall and what is the estimated cost?

(3) Will this wall cause water to cover any part of the Calliope/Many Peaks road causing it to be re-routed?

(4) Will certain work such as buildings and power facilities already constructed have to be relocated because of this decision to build a new type of wall?

(5) What was the cost of these facilities and buildings which may have to be relocated?

(6) What will be the cost to relocate these buildings and facilities?

Answers:—

(1) The Gladstone Area Water Board has decided to proceed with the design of a rockfill dam.

(2) The full supply height will be 30 metres AHD (Australian Height Datum) and a preliminary estimate of cost is $20,600,000.

(3) There could be some minor re-routing required but this has yet to be investigated in detail.

(4 to 6) Certain works at the dam, the cost of which was approximately $100,000, may have to be relocated.

50. Tourist Industry Work-force

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

(1) What percentage of the Queensland work-force is employed in the tourist industry?

(2) What is the total estimated contribution that this industry makes to the Queensland economy?

(3) How much money and aid were provided by the Commonwealth Government to the industry for 1975-76 and 1976-77 through the State Government?

(4) What constructive action has he taken to obtain additional Commonwealth aid for Queensland following his criticism to the Bribie Island Chamber of Commerce in January this year of his Federal colleagues, when he said that tourism has been an area of Federal neglect and not taken seriously by the Fraser Government?

Answers:—

(1) It is estimated that 10 per cent of the Queensland work-force is employed in the tourist industry.

(2) $150,000,000.

(3) The Commonwealth Government paid $197,882 in 1975-76 to Queensland towards assistance to historic buildings and tourist attractions. It is expected that $147,091 will be received in 1976-77 for the same purpose, being to finalise all grants approved prior to the discontinuing of the scheme.

(4) Representations to the Commonwealth Government for a continuation of the grant scheme have not been successful. However, the Commonwealth Government has established a select committee to inquire into all aspects of the tourist industry.

51. Use of Detergents on Oil Spills

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

(1) Is he aware of recent reports that a South Australian marine expert, Mr. R. C. Illert, claimed that the use of detergents on oil spills in coastal waters could lead to children being deformed within one or two generations?

(2) How many litres of dispersant have been used on the Queensland coastline to clean up oil spills?

(3) How much such detergent is being stored by the State Government?

(4) How much detergent is being stored by oil companies and other authorities?

(5) Will he undertake to review this situation whereby dispersants and detergents are said to be more harmful to marine life than oil and are a health threat to people by turning oil into a sponge which picks up cancer-causing chlorinated hydrocarbons and contaminates large areas of ocean very quickly, thus threatening future generations of Queenslanders?

Mr. HODGES: The answer is rather lengthy so I ask leave to table it and have it included in "Hansard".

Answers:—

(1) I am not aware of any claims in this respect either by Mr. R. C. Illert of South Australia or from any other source throughout the world.

(2) Apart from an estimated 21 803 litres used following the grounding of the "Oceanic Grandeur" in the Barrier Reef in March 1970, no dispersant has been used on the main sea coastline of Queensland. The policy of the Government of Queensland now states that dispersant may be used only in certain circumstances—

(a) when there is danger to human life through fire or other causes;

(b) in the case of minor spills in so-called "marine deserts" such as dredged harbours;

(c) where selected sea-bird sanctuaries may be threatened.

(3) Stockpiles of low-toxicity dispersants are maintained by the Commonwealth Government at major ports throughout Australia. In Queensland, the ports of Brisbane and Cairns have such stockpiles, which include equipment and back-up material for emergency use. The State Government does not carry stocks of dispersant.

(4) I would refer the honourable member to the secretary of the Petroleum Industry Environmental Committee Executive, who has the required information. Queensland harbour authorities maintain a small quantity of low-toxicity dispersant for use in cases of nuisance spills within their harbours.

(5) The Queensland Government policy states that, unless circumstances as outlined in the answer to question (2) are present, oil shall be recovered by physical means or left alone to disperse naturally. Natural dispersal occurs rather rapidly in the tropical and subtropical climate of our State.

The siltation is under constant review by a Queensland Government interdepartmental committee, and also by a committee of advisers who meet regularly in Canberra. These latter meetings are attended by representatives of several Commonwealth departments, environmentalists, fisheries and wildlife officials of C.S.I.R.O., State marine authorities and the oil industry. Members attend international symposia under the auspices of the Inter-Government Marine Consultative Organisation in order to be apprised of the latest developments in this field.

I would assure the honourable member for Port Curtis that every conceivable effort is being made to combat this problem and that the State of Queensland is an acknowledged leader in the field.

QUESTIONS WITHOUT NOTICE

Inspection of Queensland Roads by Federal Minister for Transport

Mr. MULLER: I ask the Minister for Local Government and Main Roads: Is it a fact that the Federal Minister for Transport (Mr. Peter Nixon) is now inspecting roads in Queensland?

Mr. HINZE: This is a Dorothy Dixer. I understand that the Federal Minister for Transport (Mr. Peter Nixon) is now inspecting roads in the Central Queensland area. It is good to see the Federal Minister taking an interest in improving Queensland roads, including the Bruce Highway, and acknowledging that there is a need to upgrade them. I hope that Mr. Nixon will press this view very strongly with his Cabinet colleagues to gain the additional $20,000,000 of Commonwealth funds for Queensland roads that the Premier will be discussing with the Prime Minister next week, among Queensland's submissions to the Premiers' Conference.

Mr. Nixon's point about the State's Budget spending on roads declining is pretty nebulous when one considers that the situation is precisely the same at Commonwealth level, that is, as a percentage of overall Budget spending on roads and transport generally. In fact, the situation in Queensland is much better than that in other States. Queensland has consistently spent more on roads than it is obligated to spend under Federal legislation. It has always exceeded its Federal legislation quotas, and will do so again this financial year. Queensland spends about $77,000,000 compared with its quota obligation of $53,500,000. The figures attributed to Mr. Nixon, which suggest a 30 per

cent increase in roads spending (18 per cent in real terms), refer not to the general situation, of course, but to only one category. For example, Queensland's overall allocation for next financial year is 10 per cent more than this year's allocation. I must thank the Treasurer of Queensland for allocating $13,000,000 this year from the State Treasury to keep road-works going in Queensland.

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

RACING AND BETTING ACT AMENDMENT BILL

Initiation

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Racing and Betting Act 1954-1975 in certain particulars."

Motion agreed to.

PARLIAMENTARY COMMITTEE TRANSITIONAL BILL

Initiation

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide for the continuance of the Committee of Subordinate Legislation beyond the prorogation of the Legislative Assembly; to preserve the operation of the resolution of 8 September 1976 by which that committee was appointed; and to provide for the completion of unfinished business of that committee."

Motion agreed to.

CITY OF BRISBANE TOWN PLANNING ACT AND ANOTHER ACT AMENDMENT BILL

Initiation

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the City of Brisbane Town Planning Act 1964-1976 and the Acquisition of Land Act 1967-1969 each in certain particulars."

Motion agreed to.

CONSTITUTION ACT AND ANOTHER 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 of 1867 (as amended from time to time) in certain particulars and the Legislative Assembly Act 1867-1971 in a certain particular and for another purpose."

Motion agreed to.

ALBERT SHIRE COUNCIL (RATIFICATION OF ADMINISTRATION) BILL

Initiation

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to validate, approve, ratify and make lawful certain acts, matters and things done by the Council of the Shire of Albert in the purported exercise of powers conferred on that council by the Albert Shire Council Budget Adjustment Act 1976 and for other purposes."

Motion agreed to.

RAILWAYS LAND ACQUISITION BILL

Third Reading

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

REFERENDUM ON CHANGES TO COMMONWEALTH CONSTITUTION

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (12.19 p.m.), by leave, without notice: I move—

"That the Legislative Assembly of Queensland in Parliament assembled, being of the opinion that proposals for changes in the Constitution of the Commonwealth of Australia to be submitted to referendums of the electors of the State of Queensland, pursuant to the Constitution Alteration (Simultaneous Elections) Act 1977, and the Constitution Alteration (Senate Casual Vacancies) Act 1977, would have the effects of—

1. impairing the capacity of the Senate to act, as the Constitution intended, as a States' House;

2. transferring essential functions in relation to elections to the Senate, or the filling of casual vacancies in the Senate, from this Parliament to the Parliament of the Commonwealth;

3. precluding this Parliament from exercising its sovereign role as regards casual Senate vacancies by giving to 'political parties' an entitlement superseding that of Parliament;

4. fundamentally altering the federal system of Government in Australia,

agrees and resolves to recommend to the electors of the State of Queensland rejection of the proposals in these referendums."

I say, "Beware of Federal Governments seeking constitutional change". Referendums always seek to increase Canberra's powers at the expense of the States, never the other way round.

The questions being asked are neither vital nor even relevant to the many other far more important issues facing Queenslanders and all other Australians today. Take, for example, Casual Senate Vacancies. This is a false question because it is based on a false justification. The Queensland Government's action in appointing Senator Albert Patrick Field to replace Labor Senator Milliner is cited as one of the reasons. The Queensland Parliament replaced a Labor man with a Labor man and there was never any thought otherwise such as appointing an Independent. The difference in the Parliament was over Labor's refusal to supply a panel of names as it had demanded in previous cases such as the election of Senator Neville Bonner and the choice of a Speaker. Labor then denied us a panel of names.

When Senator Field was appointed, he was a financial member of the Australian Labor Party and the Queensland President of the Furnishing Trades Union. He was one of several A.L.P. members willing to stand as a protest against the undemocratic and unconstitutional actions of their own party in the Gair affair and the appointment of Senator Murphy to the High Court. Senator Field was expelled by the A.L.P., not by the Government.

The inclusion of a direction that a senator must be appointed from the same party writes political parties into the Constitution and thus reduces its impartiality. It also strips the Queensland Parliament of its power to decide who would best represent the wishes of the Queensland people rather than a particular political party. We say to the people of Queensland that they should give a firm no to all the referendum issues placed before them.

I would now like to deal with two of the referendum proposals in more detail.

My Government proposes this resolution only after deep and serious consideration of the constitutional implications of the proposed referendums, and it does so because it feels that its duty is to take a stand upon constitutional principle, whatever be the immediate advantages to be gained from the proposed constitutional changes. Let me briefly give the House the Government's reasons.

I refer first to the Constitution Alteration (Simultaneous Elections) referendum. The present constitutional position is that the Senate, under section 7 of the Constitution, is to be composed of senators for each State. The Governor of the State causes writs to be issued for elections of senators for the State. Such senators are elected for six years, but after a dissolution of the Senate, half of them serve only for three years. The Senate cannot be dissolved except when there is a double dissolution of both Houses under the strict conditions laid down by section 57 of the Constitution. That means that the senators' terms of office are independent of the House of Representatives.

The change sought by the referendum is to bring Senate elections into line with House of Representative elections by providing for half of the senators after a dissolution of the Senate to retire at the next House of Representatives election, and the other half at the House of Representatives election after that.

If there were House of Representatives elections every three years, that would mean that half of the senators would retire after three years, and the other half after six years, and the first half again after nine years. But if there are House of Representatives elections more frequently than that, the change in the composition of the Senate would be also that more frequent. If there were two general elections in one year that would mean the replacement of the whole Senate in one year, and not in six as is now the case.

The question is whether Australian Government is likely, for the long-term future, to be so stable that general elections will in fact take place only at three-yearly intervals. He would be a very rash prophet who so predicted. Supposing that there was, as has been the case, a situation where the Senate was controlled by the Opposition, the temptation for the Government of the day to overcome that disability by calling one or even two general elections could well prove irresistible.

Section 5 of the Constitution provides for the dissolution of the House of Representatives by the Governor-General without any conditions, and there would be many who would argue, as Mr. Whitlam has done, that the Governor-General is obliged by constitutional convention to act on the advice of his Prime Minister. Therefore, it is realistic to suppose that the attempt would be made by Governments of the day to alter the political complexion of the Senate by the expedient of having the House of Representatives dissolved and having general elections at short intervals.

If that occurred it would be unnecessary to dissolve the Senate in the event of deadlock, and so section 57 of the Constitution could be circumvented. That seems to my Government to be completely wrong in principle, but it is especially wrong because making the Senate a political reflection of the House of Representatives would destroy its character as a States' House. My Government's clear duty, as a State Government, is to uphold that character.

The change goes even further than that. At present section 9 of the Constitution provides that this Parliament may make laws for determining the times and places of elections for the senators for the State. The changes sought include giving that power to the Commonwealth Parliament. That not only deprives this Parliament of its constitutional powers, but it underlines the fact that the Senate would cease to be a States' House. Indeed, it is significant that the changed section omits the words "for the State" after the word "senators". If this change is brought about, the High Court would be justified in saying that the Senate was no longer a States' House, although only recently the High Court emphasised the role of the Senate as a States' House.

That change must eventually undermine the federal system of Australian Government. Furthermore, the proposed change would interfere fundamentally with the relationship between the Governor of the State and his Ministers. At present the Governor is advised by his State Ministers. The proposed change would now say that the Governor "may" cause writs to be issued for elections of senators for the State, but then goes on to say that the writs "shall" be issued within 14 days from the date on which the places to be filled become vacant.

That is, of course, a direction to the Governor—to our State Governor—and to implement that direction the new powers of the Commonwealth Parliament to make laws for determining the times and places of elections of senators would inevitably mean Commonwealth legislation requiring action by the State Governor. Any step towards making the State Governor answerable to the Commonwealth instead of to the advice of his State Ministers is wrong in constitutional principle and fraught in the long run with dangers to the independence of action of the State Government. The keystone of the federal system is the divisibility of the Crown, which is only maintained so long as the Governor-General is advised only by Commonwealth Ministers and the State Governor only by State Ministers.

I now turn to the referendum proposal relating to Senate casual vacancies, to which I made brief reference earlier. The present situation is that these are filled by this Parliament. That emphasises the States' House character of the Senate, by giving this Parliament the power of choice. It is to be expected that this Parliament would normally choose a person of the same political party as the previous occupant of the vacant place in the Senate, but it seems to my Government to be wrong that this Parliament should henceforth be directed, as the proposed change would have it, to appoint only a person of the same political party as the previous occupant.

The person being replaced may be an Independent or a member of a minority party. It would create great difficulties—and this is important—if the political party of the previous occupant refused to allow any of its membership to be nominated by this Parliament at all (for certain political reasons it could do it) or except upon conditions (and this is why we do not want it written into the Constitution) or when the views of the person nominated by his party were against those of this House or were subversive of the Constitution. For example, the Labor Party might even nominate a Communist. That is within the realms of possibility.

A Government Member: Then we would have one for ever.

Mr. BJELKE-PETERSEN: We would have a Communist there for ever.

Mr. Burns interjected.

Mr. BJELKE-PETERSEN: If the Labor Party nominated one and the Government was silly enough to agree to it, that would happen.

Furthermore, the change would now write into the Constitution the power of the hierarchies of political parties to make the decision, for it is they who would nominate the person to be "chosen"—I advisedly put the word in inverted commas—by this Parliament. It is wrong in constitutional principle that people not responsible to the electorate should have the power in practice which the Constitution intended should be vested in this Parliament because it is composed of people who are, as we are, responsible to the electorate. My Government's concern is that the proposed change could open the door to collusion and pressurisation not consistent with the representational character of Parliament. It is important that this Parliament retain the discretion reposed in it by the Constitution.

The proposed change is also objectionable in that it gives constitutional recognition to political parties, which exist only because of past political practice and should not be part of the machinery of constitutional government.

My Government's concern is only with the interests of Queensland, and its decision to oppose the referendums is motivated only by that interest.

My Government finds it not without significance that Mr. Whitlam is urging all Labor Party supporters to vote affirmatively in these referendums, because the proposed changes are important to his party. He has made that quite clear again recently. Of course, they are important to the Labor Party because they would be further milestones on the road to the dismantling of the federal system of government, to the emasculation of the Senate, and to the eventual triumph of a one-party personality-cult style of government in Australia.

That is why my Government feels obliged in conscience to recommend to the electors of the State that they vote no in these referendums.

As Premier, I felt it my duty to sum up in this way on these vital issues and to seek to give a lead to all Queenslanders to vote no on these issues.

It will be very interesting to see how the Leader of the Opposition and his colleagues vote and whether they are prepared to stand up and vote for Queensland or whether they will back down and continue their allegiance to Canberra. It will be very interesting indeed to see where their loyalties lie and to which section of the community they belong.

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (12.34 p.m.): I have very much pleasure in seconding the motion moved by the Premier. The parliamentary Liberal Party fully supports the resolution which has been proposed by the Honourable the Premier.

We do so for a number of reasons. Firstly, there is no public demand for, or real interest in, the holding of referendums at the present time. It is a costly, unnecessary move which will only anger the Australian people. It won't solve the problems facing Australia today. Secondly, we are fundamentally opposed to a number of the referendum proposals, particularly the two referred to in the resolution proposed by the Premier.

Our attitude on these questions is consistent. We opposed the simultaneous elections and the votes for Territories proposals when they were submitted to the people by the Whitlam Government in May 1974. Nothing has happened since then to justify any change in our attitude; nor is there any reason why the people should change their mind, either.

In 1974, these questions were rejected by a majority of voters in a majority of States. The Liberal and National Parties, particularly in this State, led the national campaign against these proposals. They were promoted then, as they are once again, by the socialist party, and by the nation's number one centralist, Mr. Whitlam.

On the last occasion we argued that the proposals would undermine the role of the Senate as an independent House, and as the guardian of the rights of the States. The A.L.P. argued that the powers of the Senate ought to be reduced, and they argue the same again this year.

What distresses me is that people in my own party, and in the National Party in Canberra, are now proposing and promoting the very referendum questions which they helped to defeat in 1974, and which they argued so strongly and successfully against. If the proposals were dangerous and wrong in 1974, then they are just as dangerous and just as wrong in 1977.

Let me deal separately with each of the questions that are the subject of this motion. There can be no doubt that the principal referendum question is the one relating to simultaneous elections for the Senate and the House of Representatives. It is the main question, and it also happens to be the most dangerous question as far as the States, the Senate and the Constitution are concerned.

If this question is carried, then it will be possible for any Federal Government to turn the Senate into a virtual mirror of the House of Representatives. The traditional independence of the Senate will be lost for all time.

This question is being proposed on the grounds that it will mean fewer Federal elections. That is a very misleading claim to make, and it is one which will be exposed in the referendum campaign. If the Federal Government wanted to hold the next half-Senate election at the same time as the next House of Representatives election, it could do so without a referendum, which would fundamentally and dangerously alter the relationship between the two Houses, and the special position which the Senate has in the Constitution and the federal system.

However, to gain a short-term political advantage, the Federal Government has decided to support a proposal which can only be to the long-term advantage of the people who want to destroy the Senate and undermine the constitutional monarchy in Australia—the leaders and members of the A.L.P. When the Constitution was being drafted by the founding fathers, the very provision which is proposed to be changed was included as one of the surest guarantees of the independence of the Senate in the Federal parliamentary system—an independence which enabled the Senate to thwart the illegal activities of the Whitlam socialist Government in 1975.

The proposal will have two effects, both of which concern the States and all who want to preserve the federal system. Firstly, it will weaken the independence of the Senate, and reduce its ability to protect the interests of the less populated States of Australia and their citizens. Secondly, it will radically alter the method of election of senators in a way that would make State Governors answerable to the Commonwealth on these matters and not to the State Governments or State Parliaments for which they have responsibility.

On the first point, there is no better argument against this referendum than that which Senator Withers, the leader of the Government in the Senate, made in June 1975, less than two years ago. Referring to this referendum when it was proposed by the Whitlam Government, Senator Withers said—

". . . if the referendum which the legislation proposes were passed by some freak mischance, it would effectively destroy the capacity of the Senate to act as it now does. It would be the first step towards placing all power in the hands of the House of Representatives and therefore in the hands of the Prime Minister for the time being. It would destroy the Parliament as we have known the Parliament since 1900 . . . he (the Prime Minister) wants a rubber stamp, a lame duck and a tame dog. In fact, he just wants to get his own way."

Senator Withers is now one of the principal proponents of the "Yes" case, on the very same question!

The irrefutable fact remains that this proposal will take away an independence which the Constitution guaranteed the Senate, and which has served Australia well. If that happens, the people of the less-populated States will be seriously disadvantaged; and the Senate will become the mere mirror-reflection of the House of Representatives and the virtual political plaything of the Government of the day.

It is no wonder that the Federal Opposition Leader, and the various State branches of the A.L.P. are supporting this proposal with the same enthusiasm that they did in 1974. It suits their long-term political advantage because it will weaken the Senate and the position of the less-populated States which are just as strongly opposed to centralism today as they have ever been.

If the Opposition does not accept my word for that, let me briefly quote Senator John Button, a shadow Minister in the A.L.P. Opposition in Canberra. On 22 February this year, speaking on the Bill which has led to this referendum, Senator Button said—

"Of course, the real importance and significance of this proposal from our point of view in the Opposition is that it does what many of its critics say it will do. It limits the significance and influence of the Senate . . . we do have a very strong view that the powers of the Senate should be delimited at every opportunity. These are the basic reasons why we will be supporting the legislation. In saying that we are being consistent with everything we have said before."

Senator Button "let the cat out of the bag", by giving the real reason why his party is supporting this referendum so enthusiastically. The fact that the A.L.P. is supporting it so keenly ought to disturb every Queenslander and, indeed, every Australian who wants to maintain the independence and status of the Senate, and the rights of the people who live in the smaller States.

If this proposal is carried, any future Labor Government in Canberra would be able to introduce centralism, and socialism, much more easily than it could under the

present Constitution. This referendum must be defeated for the sake of the federal system, and the smaller States of the federation. The independent and responsible role of the Senate must be enhanced, not destroyed. The Constitution must remain the great bulwark against centralism, not the means by which it can be achieved.

As part of the proposal, the constitutional role which this Parliament has in the calling of Senate elections will be destroyed. The constitutional powers this House possesses under section 9 of the Constitution would be changed, and the role of the Senate as the States' house destroyed. This referendum, disguised as a means of having fewer elections, is in reality a dangerous threat to the federal system of government, the independence of the Senate, and the position of the less-populated States. As the guardian of the liberty and rights of the people of Queensland, the Parliament of Queensland must today oppose this referendum with all the determination at our command.

The second proposal, relating to the filling of casual vacancies in the Senate, not only seeks to put party politics into the Constitution for the first time; it also seeks to dictate to this Parliament in an unacceptable way. What this referendum does is give political parties the right to dictate to State Parliaments who should or should not be appointed to fill casual Senate vacancies. People who are not even elected by the people will be dictating to this Parliament. This can only reduce even further the role of the Senate as the States' House, and subordinates the role of State Parliaments as well.

The question which will be submitted to the people is not the same as that approved by the Constitution Convention last year. An amendment moved by the Premier of West Australia, Sir Charles Court, provided that the States would only be required to follow the rule when a casual vacancy arose out of death or resignation caused by bona fide illness; it would not apply when one party was attempting to manipulate the Senate, such as in the infamous Gair affair three years ago.

Indeed, the proposals in the Bill are such that it would be possible for a State, by collusion with a political party, to have no senators at all. Sir Charles Court's amendment was carried by the convention, with the support of the Queensland Government representatives, and the following Federal Ministers: Senator Withers, Mr. Sinclair, Mr. Ellicott, Senator Durack and Senator Webster. It was opposed by the A.L.P., the only party which has sought to abuse the system.

Despite the clear expression of the convention, the proposal to go to the people is a new idea. It wants to make the rule a rigid provision in the Constitution, and it does not exclude vacancies created for party-political reasons. It was agreed at the Constitution Convention that it was not possible to write this provision into the Constitution, but it was agreed that it should be accepted as a principle. It could not possibly be written into the Constitution, because it is full of loop-holes and has other shortcomings. If the referendum is to be an expression of the views of the Constitution Convention, then it must be changed. If it is not changed, then it must be defeated.

This referendum is a dangerous subversion of the role of State Parliaments and their relationship with the Senate. It gives to political parties powers which are undesirable and unnecessary. In its present form, it is a blank cheque arrangement which must be rejected by the people of Queensland on 21 May.

Mr. Acting Speaker, our opposition to these referendum questions is based upon our commitment to the federal system of government, and our very firm belief in the role of the Senate as the guardian of the interests and rights of the less-populated parts of Australia. In 1974 we sought, and received, a mandate to fight centralism and to stand up for the rights of Queensland and its people. By opposing these referendum questions we are fulfilling our responsibility to the people of Queensland.

If the Opposition is genuine in its concern about the rights of Queensland and its citizens, then it will support this motion. The Leader of the Opposition has been threatening for more than two years to stand up for Queensland. It is time he demonstrated at least a semblance of sincerity—and he can do so by supporting this motion. If he does not, then he will be seen by the people of Queensland to be shackled to the same anti-Queensland, pro-centralist policies being pursued by his party in Canberra. He should also remember the electoral consequences of a sell-out on Queensland's interests; and if he cannot remember, then he should ask the 22 former colleagues who lost their seats at the last State election.

There is no doubt where we stand on these important matters—on the side of Queensland and its citizens. That is why we are urging the people of Queensland to vote no on 21 May, and why I am pleased, on behalf of my party, to second and support the motion that the Premier has put before the House.

Mr. BURNS (Lytton—Leader of the Opposition) (12.49 p.m.): I cannot understand the fear of the Liberal and National Parties in this Parliament of this proposal from the Government of their own unqualified choice in Canberra. I remember Mr. Knox and Mr. Bjelke-Petersen standing in this Parliament all through 1974 and 1975, ranting and raving, and telling us we must put Mr. Fraser in Canberra, that Mr. Fraser was the man who was going to save this State from the centralists in Canberra. Today it has been necessary for the Premier to move a special motion in this Parliament to save Queensland from the centralists in Canberra that Knox and Bjelke-Petersen put there and that every member on the Government side,

now united in opposition to them, supported and went throughout the State saying should be there.

I know the reason for this resolution. It is because the Liberal Party and National Party in Queensland are so divided, so bitter at each other, and generating so much hatred one of the other. Mr. Knox is going to fight Mr. Hinze—but only when Mr. Hinze is down the road, not face to face across the table. He is going to fight Mr. Fraser—but only when Mr. Fraser is in Canberra, not when he is here. Mr. Bjelke-Petersen was going to fight Mr. Doug Anthony. When Mr. Doug Anthony came here, Mr. Bjelke-Petersen toed the line. He said, "We will do as we are told." The next day, however, after Mr. Anthony went home, Mr. Bjelke-Petersen decided that once again he would adopt a different attitude. Let him deny it. I saw him on T.V. saying just that. He can't deny it. Or, I suppose he can; most of the stories emanating from the Government side are untrue.

Let me go a bit further in dealing with Mr. Bjelke-Petersen and some other Government members.

Mr. Lamont interjected.

Mr. BURNS: The member for South Brisbane is interjecting. He was not even in the Chamber this morning to hear the Minister for Education and Cultural Activities give him one of the greatest verbal thrashings any member has been given. He was given that, on the Minister's statement, for not leaking the truth to the newspapers. What unity there is on the Government side! The reason for this motion is that members of the Government parties cannot agree on anything.

Mr. Bjelke-Petersen: Would you agree with the Senate proposals?

Mr. BURNS: In a moment I will show what I am going to do. The Opposition will be voting against this motion and will be calling for a division to see whether Government members have any courage or will do as the Premier tells them.

On 18 May 1974, when two of the present questions went to a referendum, Labor supported them. At least we are consistent. In 1974 we supported those two questions.

Mr. Knox: So do we.

Mr. BURNS: I am not too sure about the Deputy Premier. He might have to toe the line. Since his appointment to the position of Deputy Premier he has not shown any guts or any backbone. He has not shown much courage at all in his life. When Yvonne McComb snaps her fingers he will jump through the hoop.

Mr. Knox: Can I ask you a question?

Mr. BURNS: Yes.

Mr. Knox: If you are defeated in the division will you resign?

Mr. BURNS: No, I won't. But I will tell the Deputy Premier what I will do. I will go out to the people and debate these questions with him wherever he likes. Today he said he was standing up to defend Queensland. How many young people will remain in jobs tomorrow as a result of his actions in this Parliament over the past three months? How many new houses will be built and how many new roads will be paved as the result of his activities in this Chamber? This little sham motion will do nothing whatever for the people of Queensland. All it is doing is allowing the Premier and the Deputy Premier to get together and to appear to be united for once over the past six weeks.

Labor defends the State rights of Queensland. We see nothing sinister in the retirement of High Court judges at 70 years of age; we see nothing sinister in saving public money by holding House of Representatives and Senate elections together; we see nothing sinister in allowing the taxpayers of Canberra and the Northern Territory the same constitutional say as their fellow Australians; we see nothing sinister in filling a casual Senate vacancy caused by death, retirement or resignation with someone of the same political party.

In Queensland the members on the Government side of the House are divided. Unlike them, we are united and we see nothing sinister in those four proposals. The Liberal Party organisation is divided from the parliamentary wing. The Liberal Party organisation is split asunder in its neutrality, or whatever it is termed.

We have a Premier who will not campaign one way or the other. Last week he said he was sitting on the fence. Today he declared himself. The National Party Management Committee is in favour and the Liberal-National Party State parliamentarians are against. That is the unity that we see on the Government side! On this issue we see on the other side a disunited rabble. This stunt—this sham—is designed to attempt to paper up the cracks.

The A.L.P. is the only party that is united and consistent on the referendum proposals. We condemn the timing, and we recognise Malcolm Fraser's present constitutional haste as being motivated more by the proximity of an embarrassing half-Senate election than by a genuine desire for reform. That is the motive behind this referendum campaign.

The fact remains that these questions have been endorsed by all the major political parties in the National Parliament and are now before Australians for decision on 21 May. I will say this: Labor will, as in the past, abide by the verdict of the people at the ballot-box. We won't try to pervert it as the Government parties in this Parliament did in the Colston affair in 1975.

I intend to deal briefly with the four proposals because the Premier, in his speech, failed to deal with all of them. As the States neither appoint nor replace High Court judges, their sovereign rights are not impaired by the proposed retirement at 70 years of age. This Government enforces a 65-year retiring limit on judges and has in fact made it easier for them to stand down at 60 years of age.

A Government Member: No.

Mr. BURNS: Yes it did. It made it easier for them to stand down at 60.

We ask the average worker to retire at 65 years of age. When workers in the Public Service ask to stay on a little longer, in many instances the Government tells them that they must retire. But somehow or other the Government is now saying that it objects to High Court judges being told that they must retire at 70 years of age. Why, I ask, is there objection towards a lenient application of similar principles to High Court judges.

I should have imagined that the Premier, after his unsuccessful and expensive adventures in the High Court, would have promoted the earliest possible retirement of the present bench instead of prolonging its term. I make the point to the Premier that Mr. Justice Murphy must certainly be gratified to learn, after this Government's criticism of his appointment that its members are now so enraptured with his performance that they want him to stay there for ever—never to be put in the position of having to retire at 70.

Mr. Knox interjected.

Mr. BURNS: The Deputy Premier favours ex-Senator Murphy remaining in the High Court.

The second proposal concerns simultaneous elections for the House of Representatives and the Senate.

Mr. Knox interjected.

Mr. BURNS: The Deputy Premier spoke for five or 10 minutes without making any sense. If he shuts up, I will teach him a little bit.

Mr. ACTING SPEAKER: Order! I suggest that that is unparliamentary and I ask that it be withdrawn.

Mr. BURNS: With all due respect, Mr. Acting Speaker, since the Deputy Premier sat down he has tried to make more sense than when he was making his speech.

With one exception the electoral nexus applied without complaint from federation until 1963. In 1963, Bob Menzies decided to break the nexus and on that occasion it was done for his short-term political advantage. The Government is saying that because he broke the nexus in 1963, when it was politically advantageous for him to do so, we should continue it forever more.

Liberal and National Party members pretend concern about public spending. The Deputy Premier spoke about the cost of the referendum, but the Federal Government warns that unless this referendum question is passed Australia faces four elections in the next four years costing at least $24,000,000. Those are the words of Fraser and Doug Anthony—the leaders that the Queensland Government urged the people to vote for. If we can save $24,000,000, could it not be used to relieve unemployment and provide housing, schools and many other facilities that we cannot finance. It should be only natural that members of the Liberal and National Parties who are so concerned about cuts in public spending should be trying to save $24,000,000, which Malcolm Fraser, the Prime Minister of their choice, and Doug Anthony want to save.

This proposal does not alter the structure or functions of either the Lower House or the Senate. All it achieves is less frequent elections at reduced cost, yet the so-called economic conservationists of the Liberal and National Parties are opposed to it.

The third proposal relates to a vote for the electors of the Australian Capital Territory and the Northern Territory in referendums. Why should Queenslanders transferred from Brisbane, Townsville or Longreach to Canberra or the Northern Territory suddenly lose their say as Australians on changes to the Australian Constitution? Why should a public servant who goes to Canberra be told that he no longer has a vote on these matters? Why should we hold that because a Queenslander goes to Canberra he will no longer be recognised? Why should we differentiate between one Queenslander and another? Yet that is the illogical inequality Government members in this Parliament are striving to preserve.

The ridiculous discrimination goes even further. Migrants can come to Australia and live at Kings Cross and claim a vote, but Australians born and bred in Queensland go to Canberra and do not get a vote. Public servants working at adjacent desks in the same department in Canberra can have different rights because they live a few miles apart. If a person works in Canberra and resides in neighbouring Queanbeyan, he gets a vote. If he earns his wages from the same boss but dares to settle in a suburb such as Campbell or Forest in Canberra, he is excluded. The Government members say that so long as a man lives in Canberra he should not get a vote. But if he works in Canberra, spends most of his time in Canberra and goes to his home at night over the border in New South Wales, he is entitled to vote.

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

Mr. BURNS: Before the luncheon recess I was talking about the four points in the referendum and making the point on behalf of the Labor Party that we see nothing sinister in High Court judges retiring at 70, nothing sinister in saving public money by holding House of Representatives and Senate elections together, nothing sinister in allowing the taxpayers of Canberra and the Northern Territory the same constitutional say as their fellow Australians, and nothing sinister in filling a casual Senate vacancy caused by death, retirement or resignation with the choice of the same political party.

I made the point that, as the first referendum proposal relates to retiring High Court judges at 70 and as the States neither appoint nor replace High Court judges, their sovereign rights are not impaired. As to the second one, on simultaneous elections for the House of Representatives and the Senate —with one exception this electoral nexus had applied without complaint from Federation until 1963. In fact, our first referendum on 12 December 1906, carried by all States, was designed for just that purpose. So the proposal does not alter the structural functions of either the Lower House or the Senate.

Before lunch I was making the point, on the proposal of a vote in referendums for electors of the Australian Capital Territory and the Northern Territory, that Queenslanders transferred to Canberra or the Northern Territory should not suddenly lose their say on changes to the Australian Constitution. I believe that it is completely illogical for the Queensland Parliament to say that Queenslanders who are working in the Public Service and are transferred to Canberra should not be allowed a vote in an Australian referendum. It is just not reasonable. It is just not common sense. We should not be treating our fellow Queenslanders in that way.

Mr. Jones: That is what the Premier is asking us to do.

Mr. BURNS: Yes. The Premier is asking the people of Queensland to say that people sent to these great Public Service towns—Darwin with its Air Force and Navy establishments is mainly a serviceman's town but it has many general Public Servants, too, just as Canberra has—Australians who are transferred out of the States to work in those areas should be refused a vote in referendums that will affect their future.

Mr. Moore: Of course they should.

Mr. BURNS: The honourable member for Windsor has said, "Of course they should."

Mr. Moore: Make them States. Take that interjection, too.

Mr. BURNS: That is not the argument in the referendum. The argument in the referendum is that these Australians should be entitled to vote in referendums. The Government is saying that they should not be allowed to vote. It is opposing the right of Australians to have a vote in a determination on their own future.

The fourth point is the replacement of casual Senate vacancies with appointments from the same political party. In fact, I am surprised that the people of this Parliament should even raise it. They should hang their heads in shame after the way they have voted in the past on this issue. I believe that this item comes before the Australian people because of the shame of the Queensland Parliament in the 1975 episode.

From 1949 (when proportional representation began) until 1975 this principle was scrupulously observed with the conventional consent of all States. Today Sir Robert Menzies, the founder of the Liberal Party, deems it desirable. I don't always agree with Sir Robert—in fact, I very rarely agree with him—but on this point I must agree with him.

This segment becomes necessary only because of the despicable manner in which the Premier and other Government members in 1975 mutilated the parliamentary decency and integrity of this nation following the death of Senator Bert Milliner. Queenslanders are asked to fill a constitutional loophole which our Federation founders believed no State leader would be dishonourable enough to exploit. This amendment is designed to ensure that undemocratic events of that time involving the Premier and his misfit Patrick Field can never occur again. The mercenary political actions of the majority of this Government are responsible for the added cost inflicted on Australians by this proposal. A referendum on it would not be necessary if this Government had done the decent, honest thing in 1975.

Labor will protect the rights of the Queensland people. We will save them the expense of unnecessary elections and we will protect their voting rights in cases of sudden death or unfortunate circumstances against the undemocratic attempts of unprincipled opportunist Premiers such as the one we have here in Queensland.

The four proposals are, I submit, relatively straightforward. One eliminates the prospect of a repetition of the type of constitutional crime committed in this Parliament just under two years ago. The Premier said before lunch that political parties should not be recognised in the Constitution. Let me read a letter from Mr. Johannes Bjelke-Petersen, Premier of Queensland, written on 31 May 1971. He wrote to Mr. Houston as follows:—

"His Excellency the Governor was formally advised by His Excellency the Governor-General on 25th May, 1971, that, on 24th May, 1971, Senator the Honourable Dame Annabelle Jane Mary Rankin, D.B.E., a Senator for the State of Queensland, resigned her place in the Senate, in accordance with the provisions of Section

> 19 of the Constitution of the Commonwealth of Australia, and that place thereupon became vacant. Dame Annabelle Rankin's term of service had been due to expire on 30th June, 1974."

That would have been three years later. The letter continues—

> "As you know, the accepted practice when a casual vacancy of this nature occurs is for the new Senator to be of the same political party as his predecessor and I have asked the Queensland Division of the Liberal Party of Australia. . ."

Not the Leader of the Opposition and not the Leader of the Liberal Party, but the organisation outside of this House. He recognised political parties in those days. The letter continues—

> ". . . to advise me, as quickly as possible, of the name of the person they wish to nominate on this particular occasion."

On those occasions the Premier believed that a political party should have the right to nominate and should nominate one person.

In 1975 he wrote to me following the death of Senator Bertie Milliner. Remember it was his death that resulted in the writing of this letter to me whereas, in the other case, it was the resignation of Dame Annabelle Rankin, who accepted a job for the girls and went to New Zealand. That is no different from Senator Murphy's going to the High Court. The same sort of stunt was being pulled by the Liberal and National Parties and was organised and accepted by the National-Liberal Government in this State.

In 1975 the Premier wrote to me as follows:—

> "To this end therefore, I should appreciate your advising me as soon as possible the names of three persons whom your Party would be prepared to nominate. . ."

He demanded a choice, but he demanded no choice when Senator Bonner was elected.

Mr. Moore: Of course they did.

Mr. BURNS: No they didn't. The Premier accepted the denials in this Parliament and it was proven in this Parliament that no choice was demanded by the Opposition in 1971. But a choice is demanded by the Government when it plays the foul politics which are part and parcel of the philosophies of the Liberal and National Parties in this State. There is little or no decency in the Government ranks on these particular issues. They will manipulate the Parliament just as they are doing with this motion today. The motion means nothing at all. Something like 50,000 people are out of work and people are crying out for homes, housing and other assistance from this Government and on the day before the Parliament is to go into recess the Government comes forward with a stunt motion purporting to show in some way that its ranks are not divided—Liberal against National Party and National Party against National Party and Premier against Deputy Premier. Those divisions exist and today the Premier has produced this motion to paper up the cracks.

I submit that the four proposals are relatively straightforward. One eliminates the prospect of a repetition of the type of constitutional crime committed in this Parliament just under two years ago. Another provides for a tolerant retiring limit of 70 years for High Court judges. The third ensures public saving by restoring the elections nexus for the House of Representatives and the Senate that has existed for most of our years since federation.

Not surprisingly, according to newspaper reports, today's motion comes from the reactionary reject from Toowong. I know he will be the next speaker and I could not sit down without giving him some turps. He gives me some every time he stands up. In fact, I could outline what he will say. He will hold his piece of paper in his hand and say, "Again the Leader of the Opposition gave forth with his usual diatribe of tripe about the Government." He says that every time. It has reached the stage that someone presses button A, opens Charlie's mouth and away he goes. There is one thing that can be said about Charlie Porter. He is no stranger to "No" votes. He has earned one from every Liberal leader since his election every time he tries to enter Cabinet. It is no wonder that on this occasion he advocates that the people vote "No, no, no, no."

Mr. Casey: The only difference these days is that Joh, rather than the Liberal Party, manipulates him.

Mr. BURNS: It is true to say that the Deputy Premier and others can no longer control the numbers in their ranks. If ever the Liberals have enough backbone to take on Joh, Mr. Porter and some of the others will go and join the National Party. That is well known and accepted in the political sphere today. I suppose it is his right to make a decision. That is probably why he has to say that we should not allow political parties to have a right.

Mr. Lee: You'll be sorry.

Mr. BURNS: I know I'll be sorry but I'm used to Charlie. He does not bite any more. The old dog has lost his kick. He has a lot of bark but not too much bite.

As for the Premier and his docile deputy, need I do more than refer to Senator Missen, the Liberal representative from Victoria in the Senate for which they suddenly pretend such concern! Yesterday the Liberal Senator Missen made a special trip to this State to warn Queenslanders of the insincerity of both the Premier and the Liberal Leader, and also the honourable member for Toowong, who was at the Constitution Convention in Hobart last year. I remind the House again, as I intend to remind my fellow Queenslanders at every opportunity I get between now and 21 May, that it was this Parliament, the people

who will carry this motion today, that wanted Malcolm Fraser in power in Canberra. Their argument today is not with the Labor Opposition or Gough Whitlam; it is against Malcolm Fraser, the man they wanted in control in Canberra. He is the Canberra socialist and centralist that they argued against previously. Am I being told now that Whitlam manipulates Fraser; that Whitlam pulls the strings and Fraser does as he is told? I do not think honourable members opposite will be saying that at the time of the next election, so they should not be foolish enough to say it now.

The point is that this Government stumped the State using in support of Fraser's campaign money allocated for more beneficial purposes for Queensland workers. Now Government members want to dump Fraser and run away from him because he will not do what they want. Senator Missen reminded the people of Queensland yesterday, as I suppose Mr. Fraser will do during the coming campaign, of the insincerity of the Liberal and National parliamentarians in Queensland. I say "parliamentarians" because the National Party executive has not decided to support the "No" case. The Liberals cannot make up their minds. Wherever one goes in the Liberal and National Parties today, one finds division and schisms, with one set against the other. They cannot really make up their minds.

Mr. Lee: Can I leave now to see children from my schools?

Mr. BURNS: Yes, and will you remind them that you have not been doing the right thing for schools in Labor electorates?

Mr. ACTING SPEAKER: Order!

Mr. BURNS: Well, the Minister asked me.

Mr. Gibbs interjected.

Mr. BURNS: The honourable member who now interjects organised and paid for busloads of unemployed to tour the State during the last election campaign in support of the election of Mr. Fraser. He has done nothing about the Fraser Government from the day it was returned, despite the fact that unemployment has since increased. The same women who worked in clothing factories and were then out of work are still unemployed. But now he does nothing. Those women were used as dupes by the Tories.

Mr. ACTING SPEAKER: Order! The honourable member will return to the motion before the House.

Mr. BURNS: Very well, Mr. Acting Speaker.

The four items of the referendum have no dangers for my fellow Queenslanders. Retiring judges at 70 does not present any danger. Having elections that will, in the words of Mr. Fraser, save $24,000,000 in the next four years also presents no danger to to State. In fact, I would welcome the spending of $24,000,000 on essential items. I go further and say that manipulation of parliamentary processes to return to Canberra a senator not of the same party as the late Senator Milliner was not in the interests of people who voted for the late senator at the previous election.

The fourth proposal is to allow taxpayers of the Australian Capital Territory and the Northern Territory the same constitutional rights enjoyed by their fellow Australians. Let those who argue that they should not have such similar rights say so. Let them stand up and be counted in the election campaign. As Australians look for political unity, these issues are being confused by the faction-fighting, opportunism, and misrepresentation of sections of the coalition. As I see it, Labor remains consistent. We stand firm in our defence of State rights and the best interests of the Queensland electorate. We will be dividing the House on this issue and we will be doing exactly what we did in 1974. We will be asking the people of Australia to vote yes on the referendum proposals.

Mr. PORTER (Toowong) (2.29 p.m.): The Leader of the Opposition has spent so much time attacking me, and doing it in such pleasant terms, that I feel I owe him my gratitude for a very substantial compliment. If I have played any significant part in the matter before the House today, I am very proud to have it acknowledged. I want to say to the House, too, how splendid it was to hear the Premier move the motion and commit himself to vigorous opposition to the referendum proposals. That certainly gives the lie to the rumours that detractors of the Premier have been spreading around that he intended to adopt a low profile in this matter. I think it can be well said that the "No" campaign for Queensland has started here today and it will be a massively successful campaign, as were previous campaigns of a like nature.

Mr. Hartwig interjected.

Mr. PORTER: The honourable member for Callide refers to the Opposition's republican attitude. That is typical of them and the reason why they are such a sorry, dispirited, ragged little crew, and they are likely to be fewer after the next election if they keep on in these terms.

It is a very melancholy reflection on the nature of politics that three years ago this Parliament was considering a similar motion in very similar terms about proposed constitutional changes. We were then seeking—and we successfully sought, as it turned out—to check Mr. Whitlam's avowed socialist and centralist aims. Now we on this side of the House find that we have to parry the centralist threats of a Government which was elected at the end of 1975 by the most enormous landslide that Australian political history has ever known. And that Government was elected to Canberra to do what?

Specifically, of course, it was elected by the people to turn back the Whitlam tide, to sweep away all the centralist initiatives and to lead Australia back into an era of personal incentives and individual liberties.

So it is a very distressing business for those of us on this side of the House to find that once again we have to meet this insatiable hunger of Canberra's for power, and more distressing indeed to find our colleagues in the Federal sphere linked with Labor for Labor purposes. It is always an unhappy occasion when one finds one has to stand up against one's colleagues, but there is no option—no option at all—for us when, as I say, they line up with the Labor Party in order to promote Labor objectives. And when matters of very great principle are involved, principles that will deeply affect the lives of people in this country for many generations to come, then there cannot be any questioning that most of us on this side of the House will see these principles as transcending narrow party loyalties. Here, of course, we differ totally from the Opposition because they will never ever, for any reason, put the country before party—never ever! They showed that during the Whitlam regime; they are showing it at the present time. They are always prepared to put their party's interests before the concerns of the nation, no matter what those party interests may mean to the country and to the people. They are here as delegates of their party, tied, trussed, directed and controlled—totally controlled—and their leaders have admitted that publicly from time to time. Of course, we on this side of politics are here, as it were, as trustees of our parties, expected to adhere to basic principles—which we do—but within the parameters of those basic principles we are free to make our own judgments, and we do so, and that is why the people of Australia and the people of Queensland consistently trust us and distrust the Labor Party. That is the secret of our success and the secret of the Opposition's continuing miserable failures.

The referendum next month is about constitutional changes, and they will be permanent changes if they are made. Recently—I think it was yesterday—we had a visit from a Senator Missen, whom the Leader of the Opposition parades to this House as though he were a very significant person. This Senator Missen, for my money, is one of the main urgers of these referendum proposals. He is what we call a small "l" type Liberal, and I do not see much difference between small "l" type Liberal and small "l" type Labor. They meet in the middle; they merge; they become indistinguishable; and they are no damn good to either of us. So what we have to remember is that anything that is done in terms of constitutional change will be there for all time, and this bland assurance that we get from some of our colleagues, that "Oh, we were against the proposals when Whitlam put them because he was a dangerous man, but you can trust us" must be looked at very closely. There is no self-destructive mechanism in these proposals. They are not going to blow themselves out of the Constitution the moment our Government loses office and the Labor Party gets into office in Canberra. They will be there to be used; and use them Labor will, as it did in 1972, when it gained office and used so much of the machinery that the Liberal-National-Country Party Government provided when it was in the dying stages of office. So we have to recognise that any requirements for short-term party loyalty with the notion that we change the Constitution merely to protect our Federal colleagues has to be measured against the long-term interests of this country and this country's people.

Now, I sit and wonder as to just how it came about that a Liberal-National Country Party Government in Canberra, elected with such a tremendous mandate, should, 18 months after that election, find itself pushing Labor ideas. And let us make no mistake about it; these are Labor ideas, totally and wholly. Mr. Whitlam, addressing the A.L.P. State council in New South Wales less than a fortnight ago, had this to say, talking about the two proposals for simultaneous elections and casual vacancies—

> "If that had been the position in the Constitution in 1972, we (the Labor Party) would have had not only a majority in the House of Representatives but in the Senate as well . . . The coalition parties would never have gained the numbers to block the Budget in 1975 if the replacement safeguard had existed then."

So there is no question about what Mr. Whitlam believes these constitutional amendments are all about, and it is no wonder he is all for them. They are for Labor's long-term benefit, and short-term they are for the benefit of any Government that is in Canberra and thinks that Canberra is entitled to take a paramount position over the allegedly partner States.

I ask myself whether there is any great clamour for constitutional change. Please do not let anybody quote to me what happened at the Constitution Convention in Hobart, which was a collection of party politicians—professionals, all of them, to the backbone—plus a few local government representatives who had been hypnotised by having a golden carrot dangled before them. For the main part, we were party politicians, committed to party lines, and so the debate and the decisions went. The only variation was when the Commonwealth sided with New South Wales and Victoria—and much more often with Victoria—to get decisions which would give more muscle to the big centres of population against the small centres of population. That is how the whole convention went, and the record will clearly show it. So please do not let anybody suggest that there is a kind of Holy Writ about anything that came out of that Constitution Convention. It was a farce, and

it was meant to be so. Indeed, immediately after it the Prime Minister said that he would not hold any more Constitutional Conventions, it was such a non-event.

He said then that there would certainly be no referenda. I wonder what happened to make him change his mind. Certainly there is no public demand for these referenda —none at all. If anybody can point to any irresistible clamour for constitutional change, let him do so in the course of this debate. I certainly see no signs of any of it. There is no indication of a great public demand; there is no evidence of a massive groundswell of public feeling. In fact, to the contrary, there is no evidence that people want these constitutional changes. All the urging for them comes from politicians with vested interests—in the main, the Labor Party, with its usual retinue of media pundits and academics.

One must ask oneself: do compelling reasons exist for constitutional changes today? Is the Constitution in fact out of date? Is it, as so many people say, just a relic of the horse-and-buggy days, inadequate for today's complex situation? Are sweeping changes needed, which seem to be, in the main, just a matter of putting more and more of the decision-making capacity in Canberra? Is this required to permit Australia to act as a nation? These and others are the emotive arguments used by the proponents of constitutional change, and not one of them stands any close scrutiny, or is meant to stand close scrutiny. They are the stuff of which demogoguery is made. They are not meant to be sensible statements for national debate; they are meant to be the kind of purple prose that inflames passions and stampedes reason; that is all.

The suggestion that Australia cannot grow to be a nation unless Canberra is exalted and the States diminish is the most preposterous idiocy. This nation fought two World Wars and handled an inflow of migration equivalent to that of America in the seventies of the last century without missing a beat on the way to the great development and great stability that we had before the Whitlam regime. It is absolute rubbish to claim that we were not a nation until this nauseating Canberra-above-all doctrine appeared. Australia has been a great nation for many years.

Who among us who were lucky enough to attend the Olympic Games in Melbourne in 1960, when we had our greatest sporting successes, did not feel his heart almost bursting with pride as an Australian when our young people did so well on our behalf? And it did not require the present Canberra mania to make us feel that way.

The people should recognise it as the greatest nonsense of all time to suggest that we cannot have a strong federal system and at the same time be a great nation; that we somehow have to diminish the federal system before we can acquire nationhood. The proposal that we cannot love our own State and at the same time feel proud to be Australians is worse than nonsense. The people who put forward this sort of thing are those who want to be dangerously divisive. They have usually got their own axes to grind and we should watch them very carefully.

I say to the House: the very basis on which these referendum questions are being put—I include all of them; I am against the lot—is false, deceitful, dangerous and dishonest. Nobody but those with an ulterior purpose to serve—and this unhappily includes my colleagues in Canberra, who are pushing the proposals—could be promoting them. I think the electorate would do well to remember the old axiom that when politicians of opposite parties get together, watch out! Winston Churchill put it very well when he said that there is no-one more eloquent than the politician who is equating public good with private advantage. That is exactly what we are getting in these referendum proposals.

The only one that really matters to the Government in Canberra—the other three are put in for what might be called protective coloration—is simultaneous elections. The Prime Minister hopes that that will give him an extra six months before he needs to face the people at all in any way next year. That, I suggest, is a very misguided attitude to adopt and a very chancy basis on which to suggest that constitutional changes of this type should be made.

Mr. Moore: Also the Senate casual vacancy—you have to remember that. It is a little bit of sugar.

Mr. PORTER: I think they are all preposterous and dangerous. But I want to remind the people, because Australia needs reminding, that Australia has always shown a very healthy distrust for politicians of any brand who go around urging constitutional change. Only five of 32 referendum attempts have been accepted by the Australian people. Of those five, only two had any significance at all, and that was not a great deal of significance. We have to bear in mind that, despite the electorate's consistent and determined opposition to constitutional change, over the years there have been vast changes in the federal system, and vast alterations in the balance of power between the State Governments and the central Government.

The fact of the matter is that there has been a tremendous shift of power from the States, where the Constitution put it, to Canberra. We should all remember that none of this has come from the people; all of it has come from the legal experts of the High Court. It is worth remembering that there has not been one major constitutional change in this country authorised or sanctioned by the people of Australia —not one. Every change has come through High Court determinations. This has come

about because we have a High Court that has become more and more obsessed with the centralist bug, primarily because its appointments are made by the central Government. Over the years its members have gradually come to make the words of the Constitution mean precisely the opposite to what they say and what they clearly mean.

Dr. Crawford: The High Court has been Murphy-ised.

Mr. PORTER: An attempt has been made to Murphy-ise the High Court, which is very regrettable.

On that basis I do not give this package of referendum proposals any real chance of success. I remember saying a couple of months before the Federal poll in December 1975 that the Whitlam Government was doomed, and I also remember Opposition members jeering at that. I said that over them hung a kind of putrescent fog of decay and disillusion. Everybody but the Opposition knew that that Government was doomed. Everybody but the Opposition and our people who are pushing it know that this referendum attempt is likewise doomed. It will be rejected massively—and rightly so!

It is suggested that some of the proposals merit some sort of support. We are asked, "After all, what is wrong with retiring judges at 70?". I think a nation that has its arteries so hardened that it is prepared to put an arbitrary age guillotine on judges of the High Court needs its head read. This is an area of unique experience. I would expect that a nation, realising the value of experience, wherever else it might put such a limit, would not apply it to the High Court. I remind the House that this is another deceitful question. At the moment the Constitution clearly provides machinery for getting rid of High Court judges. Section 72 (2) details the machinery by which judges can be removed on grounds of proved misbehaviour or incapacity. If a judge is so old and doing his job so badly that he should be removed, he can be removed. We do not need to put this 70-year-old guillotine into the Constitution.

I remind the House that when the Constitution was written in 1901 the life expectancy of the average man was 52 years. Today, the age expectancy of the average male is 68 years. Without doubt, with developments in medical science, life expectancy will be extended further. To believe it is proper that a provision which was inserted to allow for older people to stay on the High Court bench, when the average life expectancy was 52, should be removed when life expectancy has extended almost two decades is utter nonsense, which only stupid people could believe in. We are foolish if we look on this proposal as one with any merit at all.

The proposal that people in the Territories should be permitted to vote has a very real sting in its tail. For a start, if Territories are to become States, let them become States. The more machinery that is provided to allow Territories to remain in the twilight zone with some of the rights of States (without independence), the longer they will stay in that twilight zone. If anybody believes that the residents of a Territory are not affected by the central Government which controls the purse-strings, I can only say that he is not thinking too clearly. Nobody can possibly go to Canberra and drive around there, looking at what has been done for the residents, without believing that the pampered people of that city would not have a certain attitude towards anything that the central Government wanted. Human nature being what it is, it would be foolish to believe otherwise.

There is no doubt that the inclusion of the Territories' votes in referenda, in terms of the total, will have an effect helpful to the central Government and that is what the proposal is there for. Equally so, if they are to be counted now in terms of determining the quota into which seats will be divided in the various States—and anybody who knows anything about electoral redistribution (although I am afraid that not many do) will realise just how significant that proposition is—it means that the numbers into which seats will be divided in the various States will have a very vast bearing on the political climate of the seats so created.

I believe that this proposition, which is also trotted out as being quite bland and innocent, is far from being that. In the Territories' own interests, it should not be accepted.

On the basis of the casual vacancy, the Leader of the Opposition made a great song and dance about our doing a shameful, immoral thing in putting in Senator Field. Let me say to this House that in the circumstances that existed at that time, Mr. Whitlam was rushing pell-mell, headlong, determined to push Australia, whether it wanted it or not, into a republican system. Mr. Whitlam had announced it. He was already talking about himself as "President Whitlam".

I say to this House, and I think I said it on that occasion, that I would do anything at all that would check those foul aims. If it had been left to me, I would not have bothered putting in an A.L.P. representative. I would have put in Bob Sparkes or Yvonne McComb, because Australia was in dire extremes then in a political sense, and the necessity was to ensure that Whitlam couldn't get away with what he was planning. There is no doubt whatever that by our putting in other than the Opposition's tame nominee, who might well not have been suitable to this House, an election was secured and that election resulted in the most disastrous defeat for that party that it has ever known in all the time that this nation has existed.

Mr. Moore: The right of recall; that's what it was.

Mr. PORTER: As the member for Windsor says, it was literally the right of recall.

For my part, a State Parliament, in exercising its right under this section of the Constitution to fill a casual vacancy, has not only a right but also a responsibility to act in accordance with the situation that then exists. Don't anybody quote to me this sickening nonsense about a so-called convention. I have dealt with that ad nauseam in the past. Nobody has a better right to deal with it than I have, because I was running the Liberal Party at the time this so-called convention commenced. I know it doesn't exist. I know what it was. I know how it got credence. It was no more than a squalid, sordid little arrangement between parties not to hurt each other in the clinches when they had the chance. Now to elevate it to the stature of a noble principle—a convention; and, moreover, a convention which theoretically carries more weight than do the actual words of the Constitution itself—is, of course, another piece of stupid nonsense and I reject it out of hand. We will see what people think about that nonsense when they vote at the referendum.

I make it quite plain that for my money a State Government, under the present terms of the Constitution, has a responsibility in filling a casual vacancy to ensure that it is filled as the electors then would want it. There is no compact with electors from a past election. I have never heard one elector in Australia seriously suggest that. Only politicians suggest that—and these funny people in the media who have these trendy ideas about it.

Let us remember, too, that under the constitutional change now proposed, which takes away from the State Government the right to fill a casual vacancy, there will no longer be a casual vacancy. It will become a full-term operation. Those of us who have been around for a while will remember when a Labor Senator died—I think in 1961—even before he took his seat in the Senate, we filled that casual vacancy with the past leader of the Liberal Party in this House, and he then went to the people at the next Federal election and won the vacancy. The people supported what we did—as they have done on every occasion when we have done this, by the way.

But the fact is that, under the proposed constitutional amendment, that so-called casual appointee would be there for a six-year term. There will be no more "casual" appointment about it. The right of this Parliament to make its decision—and if it makes the wrong decision it has to face the wrath of the electorate, so that the ultimate power resides in the electorate's hands, where it should always be—is going to be taken away and we will have to accept what the hierarchy of some political party decides we must accept. We are going to put into the Senate, for a possible six years, somebody who has never faced the electors and is the choice of some faceless, backroom boys who run a political party. I do not give a toss which political party it is, it is utterly wrong that that should be so.

No constitution in the Western world carries that provision of the recognition of parties. Honourable gentlemen opposite who are laughing to themselves because I am vehement about this want to do a little thinking and try to reflect on the long-term significance of a constitution that enshrines the role of present major political parties. It will be an inbuilt inhibiter against political change because new parties will not be in the act. The major parties will be the beneficiaries of this.

Although I belong to a major party I certainly would fight to the death, as it were—only in an allegorical sense—in order to protect the rights of minority groups to take their place in the political sun. This is a pernicious proposal. For the life of me I cannot understand how people of my political persuasion could possibly put this forward. It is anathema to everything that we are supposed to believe in. I look at it, shake my head, wonder and think, "What on earth has happened to the Liberal credo that was so well expressed in the past and so well understood by many people?"

The simultaneous election proposal was so well covered by the Premier and Deputy Premier. The extent to which this cuts away the existing right of the States to treat with the Senate and to make sure that the Senate is a States' House as it has been over latter years, after many years of being in the doldrums, is deplorable. This is a very dreadful proposal indeed, and is another proposal that I find completely incompatible with what our side of politics is supposed to be all about, because this will take away the States' right to treat with the Senate in so many vital areas.

It is notable that a person reading the Bills will see just how sinister many of these proposals are; much more so than simply reading the potted version of words which will be the questions for the constitutional referendum. The Bills show the various alterations to the sections of statutes for the Constitution and a person reading them would realise just how deeply the knife cuts, how much flesh the operation will take away and how many organ transplants will be made.

The section of the Constitution on simultaneous elections at present provides—

> "The Parliament of a State may make laws for determining the times and places of elections of senators for the State."

In order to make room for their main proposal they take the words, "of a State" out and the proposal says simply, "The Parliament may make laws". Later on we find out just who is the Parliament—the Parliament of the Commonwealth of course. They have

completely excluded the State Governments from their present constitutional roles in regard to the Senate. These are dreadful proposals. It is quite horrible to see them coming from my side of politics.

Perhaps I have spent more time than I should but there is one final point. Some people are taking comfort from Morgan Gallup polls which indicate a majority of support in the various States for these referendum proposals. I say to those who find this a sort of comfort, "Use it while you can because it will turn out to be a very cold comfort."

I went to the trouble of taking the Morgan Gallup polls a month before the referendum dates for both the prices and income referendum in 1973 and the four questions put in 1974. It will be of interest to know that from the time the polls were taken only four weeks before—we are about six weeks away from the referendum—the switch in voting on practically every question was over 50 per cent; the "Yes" vote usually went down by 20 per cent and the "No" vote went up by over 30 per cent. The results suggested by the Gallup polls were completely reversed when the actual votes were counted. That is exactly what will happen on this occasion, too. I do not often make predictions on political matters, but I say now that these referendum proposals are dead and buried. Mr. Fraser would be wise to pull them out whilst he still has time, for he in in for a very disastrous and embarrassing defeat. The proposals will be defeated not only in the outer States but in others, too.

The passing of this motion (I hope we will pass it) is a very historic occasion for this Parliament. The fact that we are passing it gives notice to the people of Queensland, and indeed to all of Australia, of how this Parliament feels. We have had Whitlam spokesmen urging these changes. We now have another Government in Canberra putting up the same propositions. We should not fall for any political smooth-talk. We have to recognise, as the Deputy Premier well said, that if the proposals were dangerous and deceitful three years ago, how can they be innocent today? What has changed? How can it be that what we denounced as black three years ago we now advocate as white today? Of course nothing has changed. The only things that have changed are some political ambitions. The proposals are as much bad news for ordinary people today as they were in 1974.

Those of us who believe in a federal system, who believe that there should be effective brakes in the Constitution, as there are at present, to check the undue ambitions of elected people, will oppose the propositions. I support the motion.

Mr. M. D. HOOPER (Townsville West) (3.2 p.m.): In supporting the motion proposed by the Premier, I regret to have to say that the referendum proposals are to be put to the people of Australia by a Liberal-National Country Party Government. They reek of centralism and the policy of the socialists. They have as their ultimate objectives the abolition of the Senate as part of the Federal Government and also the elimination of State Governments.

I believe that the honourable member for Toowong has outlined adequately and completely many of the reasons why the people of Queensland should vote no to the referendum proposals. I should like to add that this is a feeling held not only by the honourable member for Toowong and members of this House, at least on the Government side. There was a meeting of my electorate council last night and, after discussing this matter for several hours, we came to the conclusion by an overwhelming majority that National Party supporters in my electorate should definitely vote no and favour the adoption of a "No" vote in this Parliament today.

I number among my many friends in Townsville members of the Labor Party, with whom I speak frequently. I have discussed the referendum proposals with them and almost without exception they feel that the referendum is a complete and unwise waste of money, especially in the present state of the economy. They, too, feel that they should vote no. The people of North Queensland feel even more strongly about control from Canberra than do the people of South Queensland. We in North Queensland are 1,000 miles further from Canberra than are the people of South Queensland and we have even less desire to be controlled by any party from Canberra.

It seems to be a fact of life that most politicians, irrespective of their political colour, become mesmerised when they get to Canberra. Perhaps it is caused by the glare from the waters of Lake Burley Griffin as they fly in in the morning. Perhaps it is caused by the magnificent buildings and parks and gardens in Canberra that have cost the ratepayers of Australia thousands of millions of dollars. Whatever the reason, they seem to be mesmerised when they get to Canberra and develop a disease that I call Canberraitis. Its symptoms seem to include the conviction that all good suggestions in Australia must come from Canberra and that whatever is done in Canberra is good for Australia. I believe also that the only cure for this disease is defeat of all referendum proposals put up in Canberra. That pulls into gear all those with Canberraitis and lets them know what the people think about their proposals to control Australia from the A.C.T.

The track record for constitutional amendments is not very good. As the honourable member for Toowong mentioned, out of 32 proposals put since 1901 only five have been passed, and that is a very poor record which should indicate to the people in Canberra that the attitude of the Australian people is, "Hands off our Constitution. Leave it the

way it is. It has been very good since 1901 and has got Australia through many trials and tribulations."

The Leader of the Opposition sees nothing sinister whatsoever in any of the four proposals, nor did the people of Australia some years ago when they gave the Federal Government the power to introduce legislation for the so-called uplifting of the standards of Aboriginal people throughout Australia. Look at the political football that became in the hands of the Whitlam Government when they spent hundreds of millions of dollars on wasteful and ridiculous projects which did far more harm than good to the cause of the Aboriginal people. It put it back 20 years. They should have gone through the normal channels and given the money to the State Governments, which have the expertise to help Aborigines. They would not then have been downgraded as they have been. I could go on and on about that, Mr. Acting Speaker, but I do not wish to stray very far from the contents of the motion and I know you will pull me into gear if I do.

Of the proposed amendments, two were put to the people as part of a package deal of four proposals back in 1974. They were approved only in New South Wales; the other five States rejected them completely. The voting ranged from a total of some 247,000 votes against the simultaneous elections proposals up to 450,000 against the proposal that the Commonwealth Government be able to borrow money in order to make direct grants to local authorities, and in that surreptitious way try to get rid of the powers of the State Governments. The people rejected those centralist proposals at that time, and they still reject them today. I am quite sure that when the proposals are put before the people on 21 May they will be soundly defeated.

The Leader of the Opposition seems hell bent on shooting the Constitution to shreds. He wants to give more power to Canberra. He accused the State Government of manipulating the Constitution when it sent a Labor senator to Canberra back in 1975. He does not like to be reminded, however, of how Messrs. Whitlam, Connor, Cairns and Murphy circumvented the Constitution on 13 December 1974 by holding an Executive Council meeting in Canberra without the knowledge of the Governor-General when they passed a minute to authorise the external borrowing of $4,000 million without the permission of the Loan Council, in other words, without the permission of the six State Governments. That was quite O.K. with the Leader of the Opposition and other members of the A.L.P. They can break the Constitution as much as they like. They would like to see it shot to shreds. Fortunately as things turned out, we had the opportunity to get rid of those pests in Canberra and elect a more stable Government. All I can say against the present Government is that they have contracted that old disease of thinking that Canberra knows best. They also wish to take more power away from the States.

I will now deal with the four proposed amendments to the Constitution. I think the proposal dealing with simultaneous elections has been covered very adequately by the honourable member for Toowong. He said that we do not wish to see too much manipulation of elections by the Prime Minister of the day. It is a fact that at the present time Senate elections are held once every three years, when half the Senate goes before the people. In 1901 there was nothing in the Constitution which recognised political parties, nor was there a provision that Senate elections should be tied to elections for the House of Representatives. All of a sudden the Prime Minister wishes to take away the power of the States to decide when a Senate election can be held, and if he got away with this proposal, if he had this right to hold a Senate election simultaneously with a Lower House election, it would mean that if there were a double dissolution tomorrow and the Prime Minister wished to call an election in 12 months' time, then straight away he drags out half the senators and they lose two years of their term. Then if he wished, later on he could call another quick election if he felt it more expedient for him to drag out the balance of the Senate. So the whole point of a senator being elected for six years would be completely lost if this amendment were passed by the people of Australia. It would give Prime Ministers the right to dictate when elections for the Senate would be held, and not the States, where the power really belongs.

The proposal relating the filling of casual vacancies is one which could be twisted to the advantage of an unscrupulous Prime Minister and should be rejected out of hand. As I said, the Senate is the States' House and should not be tied to any party. There is no reason why if a retiring or deceased senator belonged to any particular party, that party should have the right to have one of its party hacks, a fellow who may be completely foreign in his attitude to the Government of the day, fill the vacancy. As the Senate is a States' House, the Government should have the right to make the appointment. Certainly in this House in 1975 the Premier asked the Labor Party to put forward the names of three candidates and it promptly refused to do so. An application was received from an A.L.P. man, and he was subsequently appointed by this State.

The retiring age of judges is a question that has been hotly contested by many people, the most prominent of whom is probably the most eminent statesman that Australia has had for many years. I refer, of course, to the Right Honourable Sir Robert Menzies. His comments were—and I read from a report in "The Courier-Mail" of 23 March 1977—that many of our most

eminent High Court judges have been men who have passed the age of 70 years and that they work in a very highly specialised field. He mentioned Mr. Justice Isaacs, who sat in the High Court till he was 76, and Sir Owen Dixon, probably the greatest common lawyer that Australia has had, who sat in the High Court till he was 78. If he had retired at 70, plainly the great bulk of his remarkable career would have been lost to the people of Australia. Sir John Latham resigned when he was 75, so most of his maturity and judgment would also have been denied to the people of Australia.

In dealing with High Court judges, we are dealing with a very restricted number of men who have the expertise to sit in such a high office. Perhaps only one person in a million is destined to become a judge of the High Court of Australia. We are not talking about retiring public servants, railway workers or politicians at the age of 60 or 65. There are plenty of people to take their place, and we should be creating employment opportunities for younger people in industry, not hanging on to the older fellows who should be put out to grass and given a chance to enjoy their retirement. In the case of High Court judges, we would be paying them a large sum of money if we retired them at 70 years of age, so why not let them keep working and earn their money?

Mr. Ahern: It applies only to the new ones; it does not apply to the existing ones.

Mr. M. D. HOOPER: The honourable member for Landsborough is quite correct; it does not apply to the existing judges.

I do not wish to take up any further time in the debate. I am pleased to have had the opportunity of speaking, and I urge all honourable members to support the motion and reject the proposals put forward by the Federal Government.

Mr. HOUSTON (Bulimba) (3.12 p.m.): Before we go very far in this debate, I think we ought to find out what the proposed resolution really says, Mr. Acting Speaker. It is quite remarkable that, although the Government saw such great importance in bringing the motion before the House today, a copy of it was not made available to the Opposition. When the Premier sat down, a copy still had not been made available to the Leader of the Opposition so that we might know the exact wording of the proposed resolution, and it was only after I made inquiries that I was able to obtain one. Surely if a matter is of such great importance, every member of this Assembly should receive a copy of the motion that we are debating.

Of course, the Government has come in to the debate with the arrogant attitude that it has the numbers. Instead of making this decision a National-Liberal Party decision, it is using the House to put the seal of Parliament on it. The Government is not fooling anyone. Everyone outside the House knows—and they will know for sure when the vote is taken—that the proposed resolution is purely and simply a National-Liberal Party State parliamentary resolution. It does not even have the support of the administrative organisations of the National Party or the Liberal Party.

It is quite obvious, of course, as the Leader of the Opposition has said previously, that the Liberal Party in this House is now only a junior branch of the National Party, and I think that the honourable member for Toowong made that very clear when he suggested, while speaking in this debate, that if he had his way the next senator would be Mr. Sparkes or Mrs. McComb. One would have thought that he, being a Liberal member, would have said "Mrs. McComb or Mr. Sparkes", but he did not. He said Mr. Sparkes first, showing in my view, the way his thoughts really lie.

Now, Mr. Acting Speaker, let us look at the motion. Leaving out the preamble, it says amongst other things that agreement to these four proposals will have the effect of, firstly, impairing the capacity of the Senate to act, as the Constitution intended, as a States' House. What does that really mean? What is the Premier getting at? When was the last time in the Senate, the so-called States' House, that the senators from any one State lined up and voted together?

Mr. Gygar: On the referendum. The Queensland senators lined up.

Mr. HOUSTON: The Queensland senators from the National and Liberal Parties supported the resolution. But when was the last time that all the senators elected from Queensland banded together? The last occasion I can recall any Liberal Party or National Party senators crossing the floor was the debate on the apple legislation. But even then it was not all of the senators from Queensland or Tasmania who crossed the floor; it was only a certain number of them. That shows quite clearly that, although the Liberal and National Parties have a majority of senators in a particular State, the Senate does not operate as a States' House; it operates according to the political affiliations of senators. There is, of course, the isolated instance of a senator differing from the views expressed by his party. As I say, senators do not act collectively. I have never known a banding together of all senators from one State regardless of their political affiliations.

It is ridiculous to claim that if the four referendum proposals are carried they will interfere with the capacity of the Senate to act, as the Constitution intended, as a States' House. Government members profess to believe in the existence of an Upper House. Yet in the 20 years that they have been in power in this State they have made no move to reintroduce an Upper House in Queensland.

The second effect as set out in the Premier's motion is—

"transferring essential functions in relation to elections to the Senate or the filling of casual vacancies in the Senate, from this Parliament to the Parliament of the Commonwealth;"

Perhaps it could be read into that that the State will lose its right to fill a casual vacancy. The State, of course, is not losing any such right at all. Let me remind the House of what was originally intended, namely, that when a vacancy occurred in the Senate the Parliament of the State involved would fill the position. That was decided to save cost and to avoid problems associated with having a State-wide by-election. It was considered much easier under the circumstances that existed in 1901, when the Senate was a States' House, to have the State Parliament fill the vacancy. The situation has not changed. This referendum proposal, if carried, will not affect the right of the State to fill a casual Senate vacancy.

Do not let us lose sight of the fact that a casual vacancy should be filled by the people as a whole. To get down to democracy and the right of the people—Government members should not be advocating the retention by the State Parliament of the right to fill a casual Senate vacancy. What they should be advocating is the holding of a by-election in which all the electors of Queensland vote on the filling of the Senate vacancy. That would be a democratic way of doing it. Government members, however, prefer to criticise the referendum proposal.

The third effect is stated as follows:—

"precluding this Parliament from exercising its sovereign role as regards casual Senate vacancies by giving to 'political parties' an entitlement superseding that of Parliament;"

That, too, is a lot of nonsense. The Premier told me when I was Leader of the Opposition that he asked the Liberal Party to nominate the senator of its choice. Mr. Bonner, as he then was, was nominated and no other nominee was put forward to this Parliament.

Mr. Byrne: Sir Gordon Chalk did indicate at that time that if that was unacceptable they were prepared to bring forward other names to the Parliament.

Mr. HOUSTON: The honourable member would not know; he was not even here.

Mr. Byrne: I read "Hansard".

Mr. HOUSTON: After arrangements are made, it is a very easy matter to say, "If the nomination is not acceptable, I will pull it out." Do not let us play around with words somebody happened to say. The Liberal Party nominated Mr. Bonner and Parliament accepted him unanimously. No other name was submitted; there was no choice. The Liberal Party hierarchy of the day did not consider only Mr. Bonner. Other names were submitted, but he won the preselection—and good luck to him!

If Government members want to go further back in history, I will tell them how George Whiteside was elected. He was elected by this Parliament, but his was not the first name submitted. Alf Arnell was the first choice, but he was not acceptable to the Government. The Labor Party was asked to submit another nomination. Mr. Whiteside was Labor's choice, and he was elected.

On the last occasion, the Government, in its wisdom or otherwise, decided it would nominate Mr. Field. The Government did not submit three names. Only his name came from the Government side. The Government claimed that he was a member of the Labor Party, but the point was that he contravened our rules when he allowed his name to be submitted, and the Government of the day knew that.

Reference has been made to the public's choice. When Senator Field went to the public, was he claimed to be a National Party or Labor Party candidate? The Government parties campaigned against him by supporting their own teams. But the man that Labor submitted, the man that the Government rejected, the man whom some honourable members saw fit to criticise in this House, saying that the people of Queensland would not accept him, is now in the Senate. I am very proud to have Mal Colston as a parliamentary colleague in the Federal field. He has been, and will continue to be, a great Queenslander and a great worker for Queensland.

An Opposition Member: And the public rejected Mr. Field.

Mr. HOUSTON: That is true. When the Government's Senate nominee, Mr. Field, went to the polls, the public rejected him. Despite what Government members have said about the electors having the say, when they had their say they told the Government that it was wrong.

Dr. Lockwood: The people should have the right to decide.

Mr. HOUSTON: The Government does not give the people the right; it denies them the right.

Mr. Colston had been a candidate and went very close to being elected. A great number of people supported him prior to his being rejected by this Parliament. There was nothing at all wrong in asking that he be elected to fill the Senate vacancy. All politicians know that a small number of people will support a sitting member for various reasons. It may be that a sitting member has had an opportunity to help

people in some way that an outside candidate has not had. But the percentage that the sitting member can virtually hold by his own efforts is very small indeed.

Mr. Lindsay: A maximum of 7 per cent.

Mr. HOUSTON: The honourable member is very generous with his percentages. I am afraid that he is putting himself on a much higher pedestal than I am prepared to put myself on. I would not say that he is worth 7 per cent, but if that is what he thinks I will not argue with him. The point is that only a very small percentage of the vote is attributable to a person's own qualities. People vote for the political party of their choice. That is the reason for all the present infighting between the various sections of the Liberal and National Parties.

When people vote at elections, they vote for the candidates of a political party. When Senator Milliner was elected, surely he was elected not only as a very popular man—we will allow 7 per cent as his personal vote—but also because he received the full support of the Labor Party. Surely the unsuccessful Labor candidate who received the next greatest number of votes should have been his replacement. That, of course, was Mal Colston. The Constitutional amendment proposed is a consequence of the Government's efforts, and its efforts alone.

I cannot see how, if that proposed amendment is carried, it will impair the operation of the Senate or the sovereign rights of this State. I have heard some members—and I think the honourable member for Toowong was one—talk about a power-hungry leader in the Federal field. By supporting this constitutional amendment, we are trying to stop a power-hungry Government in this State from exercising a right over other political parties. It has been shown in this Parliament that, if there is a vacancy among the representation of the Government's political parties, it does not hesitate to fill it with someone from one of its political parties. However, if the vacancy occurs in the representation of its opponent's political party, it wants to dictate to that party.

Mr. Frawley: Wasn't that bloke Field a chairman of one of your branches?

Mr. HOUSTON: Mr. Field was never a chairman of any branch in my electorate while I have been a member.

Mr. Frawley: Yes, he was.

Mr. HOUSTON: The honourable member either takes my word or he doesn't.

Mr. Frawley: I am sorry, but I can't take your word on that.

Mr. HOUSTON: I will remember that.

The Government says that the fourth proposal should not be accepted because it will fundamentally alter the federal system of Government in Australia. What a lot of nonsense that amounts to! What does it mean —fundamentally altering the federal system in Australia?

Mr. Lee: You don't know what federalism is.

Mr. HOUSTON: Well, I am certain the Minister doesn't know. He doesn't know what it means. What is his idea? I invite him to get up and let us hear what his idea of federalism is. The Government's philosophy towards federalism is to knock it. As a matter of fact, the Government's whole field of activity—and the reason why it stays in power—is the creation of fear in the minds of the electors.

Not one word said by the Premier, the Deputy Premier, the member for Toowong or the member for Townsville West has been constructive. They have not told the people of Queensland anything constructive at all. All they have said is that if the four referendum proposals are carried we will be isolated, and so on. Who is the man heard most on isolating this State from the Commonwealth? The only people in this State heard talking about secession are the Premier and his supporters. Even the other day the Premier was reported to have spoken in that vein to some people, again bringing up the idea of seceding from the Commonwealth by the year 2000.

Mr. Frawley: What's wrong with that?

Mr. HOUSTON: There is another National Party supporter of the proposal. I am very glad to hear the honourable member for Murumba ask what is wrong with secession. For one thing——

Mr. ACTING SPEAKER: Order! I suggest the honourable member does not answer. It is not related to the motion.

Mr. HOUSTON: It is a very important statement.

Mr. ACTING SPEAKER: It is an important matter, but it is not related to the motion.

Mr. HOUSTON: No, but it will be a very important matter, I am sure, in the Murrumba electorate. I can assure you that I will not use it in the electorate of Chatsworth. I do not think that that is Liberal philosophy. But breaking away from the Commonwealth is certainly the National Party attitude. What they are trying to do, even now, is to create in the mind of the public the thought that Queensland should not really be part of Australia. They talk about being good Queenslanders. A good, loyal Queenslander would also be a loyal Australian. I am proud to be an Australian.

I live in Queensland; I work for Queensland and I enjoy Queensland; but fundamentally and basically I am an Australian and I suggest that those of the National Party who do not want to be Australians leave the country.

Canberra is spoken of as if it were a foreign city. By the way Government members talk about Canberra and the Federal Parliament, one would think that Canberra was an isolated place far removed from this nation; but every time the Government wants money it goes to Canberra. Whenever something is not carried out, it blames Canberra. It becomes the Government's whipping-boy.

We should look at our Constitution and remind ourselves that it was drawn up nearly 80 years ago. Imagine how different things were in the days when the learned gentlemen, who were members of this and other Parliaments, together with their advisers, got together and formulated our Constitution. The State boundaries were set because of physical features such as mountain ranges and rivers. We did not have aeroplanes or railways and, except for horse and buggy use, the road system hardly existed. The motor-car was in the early stages of its development. Telephones, radio and television were unknown. As the honourable member for Toowong rightly pointed out the average life expectancy was under 50 years of age. We are now talking in the year 1977 of a Constitution written as many years ago as that and are saying that it should still be applicable today.

The only reason that people are saying it should not be changed is that they are frightened of change, because they fear it may interfere with some power base that they have. The problem with the Queensland Government is that it is frightened of losing its power and its power base and it is trying to hold onto them by criticising others, mainly the Federal Government. Perhaps one of the things that are stopping Queensland and Australia from progressing faster and from getting away from the problems of inflation and unemployment is our lack of loyalty for one another. One thing that I am proud of the Labor Party for is that its members have loyalty for one another and support us. Government members know no loyalty at all; they do not know what the word means.

The first proposal is simultaneous Senate and House of Representatives elections. Prior to 1963 the two Houses were elected at the same time and no-one advocated change. At least we could say then that we had stable government and that the Government of the day was the Government elected by the people at that time. Since Sir Robert Menzies separated them, for his own and his Government's political ends, we have constantly had elections. I do not believe that any Federal Government can operate correctly in the long term when all the time it is faced with an election in six months' time or 12 months' time—18 months' time at the longest—for either the House of Representatives or the Senate. As I said, today the Senate is only a party house. Therefore, Governments of the day try to make sure that they control the Senate. So we are constantly fighting elections and the Government is constantly enunciating policies that will suit the political climate at that time because it knows that an election is just around the corner. I do not think that that is good for the nation, for policy-making or for implementation of long-range policies.

Apart from that every 18 months we have the constant cost of full-scale adult franchise throughout Australia. The leader of the Liberal Party said that this referendum was being held at the wrong time. When is the right time to make changes in the Constitution? Always some reason can be found why it is not an appropriate time to hold a referendum. Certainly money is scarce at present, but if the referendum proposals are carried money will be saved in the future as there will then be elections every three years instead of every 18 months. The honourable member for Toowong spoke about Prime Ministers bringing on elections every 12 months. Surely he does not believe that the people of Australia would elect Governments that would manipulate the affairs of our nation in such a way.

I have already dealt with the replacement of a deceased senator with another belonging to the same party.

Let us now consider the retirement of judges at the age of 70 years. At the time of drawing up the Constitution, life expectancy was about 55 years. I readily admit that many men in their 70s, 80s and older still have their full faculties. One thing, however, that one cannot change with increasing age is the tendency to live in the past. Those in the older age group tend to think of their youth and the days when they were growing up.

Mr. Moore: Judges are looking at law, surely.

Mr. HOUSTON: I am not talking specifically about judges; I am talking about people generally. People in their 80s and 90s become fixed in their ideas. All significant changes in all nations have resulted from agitation by younger people. That is simply the way that life goes on. Whenever there are changes in Parliament or in legislation, they are effected by new Governments and new Ministers. A change of Government brings change; a change of Ministers brings change. This happens consistently.

Dr. Scott-Young: There was not much change in 40 years under Labor administration.

Mr. HOUSTON: I could not catch what the honourable member said and apparently it was not worth repeating.

The point I am making is that the thoughts of younger people are constantly needed as a spur to the older generation that has the responsibility of Government. I believe that when the Constitution was drawn up, it was felt that judges would not live any longer than others in the community and age 70 would see them pass their span. Aided by modern science, people now take better care of themselves so that it is quite normal for people to live much longer than they did in earlier days. It is also quite normal for older people to be very young in their thinking. I am certainly not saying that people older than 70 years of age are virtually finished. However, I firmly believe that the community should give its older citizens the right to enjoy a period of life in which they are not required to carry the burdens of office, irrespective of what they may be.

Mr. Moore: They can retire if they so desire.

Mr. HOUSTON: There is inherent in all of us the feeling that we can still go on. We feel, "I am needed." I feel that that is part and parcel of life. Public servants are retired at 65, although many are still very capable at that age. Some, because of that capacity, are given other appointments until they reach 70 years of age. Only recently the Leader of the Liberal Party introduced a rule which, I believe, debarred people over 70 years of age from sitting on certain Government boards, even though these were only part-time jobs. I took it that that was in the interests of the persons concerned.

Mr. Moore: It stops jobs for the boys.

Mr. HOUSTON: I do not know. The honourable member would know more about his Government's appointments than I would.

Mr. Moore: I wouldn't know. I don't know what you are talking about.

Mr. HOUSTON: I do not know either, but the point is that the Government is retiring people from part-time jobs when they reach 70 years of age.

Mr. Frawley: What's wrong with that?

Mr. HOUSTON: I think it is good. I have no fight with that at all.

Mr. Frawley: Don't you think parliamentarians should retire at 70?

Mr. HOUSTON: In our party they have to, thank you very much. So therefore we are practising what we preach. Members of our party have to retire at 70, not because we think they are not capable at that age but because they should be able to enjoy a happy retirement and just watch the passing of the years. As I said, it also gives younger men with younger ideas an opportunity to make their contribution.

Mr. Moore: This a filibuster. Get to the point.

Mr. HOUSTON: The point is that I support a retiring age of 70 for everyone, judges or anyone else. Here Government members suggest that Federal judges should be able to serve until they are 70, 80 or 90 years of age and yet in a recent amendment to the Police Act they supported a provision relating to the retirement of a Deputy Commissioner of Police at 60. Every Government member voted for that in the Parliament and in the party room.

An Opposition Member: They did it on the cultural Bill too.

Mr. HOUSTON: Yes. A few months ago the Government decided that the Ombudsman also should retire at 70. There are plenty of examples.

Last but not least is the proposal relating to referendum voting rights for the Australian Capital Territory and the Northern Territory. I think that the Government's decision to oppose this proposal is a shocking example of discrimination.

Mr. Moore: If they want the right of States they should be made States.

Mr. HOUSTON: They are not asking for rights of States; they are asking for the right to vote in referendums. No-one has argued that once they are given the right to vote in a referendum they will be given Statehood. What would be wrong with saying to the Northern Territory, "You have now reached the stage where you can be classified as a State." But this has got to be the first stage. At least they should be given the right to vote in referendums. As the Leader of the Opposition pointed out, we could have a public servant working in this State who is transferred to the Northern Territory or the Australian Capital Territory, someone who has been living in this State for years and who has contributed much. A person could be working for a private employer and have this happen because quite often industries controlled in the southern States—banks and the like—move their personnel from State to State. Does the Government argue that, because a person happens to be employed in Darwin or Canberra, he is not an Australian? Of course he is an Australian and if he is an Australian he is entitled to the fundamental rights of every Australian, and to me the most fundamental right is the right to vote on issues that concern him. This Government talks about looking after the smaller States. Can honourable members think of a smaller State than the Northern Territory or Canberra——

Mr. Knox: It will become a State in its own right within three years.

Mr. HOUSTON: What, the Northern Territory?

Mr. Knox: Yes.

Mr. HOUSTON: Voting against this proposal will not help them.

Mr. Knox: Voting for this proposal will postpone the day they become a State.

Mr. HOUSTON: That is not right.

Mr Burns interjected.

Mr. HOUSTON: That is right.

Mr. Knox interjected.

Mr. HOUSTON: What are you trying to do—tell us that Malcolm Fraser is not telling the truth?

Mr. Knox: No.

Mr. HOUSTON: Is he going to break his promise? The Northern Territory should be a State. Anyone living in the Northern Territory is just as much an Australian as I am and is entitled to every possible assistance, particularly the right to vote for his own destiny. When Darwin was struck by cyclone "Tracy", we all said how shocking it was that our sister city had been so badly damaged and that people had been hurt. The Premier collected money, as did many others, to assist the people of Darwin because they were Australians. To my mind, the fundamental basis of being part of Australia is having the full rights of all other Australians.

The proposed resolution says that members should vote against the four referendum proposals—not one of them or two of them, but the four of them. The Deputy Premier and Treasurer said, "I am very happy to support the resolution proposed by the Premier." It says, ". . . agrees and resolves to recommend to the electors of the State of Queensland rejection of the proposals in these referendums." I say to the honourable gentleman, "Shame on you and your party for supporting a move to stop the people of the Northern Territory and the A.C.T. having the full rights of Australian citizens." That is particularly true in the case of the Northern Territory, which is on Queensland's western boundary. Many former Queenslanders live and work in the Northern Territory, and the honourable gentleman is saying to them, "You are not as good Australians as other citizens."

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (3.47 p.m.): I rise to support the motion moved by the Premier and seconded by the Deputy Premier and Treasurer. As the Premier so concisely stated, the common denominator in the issues under debate is centralism versus the right of the States to run their own political affairs.

There has been an increasing awareness of the need to safeguard State rights in a total sense since erosive measures in this area were introduced by the Whitlam Government during its term of office. In fact, it is an understatement to use the word "erosive"; it was in fact a frontal assault. A "Yes" vote to the proposals under review would create the climate for a reduction in the ability of the States to stop Canberra's efforts in the field of power concentration.

Let us examine briefly the simultaneous elections issue. It would be realised in present circumstances that the Senate exists as an independent body, in no way subordinate to the House of Representatives. Its members are elected for a fixed term and, except in the case of a double dissolution, they serve out their terms unaffected by the fate of the House of Representatives. To change this system by pooling both senators and members of the House of Representatives into a common electoral system would greatly diminish the Senate's most treasured possession—independence. In short, we do not need this incursion into standing political freedom. In fact, it would be disastrous to the political stability of the nation if, every time a party with a majority in the House of Representatives saw some advantage in calling an election, it could require the Senate to face an election at the same time.

Simultaneous elections may be cost-saving under the pure dollars-and-cents type of argument. But who can place a price on the benefit to Australia of having a powerful and independent Senate? We need only to look back to the events preceding 11 November 1975 to perceive the strength of the point. In any event, elections can be brought into phase by having a House of Representatives poll at Senate election-time. There is plenty of precedent for this, and there is no reason why we need constitutional change to achieve simultaneous elections again.

Another of the issues, namely, Senate casual vacancies, stands almost in the same situation as far as political parties are concerned. The danger in a "Yes" vote on this issue is that it would diminish the character of the Senate as a States' House. As honourable members would be aware, in the past there have been a number of occasions when this House has been called on to exercise its constitutional function of filling casual Senate vacancies. It has been the practice of this Parliament to exercise the choice as to whom it will nominate. The proposed alteration would destroy the right to a choice. The effect of it would be to give political parties and not the Parliament the right to nominate the successor to fill a Senate vacancy. The nominee could be a person totally unsuited to public office, yet this House would not be able to reject the nomination. This type of situation would reduce this House, and indeed others in the nation, to one having the effectiveness of a rubber stamp.

I would point out that the concept of the embodiment in the Constitution of the identity of political parties is at least a novel one. It may be unique. While on most

occasions I am not averse to breaking new ground, I am very much opposed to doing it in the context of a scheme like this one.

Again I would strongly support the Premier's point that the interests of Queenslanders are at stake here. It is our duty to safeguard completely those interests at all times, and that is why we are firmly advocating a "No" vote on these issues.

I noted that the previous speaker made great play of the proposal to give to the people of the Northern Territory the right to vote on constitutional matters. It is a pity that he had not involved himself in some study of the basis of the Australian Constitution. It was drawn up by the States and in fact its preamble indicates quite clearly the States involved in its preparation. The Commonwealth Government to be formed by virtue of the Constitution was given powers to legislate for the Territories of Australia. They were separate and apart. It is quite clear that the intention of our founding fathers was that the States of the day would, by virtue of the Constitution, cede powers to the Commonwealth Government and that the Territories were outside the ambit of the Commonwealth. I am not saying this in any derogatory sense; it is merely the way in which the Constitution was drawn up. In fact, it could be said of the Commonwealth that it is a political entity, not a geographical one.

This is a matter that deserves a great deal of study by all of us. We all know how the country's background has been formulated and how the system under which we work has been evolved.

By interjection the Deputy Premier expressed the hope that the Northern Territory would become a State. As one who lived for about 6½ years in the Northern Territory, particularly during its post-war rehabilitation, I also hope that it will achieve statehood in the shortest possible time. It is one thing to do these things in an orderly manner; it is another to abort the provisions of the Constitution for political expediency.

I strongly support the motion moved by the Premier and seconded by the Deputy Premier.

Mr. CASEY (Mackay) (3.54 p.m.): In all this Government's present moves and especially in this one, one group of people have been totally forgotten—the people of Queensland. In its endeavours and moves as exemplified by this motion, the Government has shown that it is more interested and wrapped up in its own survival than in the people of Queensland.

Amidst the division that has occurred between the coalition parties their members are now trying to find a common ground on which they hope to survive. Back in 1975 they did not want Whitlam in the Federal sphere; today they don't want Fraser and Anthony.

Who does the Queensland Government want? Does it want itself? Who does the Queensland Government want in charge in Canberra? What does it want from Canberra? What does it think it should receive in Queensland? Does it always expect to get its own way? Should it always get its own way? Not under our federal system, where we should get what is good for all the people of Australia as a whole!

The way the Government is carrying on with this and other matters, it is obvious that it does not care what the people want. Its main interest as a political entity is to ensure its survival. It does not believe in considering the people of the A.C.T. and the Northern Territory. The Minister for Justice tried in a very weak way to justify the Government's opposition to these people getting a vote, to their having a say in what is to happen in the Commonwealth of Australia. Is the Queensland Government saying that these people do not exist, that no-one lives in Darwin, Katherine, Alice Springs, the A.C.T., or the island territories? Many years ago there may have been justification for such a stance when people of different races and nationality in the Territories of Papua and New Guinea were controlled by Australia. These people now make up a self-governing nation. They are of themselves. Surely it is time that we had a fresh look at our Australian Constitution, and said that the people of the Northern Territory and the A.C.T. are Australians.

If a person is transferred from Kingaroy to Canberra, and is a good, honest person, surely he is entitled to the same say in Canberra as in Kingaroy. Why should he be denigrated and made a second-class citizen? The people in those communities pay their taxes just like the rest of the people in Australia. The ringer on a station at Alice Springs makes the same contribution as the ringer on a station at Cloncurry.

After Cyclone Tracy a great number of people came from Darwin and settled in Queensland for 12 months or two years.

Mr. Moore: Some are staying for ever.

Mr. CASEY: Some of them are staying on, but recent statistics show that the majority have moved back to Darwin. That disaster gave them better citizenship rights than they had in Darwin. Having returned to Darwin, surely their citizenship should not be different. Surely we must believe that they are entitled to fully fledged Australian citizenship.

On the retirement of High Court judges at 70, we heard the Deputy Leader of the Opposition detail what we have done in this Parliament in recent times. Within the past 12 months we have amended legislation to provide that appointees to harbour boards, electricity boards and hospital boards must retire at 70 years of age, yet today the

Government is hypocritically saying that judges in the High Court should be allowed to continue until they are 80 or 90 years of age. As an example of senility, I cite the honourable member for Surfers Paradise. Outside the House he is a tremendous performer who engages in dancing and many other things, but he comes to the House to rest, relax and recuperate from his week-end sojourns. He never asks a question and never makes a speech. What sort of a contribution is that? The Premier, in his motion, said that the Parliament of Queensland is sacrosanct and he outlined what should happen here, yet we have people well over 70 years of age who use this Assembly as a boarding place—a place in which they can recuperate.

Why are Queensland National Party parliamentarians and their fellow travellers in the Liberal Party opposing these two items? In his opening address, the Premier dealt at length with the first two referendum issues, but said not a word about the other two. Why is the Government opposing all of the issues? Perhaps it is because it believes it is better to succeed in doing nothing than to attempt something constructive and fail.

In part of his speech supporting the motion, the Premier referred to the Senate acting as a States' House. It has never acted as a States' House. It is hypocritical to say that it has. We all know that that has never occurred since Federation in 1901. It certainly did not act as a States' House in 1975, when there was great trauma. It was very much a political House at that time. Dare anyone say it was a States' House then? The defeat of the Whitlam Government was brought about by political actions in the Senate—not by the actions of the States; not by the actions of various people acting in the interests of the States. Why say that the Senate acts as a States' House? It is far from it. It certainly has not acted as a States' House in the Torres Strait affair. We have not seen Queensland senators as a whole gathering together to put forward what the Queensland people want on that issue—and it is an important issue in Federal politics these days. That hypocritical comment that the Senate is a States' House should be thrown right out of the door, where it belongs, because it never has been.

Many people say that referendum proposals should be defeated. What is wrong with having a look at our Constitution after all this time since 1901? In fact, it is about 80 years since it was implemented. It was agreed to four or five years before federalism actually eventuated. What is wrong with looking at it and saying, "We are in a different age. We wear different clothes. We have motor vehicles. We fly. We listen to the radio. We watch television. We have entirely different circumstances in our nation today from 1901."? Why shouldn't we look at the Constitution and say that there are parts that should be amended? What is wrong with saving time in the election of the Upper House? What is wrong with amending the Constitution to save money for the people of Australia by having simultaneous elections? Why should senators remain in office for six years? In the event of a double dissolution, they must face the people immediately. Why shouldn't we have simultaneous elections for the Senate and the House of Representatives at other times? If the elections for both Houses are brought into line with each other, then every three years there will be simultaneous elections unless some political crisis hits the Government. In that event, surely the people will want a say in what is going on, because that is the people's right. It is their right to say whether they want to elect the Senate or not; it is not the right of senators to say, "Once I am here, brother, I am here for six years and there is nothing you can do about it."

I suppose in many respects—and we have heard it advocated by the member for Toowong and many of the other arch-conservative supporters of the National Party in this House—Government members would prefer to have an Upper House system similar to that in Western Australia. Of course they would, because it can never be changed. The political strength of the Upper House in Western Australia has not been changed in 80 or 90 years. I suppose some members in this House would rather we had an Upper House along the same lines as the Westminster system, with its House of Lords, in which a person of blue blood or one appointed for some reason or other can take his seat as of right and rule the lives of the people.

However; the Senate in Australia is entirely different from the Upper Houses in so many other places, as we found in 1975. It is completely and utterly a political House which can change the destiny of a Government. Why shouldn't senators submit themselves to the people for election at the same time as members of the House of Representatives? Why shouldn't they be prepared to give an account of their actions to the people? I repeat that it is purely a political House. How can the Premier therefore say that we are taking power from the States and giving it to the Commonwealth? That power is already there, through the political divisions within our community. How can it be said that we are changing the system of federalism? The system of federalism will continue on in the same way with the two major political groups dominating it. How can he really say that we are precluding this Parliament from playing its proper role?

What we are discussing is elections to the Senate in the way in which they should occur, and did occur in the past until the situation was changed. And it was changed not by some other State in the Commonwealth, not by the Commonwealth Parliament, and not by agreement at the Constitutional Convention, but by this Parliament, by

this Government and by this Premier when he appointed Pat Field to take the place of the late Senator Bertie Milliner. If a "Yes" vote in the referendum will re-establish the former practice, this country can never again be thrown into chaos by a political maniac motivated by a personal reason or any wish of his own; the wishes of the people will have to be followed. The sorry story of Pat Field has been told in part in this House today. The part that has not been told properly is the way his appointment showed the Premier's attitude towards the Senate.

Mr. Jones: And towards the individual.

Mr. CASEY: Towards the individual, which is even worse.

Pat Field was used and then thrown onto the scrap-heap. The day that the Premier stood up in this House and nominated Pat Field to fill the Senate vacancy, he knew he was using this man. We knew it. What shame followed when the double dissolution occurred. Pat Field was completely pushed aside and was shown no consideration and given no thought by the Premier or this Government. Is this the action of a Christian Government or a caring Government? Certainly not! The Premier used Pat Field for political gain and then, like the Roman dictators, simply threw him to the lions.

Our role in this Queensland Parliament is quite clear. Instead of debating a motion such as this, we should be discussing the problems that confront the people of Queensland. We should be conducting the affairs of the people of Queensland instead of being mucked about with this debate. There are so many problems that we should be concerning ourselves with rather than this motion. We should concern ourselves with the movement of Queensland towards a police State.

We have seen so much of it only this week with the refusal of the Government to do anything about the report submitted by Commander O'Connell. It should be made public so that the fears of the people of Queensland can be allayed. The report should be tabled in this Parliament. Part of the Vote of this Parliament was used to pay the Scotland Yard detectives to come here from England to conduct an investigation. But no report has come to the Queensland Parliament about what is happening or what has happened in this respect.

These are the things we should be debating today, instead of a motion such as this one. We should be concerning ourselves with the gerrymander that is about to go on in Queensland. We should be talking about how democracy is about to go out the door. We could be talking about the complete decline of democracy in Queensland. We should debate those matters rather than this motion. We should be talking about the sad plight of our primary industries.

But, instead, the Government is trying to get out from under in relation to its support for Fraser. Only 15 months ago the Premier, every Minister and every back-bench Government member, be he Liberal or National, stomped the length and breadth of this State saying, "You have got to get rid of Whitlam. You have got to put Fraser in. Fraser is the saviour of Queensland. Fraser is the saviour of Australia." He has certainly gone down the drain because we are now in far greater strife than we have ever been before. This has come about thanks to Fraser, Anthony, Lynch and the rest of their henchmen in Canberra.

This is what is happening today. The Government is deliberately trying to consolidate its affairs in order to again pull the wool over the eyes of the people of Queensland, as it did in 1975, in 1974 and on so many other occasions since it took office 20 years ago. I say to the Government of Queensland, "You put Fraser and Anthony there. You suffer them. You cop them. They're your people, not ours. This puny motion moved today will certainly not get you out of your predicament. Never mind coming here trying to put out a smoke-screen to cover your own divisions instead of getting on with the affairs of this State." Let the Government not try to say that there are no such divisions. Their presence came out very clearly today in the speech made by the honourable member for Toowong who, we all know, was the Premier's first emergency to change from the Liberal Party to the National Party in order to bolster numbers should the Premier not get his way with the Liberals.

The member who is about to follow me in the list of speakers, the honourable member for Merthyr, was second emergency. Everyone knows that they were the first two who would go to the National Party to bolster their numbers. There were others, too, to follow. We all know that the Minister who spoke ahead of me and who poorly tried to defend the Premier's action was the only Liberal Minister in this State to be the choice of a National Party Premier. We all know that, when the Ministry was changed back in 1974 or early 1975, it was the Premier who chose him and, as a consequence, another motion had to be passed in this House to add another two to Cabinet to preserve the balance of power.

The people, not the Premier, must decide the referendum proposals. The Premier talks of the role of this House in the pious motion that he put forward, yet he completely disregards it himself. After starting this debate and laying down its terms, he went to the other chamber to engage in a Press conference for most of the rest of the day. It does not matter to him what is said here. He has done what he wanted to do and members of the National Party and their camp followers in the Liberal Party have followed suit.

It is only the people of this State who can stop the Premier's run, and they must do so. They have their opportunity with their votes on the referendum proposals and they must take it if democracy is to survive in Queensland.

Mr. LANE (Merthyr) (4.12 p.m.): I am very pleased to enter the debate to support the motion currently before the House because I believe now, as I did in 1974, that the people of Queensland, indeed of Australia, will reject these deceptive and quite deceitful referendum proposals. When I stood on the back of a truck at the corner of Merthyr Road and Brunswick Street, New Farm, in 1974 with this pamphlet which I now have in my hand, which advocated a "No" vote at that referendum, I was accompanied by Federal members and candidates, and when I quoted from that document I knew I was doing the right thing and talking on a matter of principle.

I intend to be consistent now and do exactly the same thing, and for exactly the same reasons. I believe the reasons why the present proposals will receive a very resounding "No" vote are the same as they were on the previous occasion. These proposals will make the Senate a rubber stamp for a socialist, centralist Government for all time. I take those words exactly from the official "No" case which was put before the people of Australia in 1974. That was a case prepared, I might say, by the Federal secretary of the Liberal Party in Canberra and put forward nationally by Mr. Snedden and Senator Withers.

Now these same people ask me to stand on the back of the same truck and address the same people in the same constituency and take the opposite course. Because that would be completely hypocritical, I do not intend to do so. It would be deceitful and misleading because the same principles are again at stake. One is the principle of no more power to Canberra and another is the sharing of political power equally throughout the nation between State Governments and the two Houses of the Commonwealth Parliament. Those are the basic issues that are at stake on this occasion.

Those Federal members who shared that platform with me in 1974 were proud to advocate a "No" vote on their how-to-vote cards. I have with me here how-to-vote cards for the Federal division of Ryan (Mr. Drury) and the Federal division of McPherson (Mr. Robinson) advocating a "No" vote to each question. On that occasion the Liberal Party sent a letter to all its members advising them to tell people to vote "No" on that occasion. Of course, we all stood proudly at the polling booths in 1974 wearing this how-to-vote card I have here, which says "Liberal-National Party—Vote No". That is what we wore in 1974 and they are the same cards we will wear in 1977 when we will defeat exactly the same proposals——

Mr. YEWDALE: I rise to a point of order. Is the honourable member allowed to wear that decoration on his lapel in the Chamber?

Mr. DEPUTY SPEAKER (Mr. Gunn): Order! There is no point of order.

Mr. LANE: Of course I would not wear it. I merely put it there to indicate to members the fact that we are consistent, that we have a political integrity and that we adhere to a principle of government——

Mr. Casey interjected.

Mr. DEPUTY SPEAKER: Order! The honourable member for Mackay is interjecting from other than his proper place.

Mr. LANE: The National Party candidate and the Liberal Party candidate for the Federal seat of Brisbane produced these how-to-vote cards in 1974 on the very same questions that we are asked to vote on again this year. On that occasion the cards read "Vote no". Yet one of the greatest advocates in this State of a "Yes" vote on this occasion is a man who has a Cabinet responsibility to advocate such a thing, to be one of the banner carriers and flag wavers. He is the Honourable Eric Robinson, Minister for Post and Telecommunications and Minister Assisting the Treasurer. I have here the pamphlet he produced back in 1974 referring to the same referendum proposals. On that occasion he referred to Labor's sneaky and deceptive referendums. The pamphlet read—

> "Don't be misled by Labor's Referendums. They use appealing words to dress up shabby A.L.P. objectives. They are aimed at—
>
> (a) Writing electoral advantages for Labor at both State and Federal elections into the constitution.
>
> (b) Limiting the ability of each State Government to control State matters, and placing control over these in the hands of Canberra bureaucracies.
>
> (c) Eliminating the need for a majority of States to vote in favour before a referendum is carried, to make it easier to have items from the Labor Federal Platform written into the Constitution."

That is what Mr. Eric Robinson said, but today he is taking the opposite course. Interestingly enough, on this very pamphlet we have a photograph of Mr. Eric Robinson and Senator Kathy Martin together advocating a "No" vote. Now, I am very pleased to acknowledge that Senator Kathy Martin is a person who has had sufficient integrity to stand up to this opportunist move by the Federal Government and dissociate herself publicly from it. She will, of course, join with us in the campaign for a "No" vote on these four issues in Queensland. That is

why she was here in the Parliament today, to register her support for this campaign that will be waged very carefully and very deliberately from Parliament House. But the thing that is probably most annoying, apart from the lack of consistency and lack of political integrity on these occasions, is the deceit which is contained in this legislation. I have with me the two Bills relating to the referendum proposal for simultaneous elections, the one prepared in 1973 and the one prepared in 1977, and the words are identical. There is deceit even in the first few paragraphs of these Bills. I would like to draw the attention of honourable members and the public of Queensland to clause 3 of the 1973 legislation, which is exactly the same as the 1977 Bill. It reads—

"Section 9 of the Constitution is altered by omitting the second paragraph and substituting the following paragraph:—

'The Parliament may make laws for determining the times and places of elections of senators.'."

That clause, which stands in isolation, is not suggested as being something that would be clearly inserted in the Constitution in its own right. It does not suggest in any way that elections should be simultaneous or that they be tied together. It merely inserts the broad and open power to the Commonwealth to make laws to determine the times and places of elections of senators. That quite deceitful proposition that was inserted in that legislation back in 1973 and put to the people in 1974 in a referendum is still contained in the legislation passed by the Federal Parliament this year. It is just as deceitful and hypocritical today as it was back in 1974. It seeks to obtain for the Commonwealth Parliament a broad, open power for the holding of Senate elections at times and places that it shall decide, not simultaneously, as proposed in the question that will be put to the people.

The question that is suggested at the moment—and I will read the exact words—is that it is for "an Act to alter the Constitution so as to ensure that Senate elections are held at the same time as House of Representatives elections", and it is suggested that people should vote "Yes" to that proposal. Of course, if you vote "Yes" to the proposal contained in those words, Mr. Deputy Speaker, you in fact are not voting for simultaneous elections; you are voting for elections at times and places the Commonwealth Government shall decide. There could be Senate elections every week, or in separate places every month, or three a year, or any number you like to name, because the Federal Government claims the broad power to dissolve the Senate at will, whenever it likes. On this occasion, the Federal Government is quite deceitfully following Whitlam's example.

Of course, it is no wonder that the Australian Labor Party desires that that be passed, that people give a majority "Yes" vote to that proposal, because it seeks to diminish the Senate and ultimately to abolish it. It is part of the A.L.P.'s policy and part of its platform, and members proudly proclaim in this place that their policy and platform is the abolition of the Senate, the States' House, which is the last protection against centralised control of Government in Canberra. The last thing that stands between us and that is the Senate, the States' House in Canberra. Honourable members opposite say that unashamedly, and I pay them due respect for the consistency of the Australian Labor Party in standing up proudly and saying that it wishes to do away with the Senate.

I suggest that the Federal politicians who are playing along with this now for reasons of short-term expediency are damned fools to follow Labor's example. All that the Federal Liberal-National Country Party Government wishes to achieve with this referendum is a postponement of a Senate election —a postponement of six months in facing the people at a Senate election, as it would have to before the end of June next year. For reasons of short-term expediency, it would succumb to the Labor Party's idea of doing away with the Senate entirely.

Speaking from where I do—the small electorate of Merthyr in the capital city of Queensland—I say quite clearly that I advocate to the people that they should give no more power to Canberra, that they should safeguard the Senate as our place of protection in Canberra, and that they should vote a resounding "No" to the four proposals in the referendum to be held on 21 May this year, and I am confident that the sensible people of Queensland—indeed, the overwhelming majority of the people of Queensland—will follow that advice and vote "No" on 21 May.

Dr. SCOTT-YOUNG (Townsville) (4.24 p.m.): In thinking about referendums, I have given due consideration to the fact that they are the only means by which the average person can voice his approval or disapproval of any irregular attempt to change the Constitution.

Certain countries have constitutions, and there are certain methods of altering those constitutions. In the United States of America the Constitution can be changed by two means—by the combined efforts of the Federal and State Legislatures, initiated by two-thirds of both Houses and ratified by three-quarters of the State Legislatures; or two-thirds of the States may call on Congress to hold a convention for investigation of the proposed changes.

Another very interesting country is Switzerland, where the Constitution can be changed on a petition of 50,000 voters. When

you come to think of this, Mr. Deputy Speaker, it is a colossal power vested in the people. Switzerland has the highest living standard in the world today and is free from internal conflict. It probably is the only country in the world which can say that it is free from internal conflict. Despite its mixed population of Germans, French, Swiss and Italians, its people live in complete harmony. As I say, it can be asked to change its Constitution on the petition of 50,000 voters. The other interesting point is that in Switzerland political crises are unknown. Compare that with the situation in Australia—a young, vigorous country—where a large number of political crises have occurred within the past six years and we are now facing another one. In Switzerland the Constitution can be changed on a majority vote over the whole country and a majority of Cantons. The position is similar to that in Australia.

Various moves have been made to alter our Constitution. One, which failed, was designed to allow for the much easier passing of a referendum. Under the Constitution there needs to be a majority overall as well as a majority of States before the Constitution can be altered. Any proposal to alter it must be submitted to the voters.

Unfortunately Mr. Fraser and Mr. Whitlam often forget the voters. Mr. Whitlam definitely did, until he turned up for what he thought would be an overwhelming victory but actually turned out to be a rout. No general was so well and truly stoushed as Mr. Whitlam. He forgot the fact that the people still have the last say not only on elections but also on referendums.

In the Federal Parliament there exists an Opposition. The average citizen gauges the political warmth or atmosphere by reading the opposing points of view put forward by the Government and by the Opposition. It appears, however, that in Canberra at present there is no Opposition. All parties seem to be of the one colour—a pinkish hue. Suddenly we discover that the Liberal-National Country Party Government is advocating a referendum against which it fought and protested vigorously two years ago. In fact the wording of the proposals has not been altered in any way. Perhaps the change of heart on the part of our Canberra politicians should be investigated.

A proposal on which I wish to speak is the one that will give to inhabitants of the Northern Territory the right to vote. If anyone reads the Constitution he will find that there is no need whatever for such a proposal. Under sections 121 and 122 the Commonwealth is given the power to establish new States. Section 121 provides—

> "The (Federal) Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit."

Section 123 refers to the limits of States. As I say, under the Constitution new States can be established. Therefore I cannot understand why the Fraser Government wants to alter the Constitution.

As the Prime Minister is considering changing the Constitution, he should think about changing section 125, which refers to the seat of Government and which gave rise to one of the greatest disasters Australia has known. The seat of Government has become a financial burden on the people; it is remote from the main cities and centres of dense population; it is totally remote from our lines of communication and the main industrial complexes; and its members of Parliament and public servants become mentally and emotionally aloof from the rest of the Australian population and live in a fantasy world of their own, divorced from the rest of the nation. These are the people who are bringing forward to the ordinary sensible person, every Tom, Dick or Harry, the proposals that he is asked to vote on. Inhabitants of the A.C.T. lack the mental stimulus of contact with larger communities and the pressing needs of such communities. They must therefore be less fit to deal with the problems of government.

The problems created under section 125 will undoubtedly increase as population and industry expand, with their attendant increasing socio-economic problems. If the Commonwealth wants to give a vote to the people of the Territories, it should first give them Statehood. We must not permit a plan to be foisted on the public whereby a concentrated minority can act as a whip for use on the rest of the community. The concentrated minority will usually follow the policy dictates of the party in power, especially in Canberra.

The most sinister of all the referendum proposals is the simple one on the retiring age of High Court judges. Section 72 (ii) of the Constitution, which deals with the appointment and removal of High Court judges says—

> "Shall not be removed except by the Governor-General in Council on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity:"

It is a known fact that age has certain effects on people. One effect is that it gives a man judgment and balance. His decisions and future actions are based on knowledge and a rich background. No man appointed to the High Court of this nation is an idiot. He can only benefit by maturity and age. We might even see Justice Murphy

become more Christianlike and lose many of his humanism ideas; he may think more of the people of the nation than his personal ego. There is even hope for that.

It is rather interesting to read the proposed changes. The High Court is an interesting court. Its province is to interpret the Constitution of the Commonwealth and Federal and State statutes; it is a Court of Appeal from the courts of the States, and it is a court of original jurisdiction. That is a very important fact. These functions make this court powerful. On looking at the changes in the Constitution, especially those to section 71, I see that this is the most far-reaching section in the Constitution. The High Court interpretation of this section has done what referendums could not do. It altered the Constitution by legal procedures. That should make us realise that the so-called simple change is a step in the direction of stacking the High Court politically to advance the whims of a centralist Government. This is not necessarily a socialist A.L.P. Government. It relates to the most treacherous of all types of Government, that is, a centralist Government in the sheep's clothing of Liberalism. On looking at the alteration relative to judges, in paragraph 6, it says—

> "The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court treated by the Parliament and may at any time repeal or amend such a law, . . ."

It then uses a little bit of soft soap to give the impression that it is not as bad as it appears. It says—

> "but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment."

That, subject to interpretation by a lawyer, leaves a lot to be explained. It leaves the door wide open. I emphasise the words "may at any time repeal or amend such a law." Those are the key words. This nice little pill will allow the Federal Government, centralist as it is—and it has not changed at all since Fraser got in—to stack the High Court. It will allow the Government to remove people who do not agree with its ideas. It may change the age. A judge who is 65 may not like the legislation put through, so the Government can quite easily alter the date of his retirement and get rid of him.

These referendum proposals give me the impression that there are now in charge in Canberra a group of politicians completely divorced from the electorate. They live in a madhatter's castle in the A.C.T. and are quite willing to sacrifice the Constitution of their country for political survival and political gain. It must make all clear-thinking Australians sick of politicians. No wonder they don't want any more politicians! The man in the street sits and listens and reads—and he is no fool.

The about-face of the Federal Government must demonstrate to the public the shallowness of character of Mr. Fraser and highlight the attitude of our Premier. The Premier's stand again demonstrates his honesty and integrity and that he is a true patriot and a champion of federalism and democracy.

Mr. YEWDALE: Mr. Deputy Speaker——

Mr. WHARTON: Mr. Deputy Speaker——

Mr. DEPUTY SPEAKER (Mr. Gunn): I call the Minister for Aboriginal and Islanders Advancement and Fisheries.

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

> "That the question be now put."

Mr. YEWDALE: I rise to a point of order. I was on my feet; I received the call; I started to speak and you called the Minister.

Mr. DEPUTY SPEAKER: Order! The Minister has moved that the question be now put.

Question put; and the House divided—

Ayes, 56

Ahern
Akers
Alison
Armstrong
Bird
Bjelke-Petersen
Brown
Byrne
Camm
Campbell
Cory
Deeral
Doumany
Elliott
Frawley
Gibbs
Glasson
Goleby
Greenwood
Gygar
Hales
Herbert
Hewitt, N. T. E.
Hodges
Hooper, K. W.
Hooper, M. D.
Kaus
Kippin
Knox
Kyburz
Lamond
Lamont
Lane
Lee
Lester
Lickiss
Lindsay
Lockwood
Lowes
McKechnie
Miller
Muller
Neal
Porter
Row
Scott-Young
Simpson
Sullivan
Tenni
Tomkins
Turner
Warner
Wharton
Young

Tellers:

Bertoni
Moore

Noes, 11

Burns
Casey
Dean
Hooper, K. J.
Houston
Marginson
Prest
Wright
Yewdale

Tellers:

Jones
Melloy

Resolved in the affirmative.

Question—That the motion (Mr. Bjelke-Petersen) be agreed to—put; and the House divided—

AYES, 57

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

NOES, 11

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

Resolved in the affirmative.

PROPOSED RAILWAY TO GREGORY MINE AND CLINTON ESTATE

INITIATION

Hon. K. W. HOOPER (Greenslopes—Minister for Transport): I move—

"That the Acting Speaker do now leave the chair and the House resolve itself into a Committee of the Whole to consider the following resolution:—

'That the House approves of working plans and sections and book of reference of proposed railway connections from the vicinity of Tolmies Siding (Central Line) to Gregory Mine and from Callemondah (near Gladstone) to Clinton Estate.' "

Motion agreed to.

COMMITTEE

(Mr. Row, Hinchinbrook, in the chair)

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (4.55 p.m.): I move—

"That the House approves of working plans and sections and book of reference of proposed railway connections from the vicinity of Tolmies Siding (Central Line) to Gregory Mine and from Callemondah (near Gladstone) to Clinton Estate."

This motion deserves the support of honourable members as it is an integral facet of another major coal-mining venture which in turn will give rise to increased revenue to the State and more job opportunities and associated benefits.

Queensland Coal Mining Co. Ltd., a subsidiary of Broken Hill Proprietary Co. Ltd., has been considering the development of the Gregory Coal Mine since early 1974, when initial discussions took place between the company and various Government departments. A downturn in the economic climate delayed the company's progress in this project, but in recent months negotiations between the company and several Government departments have reached the stage where the company considers it appropriate to proceed with the preliminary design of the new railways.

To gain access to the existing Central Railway Line, it is proposed that a new railway line of 67.9 kilometres be constructed from the Gregory Mine to a junction near Tolmies Siding, 13 kilometres west of Blackwater, in Central Queensland. It is also proposed that a new railway line 7.7 kilometres long be built from Callemondah Sidings to the Clinton Estate port, which is about four kilometres north-west from Gladstone. These two branch lines would meet the requirements of the prospecting company, Dampier Mining Co. Ltd., a wholly owned subsidiary of Broken Hill Proprietary Co. Ltd., which has the backing of the total resources of the B.H.P. group of companies.

By way of explanation—the Queensland Coal Mining Co. Ltd., which made the original approach to the Railway Department on this project, has made application for a mining lease covering the coal deposits in the area known as Gregory Mine, and it will be subleasing the area to the Dampier Mining Co. Ltd.

It is estimated that there are 75 000 000 tonnes of various grades of coal reserves at the Gregory Mine, which is 40 kilometres south-east of Capella. The company's present plans are to transport 3 000 000 tonnes of coal per annum by rail from the Gregory Mine to the Clinton Estate port at Gladstone. This 3 000 000 tonnes will boost the annual haulage rate of coal to about 12 000 000 tonnes from the Blackwater area to Gladstone by late 1979.

Apart from the construction of the two branch lines, it will be necessary to undertake a major upgrading programme for the Central and North Coast Lines and provide additional railway facilities in certain areas.

The company's own consultants have carried out a survey for the proposed branch lines, while officers of the Queensland Government Railways have examined the requirements for handling the additional coal traffic on the Central and North Coast Lines. An

agreement will be concluded between the Commissioner for Railways and the Dampier Mining Co. Ltd. for the transport of 3 000 000 tonnes of coal per annum from the Gregory Mine to the Clinton Estate port.

At the same time, it is also proposed that the existing annual commitment of 800 000 tonnes of coal from the Cook and Leichhardt Mines be handled at the Clinton Estate installation instead of at Auckland Point.

The heavy volume of traffic already operating on sections of the North Coast and Central Lines requires that the size of the unit coal trains be increased. The Railway Department proposes that the Gregory traffic, along with trains from the Cook and Leichhardt Mines and the Gladstone Power Station traffic from Boorgoon, be handled in Locotrol-equipped trains consisting of five 90-tonne diesel-electric locomotives and one hundred 71-tonne wagons. Crossing loops are at present installed for the operation of only three locomotives and 69 wagons, so it will be necessary to extend the loops to operate the 100-wagon trains. As well as the loop extensions and other track work, a sizeable diesel shed and wagon-servicing complex will be built at Callemondah for the traffic which will terminate there.

The unparalleled increase in traffic on the Central and North Coast Lines since the first coal was railed from the Blackwater Mines in the late 1960s has seen an accompanying development in train size from 55 wagons each of 16 tonnes gross hauled by a solitary diesel to the proposed five-diesel 100-wagon trains, with a payload of many thousands of tonnes.

The efficiency and benefits of Locotrol-operated trains have been proven on the Goonyella line and this system will enable the department to continue increasing its hauling capacity on the Central and North Coast Lines.

New locomotives and rolling-stock will have to be purchased if the department is to effectively haul the 3 000 000 tonnes of coal annually.

The additional rolling-stock will comprise 18 91.8-tonne diesel-electric locomotives, 374 bottom dump hopper coal wagons and five sets of Locotrol equipment—all costing an estimated $27,340,000.

Railing of coal from Gregory and from Koorilgah, which handles the Cook and Leichhardt deposits, will be achieved by utilising unit trains each of 100 71-tonne wagons.

Each train will have a net capacity of about 5 400 tonnes and will be hauled by five locomotives to Clinton Estate, where they will be unloaded through the bottom dump unloading installation to be provided by the company in association with the Gladstone Harbour Board.

The proposed railway connection requires the construction of a major rail bridge over the McKenzie River together with a number of smaller bridges over other watercourses. The McKenzie River bridge will consist of 22 spans, giving a total length of 564 metres. This bridge is vital to the completion of the branch line to Gregory and is expected to take about two years to construct.

The permanent way of both new lines will be laid with 47 kg rail and provision has been made for a new station at the junction of the Gregory line and the Central line. Two crossing loops will also be constructed on the Gregory line for train crossing purposes.

The Gregory branch line will pass through a number of pastoral holdings, which will result in the resumption of 267 hectares.

On the other hand, the proposed Clinton Estate branch line passes through Crown land occupied partially by the Department of Commercial and Industrial Development and partially by the Gladstone Harbour Board. The area required for the passage of that line is 71 ha.

The estimated cost of the two branch lines is $22,000,000, but in addition a sum still to be agreed upon will be provided for upgrading the Central and North Coast lines and the Callemondah complex, which includes the marshalling yard and diesel and wagon-servicing facilities.

It is proposed that the Dampier Mining Co. Ltd. lodge a security deposit equivalent to the capital for the project. This deposit will be available for use by the Commissioner in building the new lines, purchasing the locomotives and rolling-stock and for upgrading the Central and North Coast lines.

Provision will also be made in the agreement for the transport of minimum annual tonnages to qualify for a refund of the security deposit.

Because of the time factor involved in building the new lines and delivery of the rolling-stock, it is expected that the haulage of coal from the Gregory Mine will not commence until mid-1979.

The actual revenue which will be derived from these new lines will vary according to the movement of each of the escalation components of the freight rate.

These two branch lines are being built specifically for the haulage of coal, but in determining the probable revenue to flow from this rail traffic, the total length of the haul involved must be taken into consideration—in other words, from the Gregory Mine over the new Gregory line to the Central Line, then to Callemondah by way of the existing Central and North Coast Lines, and then from Callemondah over the other new section of track to Clinton Estate.

Although coal will be hauled over the section of line from Callemondah to Clinton Estate from both Gregory and Koorilgah, the extra revenue will result only from the coal hauled from Gregory as the coal from

Koorilgah is being railed under an existing agreement with the Queensland Coal Mining Co.

The probable additional revenue to come from the 3 000 000 tonnes of coal each year will be $24,000,000.

Working expenses calculated in terms of the new sections of line only between Gregory and the junction with the Central Line and the section of line from Callemondah to the unloading installation at Clinton Estate are estimated to be $1,900,000 per annum for the transport of the 3 000 000 tonnes of coal, from Gregory to the junction with the Central Line and 3 800 000 tonnes annually from Callemondah to Clinton Estate.

As well as the working expenses for the two branch lines, there will be other expenses associated with the haul over the Central and North Coast Lines.

The Dampier Mining Co. Ltd. hopes to complete negotiations for long-term sales contracts at an early date. Naturally, these negotiations are essential before the company can give the project its final seal of approval.

Likewise, the conclusion of an agreement between the company and the Queensland Government Railways is dependent upon the satisfactory negotiation of long-term sales contracts.

A key factor in the successful negotiations will be the knowledge that the construction and provision of railway facilities has been approved by this Parliament. I therefore commend this motion to honourable members.

Mr. JONES (Cairns) (5.6 p.m.): The report as presented to Parliament and outlined by the Minister for Transport concerning the proposed railway connection from the existing trackage at Rangal to Tolmies Siding and to Gregory Mine, and from Callemondah to Clinton Estate, has been perused by the Opposition in the short period since it was tabled. The Opposition supports the proposal.

I know that the honourable member for Port Curtis will welcome the capital investment of some $50,000,000 in his area. As outlined by the Minister, it depends on certain propositions and agreements between the companies involved and the Railway Department. It was pleasing to hear the Minister say that this will be enhanced by the approval of this motion by Parliament. I am sure that the honourable member for Port Curtis will detail the local effects of the proposed linkage on employment opportunities and its effect on instrumentalities such as the local harbour board.

A perusal of the report indicates that B.H.P. has compiled the preliminary information on the new railway and has prepared the plan section, books of reference and so on, which have been tabled, to meet the sublease requirements by the Dampier

Mining Company, which we all know is a subsidiary of Broken Hill Pty. Ltd. They are the people who will be doing the mining at the Gregory Mine, although the Queensland Coal Mining Co. Ltd. has applied for the mining lease.

The construction will comprise a spur line into a mining area from existing trackage, and another spur on the Gladstone end into the Clinton Industrial Estate, which is situated on Crown land and has been developed by the Department of Commercial and Industrial Development. Loading and unloading operations will take place there. I am sure that the honourable member for Port Curtis will outline the advantages to be gained by unloading on that side of town, how pollution problems will be affected, and how other difficulties will be surmounted by the facilities being placed in that locality.

The 67.9 km of line on the Gregory end and the 7.7 km on the Gladstone end will be additional trackage in the Queensland Government Railways. The security deposit, which is not set out specifically, will be available to the commissioner for constructing the new railway and acquiring rolling-stock.

It is noted also that a contribution is to be made by the company through a security deposit towards the upgrading of the Central and North Coast Lines as well as the provision of marshalling yards and diesel and wagon service facilities at the Callemondah end. I note further that the additional locomotives and rolling-stock required will include 18 90-tonne diesel-electrics. I again seek an assurance that tenders for those be let to Queensland companies. I trust that, in view of the information provided to me on the last occasion when a motion of this type was before the Committee, the order for these 18 locomotives will not be placed overseas.

Obviously, the successful operation of the Gregory Mine will depend on this railway connection. I trust that from the facilities provided benefits will accrue to the Railway Department and the community of the State; that it will not only assist in the development of the State but also make a contribution towards better working conditions for railway men generally; and that the transport of this 3 000 000 tonnes per annum will advance the prospects of the Railway Department's becoming profitable. I think the Minister said that the exploitation of this 79 000 000-tonne reserve will begin in mid-1979.

We entirely support the proposal.

Mr. PREST (Port Curtis) (5.12 p.m.): I join with the honourable member for Cairns in supporting this motion. Members of the Opposition are very pleased that there is to be further development of the coal-mining industry in Central Queensland. The benefit from this development will be felt not only in the area of the mine itself but also in other Central Queensland areas such as Gladstone.

We are very pleased with the proposal put up by the commissioner. Everything has been covered in it. We know Mr. Goldston for what he has learnt and achieved in Central Queensland. No person in Queensland is better suited to make this report to Parliament. The spur line of 67.9 kilometres from Tolmies Siding to the Gregory Mine will be of great advantage to Central Queensland. It will take up some of the unemployed in that area. The construction of the 564-metre bridge over the McKenzie River will also create employment.

We know that Central Queensland Mines have for a long period been struggling to meet their coal requirements. It is very pleasing to see that, as well as getting 800 000 tonnes a year out of the Cook and Leichhardt mines, 3 000 000 tonnes a year will be produced at the Gregory Mine. The cartage of that amount of coal will in itself put a lot of pressure on the Railway Department. However, we are sure that it can and will be done, because the men at the top are aware of the problems that will be created.

A lot of job opportunities will be created from the requirement for 374 hopper-type wagons, 18 diesel-electric locomotives and five sets of locotrol equipment. We sincerely hope, as the honourable member for Cairns said, that a lot of the work will be done in Australia and, in particular, in Queensland.

From Callemondah to Clinton Estate will be a very big industrial area, as we all know, and it is very pleasing to hear that this proposal provides for bringing marshalling and dieselling services to that area also. For quite a period it has been the desire of the Gladstone Harbour Board to export coal from the Clinton Estate area because in doing so the dust pollution from the coal will be taken from the south-easterly side of the town to the north-westerly side. This in itself will be a great benefit. We sincerely hope that over a period not only B.H.P. or Dampier but also some of the other coal exporters, such as Thiess Peabody Mitsui and Utah, which export coal through Gladstone will use the Clinton Estate area because this would make Gladstone a much cleaner town and make life much more pleasant in the beach area that we had some years ago. In addition, we suffer noise pollution from the trains, which is understandable. If these problems will be overcome by this proposal in the long term, Gladstone will reap great benefit from it.

We have no hesitation in giving our approval to this proposal. It will increase the revenue of the Railway Department and will create employment in that service. Overall the railwaymen do a very good job. They work long hours. It is pleasing that once again the tonnage will be increased greatly. The Gregory Mine has a capacity of 75 000 000 tonnes so that its existence for the next 25 years will be wonderful.

I say once again that the Opposition agrees with the proposal.

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (5.17 p.m.), in reply: I thank the honourable members for Cairns and Port Curtis for their support of the motion. I thank the honourable member for Port Curtis for his kind remarks about both the Commissioner for Railways (Mr. Goldston) and the railway workers. As both of those honourable members would know, support coming from people like them will be appreciated by all railwaymen.

Motion (Mr. Hooper) agreed to.

Resolution reported and agreed to.

TRAFFIC ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Row, Hinchinbrook, in the chair)

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (5.20 p.m.): I ask permission to move the motion in an amended form.

(Leave granted.)

Hon. K. W. HOOPER: I move—

"That a Bill be introduced to amend the Traffic Act 1949-1975 and the Traffic Act Amendment Act 1974, each in certain particulars and to construe certain evidentiary certificates."

Honourable members will be aware of a technicality which has arisen in connection with the use of the word "per" in a certificate of concentration of alcohol in the blood, whereas the relevant section of the Traffic Act refers to the word "to". The Act provides for the evidence of the number of milligrams of alcohol to 100 millilitres of blood, whereas certificates in this regard refer to a number of milligrams per 100 millilitres of blood. As a layman, of course, it is difficult to see the difference and, in fact, in the intention of the Legislature there is no difference. But, in order to resolve any doubt, the Bill will make the position clear.

In case any previous convictions for drink-driving are in doubt because of the form of certificate used to obtain those convictions, the Bill provides that certificates used in the past shall be deemed to conform with the Traffic Act and therefore it has the effect of validating those previous convictions. The continual resort to technicalities in defending cases of drink-driving against all the weight of other evidence is a matter of concern, but if this Parliament is to give guidance to the courts as to the spirit and intention of the law for its proper implementation, then from time to time amendments are unavoidably necessary.

The Bill also makes provision for a procedure to overcome the need for the attendance of an arresting police officer at the initial hearing of a drink-driving charge. As the law stands at present, the arresting police officer must be present at the initial hearing of a charge for an offence of drink-driving,

even though a plea of "guilty" could be entered or a remand sought by the defendant on that occasion.

In Brisbane, for example, a considerable number of persons would be required to appear the next morning at court consequent upon an arrest for drink-driving the preceding evening. This results in a number of police officers also being required often in off duty hours to be present at the courts in order that they might give preliminary evidence if any one of the persons arrested by them and released on recognizance or bail does not appear to answer the charge against him. This is necessary in order that the court might consider the question of estreatment of recognizance, forfeiture of bail or the issue of a warrant for arrest at the initial hearing. However, experience has shown that of the number of persons who are required to appear at the initial hearing, those who do not personally do so would be very small. The attendance of the arresting police officer on all occasions, for what is generally a routine initial hearing, on the off chance that one or more of the persons charged may not personally attend, is not considered to be justified.

Adequate safeguards are provided to ensure that a warrant is not issued for the arrest of a defendant or an order made for estreatment of a recognizance or forfeiture of bail unless the court is satisfied that there is sufficient evidence for this purpose.

Honourable members will appreciate that it could be said of the Traffic Act that it mirrors the changes that are occurring in our society today in many areas of interest to the community. It will be recalled in this connection that the Honourable the Minister for Justice and Attorney-General has already indicated that the law relating to evidence in civil proceedings is being updated to take account of present-day requirements. Similarly, this Bill will remove a statutory impediment to the admissibility of evidence in civil proceedings arising from accidents—of the providing of a specimen of breath or blood under the Act and of the result of the analysis of the specimen.

This would then leave the question of the admissibility of such evidence to the court of civil jurisdiction, which is the proper place where questions of this nature should be resolved, and the admissibility and the cogency of any evidence, including that of a breath analysis or blood analysis certificate, determined according to law, having regard to the facts before the court. In the interest of justice, the court should not be fettered in any way in its determination of any matter. The removal of the impediment will avoid any conflict that might arise in relation to the proof of a conviction as evidence of relevant matters in civil proceedings based on the same facts relevant to such conviction.

The other amendments are of a minor nature dealing with the question of the protection of the Commissioner for Transport in regard to the supply of accident information from official records similar to that presently afforded the Commissioner of Police, and the updating of the definition of "vessel" under the Act to include "air cushion vehicle", which is a modern development of transport.

The Bill is a necessary one to overcome some of the problems that have arisen, either technically or administratively, in the implementation of our drink-driving laws, apart from the other minor amendments. I commend this Bill to the Committee.

Mr. JONES (Cairns) (5.27 p.m.): In introducing this measure, the Minister for Transport said that the Traffic Act mirrors the changes that are occurring in our society today. The decision of a magistrate at the Holland Park Magistrates Court in relation to a blood alcohol certificate caused a very late amendment to this Bill, which has probably delayed its introduction until this stage of the session. It is rather interesting to note that the magistrate dismissed a charge on the ground that the blood alcohol certificate did not comply with the strict terms laid down in the Traffic Act. He upheld a defence argument that the Act contained the phrase "milligrams of alcohol to 100 millilitres of blood" whereas the wording on the certificate was "milligrams of alcohol per 100 millilitres of blood". The Minister said that this measure will clarify the point and will in fact validate previous convictions which have been in doubt because of this technical point.

No doubt the legality of this new provision will be determined by the courts and in due course we will be back again debating sections 16 and 16A of the Traffic Act. It seems to me that this new definition will be a further ground for argument between lawyers.

The other point raised by the Minister in relation to the Act was the statutory impediment to the admissability of blood alcohol certificates as evidence in civil proceedings arising from accidents. I suppose that is commendable in that certificates which were not previously admissable may now be admissable.

The final point mentioned by the Minister was the updating of the definition of "vessel" under the Act to include air-cushion vehicles. I thought that had been done already. Was that under the Carriage of Goods by Land (Carriers' Liabilities) Act?

Mr. K. W. Hooper: There was a special Act, if you remember.

Mr. JONES: I remember debating the question of air-cushion vehicles running between Brisbane and the Gold Coast and what would happen if they had to cross the right-of-way of a railway line.

Mr. K. W. Hooper: It covered only that particular position.

Mr. JONES: It was not included in the Traffic Act.

A couple of points relative to breathalysers have arisen over a period. One is the fundamental premise of the police applying the breathalyser test to people who had not actually committed a breach of the Traffic Act. I recall having debated this question over a long period—I think it was raised as far back as 1969—and I thought that the problem of the motorist being pulled up although not being observed to be in breach of the Act had been overcome. A number of innocent people were being pulled up at the roadside and subjected to a breathalyser test when in fact they had not infringed the Act. A public debate took place on the question of over-zealous police harassing innocent people, from which the suggestion of random breath tests arose. I hope the implementation of that suggestion has never been contemplated.

The mention of random breath tests brings to mind something that I saw on television recently and comment in the Press about alcometers. Apparently this is being used overseas as a self-determining factor, and I think the question should exercise our minds as to whether its availability would assist in decreasing the incidence of drink-driving and whether the Government should facilitate its introduction. It has been stated that publicans and the Licensed Victuallers Association are not averse to having machines of this type on their premises. By inserting a 20c piece, apparently, one can get an indication of the degree to which one is affected by alcohol. I suppose there is ground for argument as to whether such machines should be introduced into hotels or whether there is any legal restriction in Queensland on having them in licensed restaurants and other licensed premises Personally, I do not see any reason why machines of this type should not be available to people wishing to use them as vending machines. They might at least give people a guide and be of some assistance to those who over-indulge in alcohol.

Of course, the Bill has not yet been printed and we do not know what its exact wording will be, so I shall leave further discussion till the second reading. However, I shall take the opportunity of mentioning another matter related to the Traffic Act.

A great deal of public debate has taken place on the recent amendments to the uniform traffic code relative to pedestrian crossings, particularly crossings that have been in use for some considerable time and the warrant for which is now being withdrawn. I instance the small town of Gordonvale, where pedestrian crossings in the central business area have been painted out. This has caused a good deal of confusion and could result in accidents occurring while people adapt themselves to the new conditions.

Mr. Frawley interjected.

Mr. JONES: We are discussing the Traffic Act, and I think it is rather important to point out that accidents may occur by default in such circumstances. The Minister, in association with the Minister for Local Government and Main Roads, should be examining these new procedures. The warrant should not be withdrawn, particularly in busy thoroughfares. I am speaking in the interests of road safety and of saving life.

I have noticed that some zebra crossings and marked crossings in the vicinity of schools have been withdrawn. This has occurred at the Gordonvale State School and at the St. Francis Xavier School in Alfred Street, Cairns. Admittedly school crossings may be used by children only once, twice or three times a day. Nevertheless that is not sufficient reason for withdrawing warrants from those crossings. This is a matter that the Minister in charge of road safety should be looking at. It is one that is brought forward from time to time by the public.

I realise that the installation of school crossings depends on traffic counts and certain other requirements being met. But I do not think school crossings cause a great deal of inconvenience to motorists. "Slow down" signs are erected near schools, so I do not see that a motorist suffers a disadvantage by having to stop at a pedestrian crossing near a school. The advantages of pedestrian crossings far outweigh the disadvantages. The death of a child on a road near a school is a tragedy that we can ill afford. I am opposed to interference with pedestrian crossings near schools. In fact, all school crossings should be clearly marked zebra crossings. The traffic count requirement should be abolished. The volume of traffic, no matter how small, near a school should not determine whether or not a crossing is installed near it.

Recently I read of the painting of signs on roadways. Such signs as "School crossing ahead", "Give way" and "Rail crossing ahead" are painted so that they can be easily read by the oncoming motorist. Instead of having his attention distracted by signposts at the side of the road he has his attention drawn to the roadway ahead of him. At one stage speed limits were painted in large figures on the roadway, particularly in areas where speed limits change. In Britain expensive roadside signs are being torn down and replaced by signs painted on the roadway. As I say, such roadway signs focus the attention of the driver on the road instead of distracting him as roadside signs do.

Roadway signs could be painted near intersections. I believe that in Great Britain double solid white lines mean that opposing traffic has priority or that visibility is bad so that motorists should stop before entering and that double broken lines mean that traffic on the intersecting road has priority, that visibility is good and that the motorist should slow down before entering. Such indicators are being used in a transitional

period in conjunction with uniform road markings and pavement markings. They assist the flow of traffic and help prevent accidents. Furthermore, their cost is minimal. Investigations into the durability of paint have found a type of paint that can withstand a heavy volume of traffic. If it is working in Britain I see no reason why it cannot be used on Queensland roads. Obviously it resists traffic and weather for long periods. The motorists have been accustomed to signs. In a transition period they could be used in conjunction with the new warning signs and phased out later. In the interests of road safety this matter should be brought to the attention of the Australian Transport Advisory Council when it next meets.

Free copies of the Queensland Traffic Code handbook should be more readily available to motorists. I suggest that they be on issue at police stations and service stations. I do not think people would exploit the situation by asking for a free handbook whenever they visited a service station. But even if they did so it might cause them to read the book more often and thus become more aware of our traffic code. If the book were more readily available, the chances of its being read would be increased and the traffic code would be better understood. I have received numerous complaints from motorists and people in the transport industry about the unavailability of this book. Ignorance of traffic regulations is not an excuse under the law. The Government should not be shown to be a party to enhancing ignorance. The availability of the booklet is of paramount importance. If it is in short supply, we can only condemn the department responsible. If it is a matter of cost, the cost of the publication should be balanced against the lives that may be saved. The booklet should be available on demand.

The Opposition will study the provisions in the Bill. I did not quite catch the significance of the certificates in civil actions. We will study the relevant provision and we will raise this and other matters in detail at the second-reading stage.

Mr. LANE (Merthyr) (5.43 p.m.): I am happy to support this legislation which is designed to implement several useful procedures. The items contained in the legislation when the Bill first came before us a couple of weeks ago relate substantially to machinery matters and will facilitate several procedures in the courts. The provision referred to by the Minister concerning the admissibility of certificates in civil proceedings could well slide through without creating much interest. However, a couple of other matters have been raised which could well be controversial or create greater public interest.

I refer firstly to the amendment which puts beyond doubt the words that were used in certificates. I refer to the words "per" or "to" in the wording describing the number of milligrams of alcohol content in the blood. Obviously that needed cleaning up. It would be quite improper if people were to escape being dealt with under the law because of the misuse of one small word in a certificate, so the Minister has quite properly proposed an amendment to that Bill.

The amendment to which I wish to devote my time is that which, frankly, relates to random breath tests. It is a matter that I raised in Parliament several months ago, when I related how a handful of unscrupulous police officers were conducting random breath tests on the flimsiest excuses, contrary to the spirit of the Government's policy on this matter. I said then that this was done by those officers as a bounty-hunting exercise, to secure for themselves overtime payments for appearances in court the following morning. Honourable members will recall my complaints on that occasion.

Since I made that speech, which was recorded in the Press at the time, I have personally received a number of complaints from constituents in my electorate indicating that the position has not changed. In recent months at least three other members of Parliament have been under pressure from their constituents to have the matter remedied.

I had supposed, when I raised the matter several months ago, that it could have been attended to administratively. I know that an attempt was made to do just that. However, because of the difficulty of supervision of officers working on their own or in pairs on late shifts, that was not successful. Therefore, some further action was necessitated—an amendment to the Traffic Act—to remove the profit motive.

What happens—and I related on a previous occasion how it happened to me—is that a handful of officers working in patrol cars in the city on late shift stop motorists and say, "Excuse me, sir, but your tail-light is flickering.", or, "The light above your number-plate seems to have something wrong with it.", or, "You did not indicate your intention of changing lanes." This sort of thing happens on deserted roads late at night. When the driver alights from his car, the police say, "While you are here, please blow into this bag." Of course, they impose their own random breath tests by this method on the flimsiest of excuses, in a manner quite contrary to the Government's policy and direction.

The Queensland Government has made it very clear that it is opposed to random breath tests—and on very good grounds. It is important to ensure that the civil liberties of the public at large are not interfered with. The Government takes the view, I know, that it will not have the public at large subjected to random breath tests in order to secure a few convictions by casting a wide net in this way.

I agree with this proposal. However, as I related, a small group—and I am happy to be able to say that it has been just a handful of police officers, most of whom are well known around the courts—have been getting around this Government policy and Government direction by finding any flimsy excuse to impose a breath test. I know that in one month alone—January this year—something like 30 breath tests conducted in the Valley area produced negative results when the people apprehended blew into the alcotest equipment.

Mr. Moore: You are talking about bounty hunters.

Mr. LANE: That is what they are. Those are the words I used when last I spoke.

Following the arrests made in this random way, the police officers are then required under section 16 (9) (a) (ii) of the Traffic Act to appear in court the next morning on the off-chance that they are required to give sworn evidence of the arrest so that, in the event of the non-appearance of a defendant, a warrant can be issued. If 100 arrests have been made for committing the offence of being in charge of a motor vehicle whilst under the influence of alcohol, possibly 100 police officers would have to appear in court the next morning to give evidence if the defendants did not appear. Most defendants do appear and it is probably only one in several hundred who does not appear to face the charge and forfeits his bail. So that in only one case out of several hundred would the police officer be required to give sworn evidence of arrest.

The Bill will remove the statutory requirement of the police officer being in court the next morning. In future there will be no need for strict supervision of how police officers conducted themselves the night before. The profit motive or the bounty of 3 hours' overtime (roughly $20) will not be involved. It is only a handful of police who have been doubling their salaries by collecting this overtime on a regular basis. As it became apparent to me over recent months that this practice could not be stamped out in any other way, I approached the Minister and requested this amendment and he was happy to accept it. I am pleased to say that the Minister for Police saw the wisdom of it and was happy to agree. That is how it has come before Parliament.

Other benefits flow from the Bill. In some cases persons do not appear in court through no fault of their own. They could be ill or, at the last minute, find that they have no transport available. The Bill will give them 24 hours' grace to appear before a warrant is issued. The 24 hours' grace is a concession or liberty which could well be extended. These cases do not involve criminals or people who normally abscond; usually they involve normal, average citizens who have had one drink too many and whose breath registered above the permitted level.

Also the department will be saved a large amount in overtime payments, because officers will not be required to appear in court needlessly.

It could be thought that, as a former serving member of the Police Force, I might make a lot of enemies with this proposal. I inform honourable members that I have received complaints about this practice from not only the citizenry but also police officers.

Mr. Moore: It puts the police in bad odour.

Mr. LANE: It does.

In fact, it was a very responsible police officer who suggested to me how the Traffic Act could be amended to achieve this end. I imagine I would have been approached by as many as 20 police officers over the past few months who have said, "We are very sorry that this practice goes on. Whilst section 16 (9) (a) (ii) remains in its present form, greed will unfortunately persist in a few police officers and this practice will continue. We think you should do something about it." The Bill will find favour with most police officers who have never approved of this practice and will be pleased to see the passage of this amendment. I am happy to have been its initiator in this Parliament.

Mr. DEAN (Sandgate) (5.56 p.m.): I am one who has no compassion whatever for the drink-driver. In fact, I think he should be referred to as a drink-driver murderer. My motto, like that of many others, is simply this: if you drink, don't drive.

What is now being corrected is a legal technicality, another loophole that the drink-driver has been able to use to beat the law. Some clever barrister or solicitor has found this loophole, which should never have been there in the first place. I cannot understand how deficiencies of this type can creep into Bills that are drafted by experienced and competent draftsmen. It is quite beyond my understanding. Although I am not one to go to extremes of suspicion, sometimes one might be suspicious of the way in which they seem to creep into legislation.

Drink-driving is increasing rather than decreasing. Now that Sunday drinking is permitted, one sees very many people at hotels at midday when they should be home having lunch. When the hotels close, they go away armed with bottles to tide them over till the next session. I hope the new legislation is to have retrospective effect on fines that have been imposed under the legislation as it presently stands. No protection whatever should be given to drink-drivers.

I am constantly dismayed by decisions given by courts in drink-driving cases. The drink-driver is usually heavily fined and in many cases his licence is suspended. But the damage that he has caused to the vehicle of another person seems to be of secondary importance. The drink-driver pays the fine

to protect his freedom. I know of a case concerning a woman whose car was smashed completely and who obtained a judgment for damages but could recover nothing because the person who caused the damage had no money to pay. People who cause damage and have no money to pay for it therefore go scot free. I do not think this should be permitted.

I am firmly of the opinion that the fine imposed for drink-driving and the amount awarded in respect of damage or injury should be given equal priority. If the drink-driver cannot pay, he should go to gaol. I know of a woman in the Bald Hills area who has gone absolutely scot-free and is laughing up her sleeve at the law. She paid a fine of $300 so that she could not be picked up and locked up, but the woman whose vehicle was completely wrecked by the action of the other woman has been able to get nothing, although she received a court judgment in her favour, because the one who caused the damage has no money left.

Mr. Moore: How could a person pay if he was in gaol?

Mr. DEAN: He should not have his freedom.

Random breath-testing was mentioned. I have no fear of any policeman pulling me up and submitting me to such a test. Police can do that to me any time they like, and I think that any person who drives a car should feel the same way. I do not think that the Traffic Act is sufficiently enforced. The drink-driver is given too much latitude and protection under the law. He is given too much freedom to kill other people. Personally, I should like to see random breath-testing extended.

Mr. Moore: Hang them by the thumbs, too?

Mr. DEAN: I know that what I am saying certainly irks some people because they know that at times they have been guilty of some offences and are lucky to have escaped the law. However, I agree with the proposed amendment.

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

Mr. FRAWLEY (Murrumba) (7.15 p.m.): I have a great deal of pleasure in supporting the Minister for Transport in his introduction of this Bill to amend the Traffic Act. I would like to explain at the outset that I am not considered a wowser in my electorate. I have a drink occasionally and I do not mind people drinking provided that by their drinking they do not interfere with the rights of others. And I state right now that I have no sympathy with anybody who is booked for driving while under the influence of alcohol. As far as I am concerned, if they are under the influence and are driving a car they are potential murderers, and the person they kill could be my wife, my child or one of my grandchildren. So I give the Bill my wholehearted support.

I did read of the recent case in the Holland Park Magistrates Court where a magistrate found that a blood alcohol certificate did not comply strictly with the Act. The blood alcohol concentration of the defendant, who appealed, was stated to be 108 milligrams of alcohol per 100 millilitres of blood. That is fairly interesting, because on 10 January this year Neil Kane, the secretary of the Electrical Trades Union and senior vice-president of the Q.C.E. was booked for being drunk in charge of a motor vehicle and the alcohol concentration in his blood was 140 mg of alcohol per 100 ml of blood, so I hope he does not try to get out of that by appealing.

Mr. Houston: Why pick him?

Mr. FRAWLEY: Because he is a no-good drunken bum; that is why. A lot of influence was used by Burton of the Printing and Kindred Industries Union to stop this case being publicised in "The Courier-Mail". The damage to Kane's car was estimated at $700 and the repairs were paid for by the Electrical Trades Union. That is how good he is, this senior vice-president of the Q.C.E. and secretary of the Electrical Trades Union!

The TEMPORARY CHAIRMAN (Mr. Kaus): Order! The honourable member will come back to the Bill.

Mr. FRAWLEY: I am just saying that it is shocking to think that he had 140 mg of alcohol per 100 ml of blood. He was well and truly drunk; there is no doubt about it.

Mr. Hinze: Is that what you call plastered?

Mr. FRAWLEY: Yes. "The Courier-Mail" was not game to print the facts, because it was threatened.

I have heard that on the same night or at about the same time John Atherton also was booked. His case was heard in a special night court and he got out of it. Then the unions threatened "The Courier-Mail" that if it did not keep Kane's name out of the paper they would publicise John Atherton's case. That is the information I have been given. I do not know whether it is true or false, but the information came to me on pretty good authority. It just shows some of the things people do to get out of these drink-driving charges.

As I said before, the Minister is to be commended for introducing this Bill. I sincerely hope that its provisions are retrospective and that nobody appeals on this technical point and gets out of a charge, because as far as I am concerned anybody convicted of driving while under the influence has to stand up and face the music. If people want to drink and drive they should face the consequences when the time comes and not try

to crawl out of it like big carpet snakes. Some of these drunks will go to any lengths to avoid their punishment.

I really believe that it will not be long before we will have to introduce a test of some kind which will determine whether people are under the influence of marijuana when driving a motor vehicle. Several surveys have been conducted on this in the United States and I think a test of this kind should be included in a future amendment of the Traffic Act. A survey of 710 accidents in America showed that 38 per cent of people involved in them were driving under the influence of marijuana. A lot of surveys have been conducted into accidents in Canada, too, and they disclosed that many of the drivers involved were under the influence of marijuana. I would say that as the use of marijuana expands in Australia and higher doses are taken, the road toll will certainly increase. I think that as the use of marijuana and other drugs increases the incidence of criminal offences will increase also. Much of the information about marijuana that has been made available to the public, including claims that it is absolutely safe, is a lot of hogwash. In my electorate I even had the experience of one schoolteacher bringing a way-out teacher from Sandgate to tell the parents and citizens' association that there was nothing wrong with smoking marijuana; it was safer than taking alcohol. That is an absolute lie, because these tests in America have proved conclusively that marijuana contributes greatly to road accidents. The Minister is listening to what I am saying, and I hope that he takes it into consideration and confers with the Minister for Health to see whether a simple test can be devised to determine whether people are driving under the influence of marijuana. If they are, they are potential killers and much more dangerous than people driving under the influence of alcohol. There is no doubt that, when combined with alcohol, marijuana really sends a person off the deep end.

In New South Wales, Neville Wran and his Government intend to decriminalise the use of marijuana, and the proposal that the smoking of marijuana be legalised has been put forward on several occasions at A.L.P. conferences in this State. I think it is a shocking indictment on any political party for it to attempt to do anything like that. If the party that I represent, the National Party, ever tried to legalise the use of marijuana, it would have my resignation in five minutes, and I stand by what I say on that.

Mr. Prest: They might take you up on it.

Mr. FRAWLEY: They can if they want to, but I do not believe that the National Party would ever do that. That is why I am a member of it. I believe that it stands for everything that is good and decent in this country. I certainly will never be involved in any move to legalise the use of marijuana.

I promised that I would speak for only a few minutes on this important amendment of the Traffic Act.

Mr. Yewdale: It has been a marvellous address.

Mr. FRAWLEY: It has not been too bad. I have done the job that I set out to do, anyway, and I congratulate the Minister for bringing the Bill forward.

Hon. K. W. HOOPER (Greenslopes—Minister for Transport) (7.22 p.m.), in reply: I thank honourable members for their contributions to the debate. The honourable member for Cairns indicated his support for the legislation.

The honourable member for Merthyr mentioned to the Committee that he was responsible for bringing to my notice the need for one of these amendments and requesting that it be included in the Bill. That is quite true; he did, and I pay him credit for it.

The honourable member for Sandgate, as always, was consistent in his remarks about drink-driving. He is totally opposed to it, and he supports the legislation.

The honourable member for Murrumba, who has just resumed his seat, offered advice about the taking of drugs, particularly marijuana, and certainly we will examine very closely the advice he has given us.

I inform honourable members that I will reply at the second reading to their various remarks. I hope that my voice will be a little better then. I commend the motion to the Committee.

Motion (Mr. Hooper) agreed to.

Resolution reported.

FIRST READING

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (7.25 p.m.): I move—

> "That a Bill be introduced to amend the Local Government Act 1936–1976 in certain particulars."

This Bill is essentially in two main parts. One deals with updating the Local Government Act to take into account recent changes in State Mining Regulations, as they affect local authority rating. The second deals with councils' powers in respect of declaring benefited areas for rating purposes, the levying of separate rates in these areas for specific purposes—among other things, to

correct apparent or emerging rating anomalies —and clarifications of town-planning provisions affecting non-conforming land uses and objections relating to them.

Honourable members will recall that recent regulations under the Mining Act deleted references to restricted mining claims and special gem claims, and references to alluvial mineral claims were repealed previously. These regulations now provide for one type of mining claim only, and in terms of the Local Government Act such a claim would not be rateable. The consequences of this would be obvious to members. The simplification and consolidation of the Mining Regulations has made necessary this complementary legislation, to restore local authorities' capacity to rate the particular types of mining claims referred to.

This legislation is a result of discussions between officers of the Department of Local Government and the Department of Mines, and will have the effect of:

(1) Validating rates levied during the current financial year on restricted mining claims, alluvial mineral claims and special gem claims;

(2) Declaring claims under the Mining Act rateable;

(3) Determining valuations of claims;

(4) Enabling rateable value of claims to be adjusted in future by the Governor in Council by Order in Council;

(5) Having current provisions relating to minimum general rates applied to claims under the Mining Act; and

(6) Extending the definition of an "owner" to include the holder or lawful occupier of a claim under the Mining Act.

To expand the explanation a little—the definition of "owner" is amended to include holders of claims under the Mining Act. As indicated, that Act no longer provides for the creation of restricted mining claims, alluvial mineral claims or special gem claims that were previously rateable under the Local Government Act—the holders of such claims being deemed to be the owners for rating purposes. The general term "claim" is now used in the Mining Act to embrace the former tenures, and the definition "owner" must be amended in the Local Government Act to include the holders of such "claims" so that the land concerned can continue to be rated.

Some honourable members would realise that the matter is of special concern to the gem fields area of the Shire of Emerald, and the Emerald Shire Council, in fact, would suffer a significant revenue loss if the Act is not so amended. A definition of "specified mining claim" is included. The term embraces claims registered under the Mining Act and restricted mining claims, alluvial mineral claims and special gem claims previously issued under the mining laws and still in force. This definition is necessary in connection with the valuation and rating of such claims.

Honourable members will note that it is proposed to amend the provisions of the Act dealing with minimum rate levies on mining claims. At present, a local authority has power to determine that the minimum general rate payable on special gem claims, restricted mining claims, and alluvial mineral claims will be different from the minimum general rate payable on other land. As previously stated, the above types of claim are no longer granted by the Mines Department, and the general term "claim" is now used to describe these forms of tenure. This particular amendment will provide that a local authority may levy a different minimum general rate in respect of mining claims.

In certain cases, a small mining lease may be taken out in lieu of a claim and, to preserve uniformity of rating, the Bill provides that a local authority may determine a different minimum general rate in respect to these types of leases, subject to the following conditions:—

(A) The leases must not exceed 2 hectares in area (for mining purposes) or 4 hectares in area (for treatment or other purposes); and

(B) The leases must be situated in areas declared by the Governor in Council to be areas in which a local authority may determine a minimum general rate on mining leases—for example, the gem fields area of the Shire of Emerald.

The provisions of the Local Government Act relating to the valuation of mining claims for rating purposes are proposed to be amended because the Mines Department has discontinued the granting of certain types of claims, as previously stated. The amendment in this respect provides that the rateable value of claims will be related to the dimensions of the claim, on the following basis:—

(A) Where the dimensions do not exceed 900 square metres, a rateable value of $150 will apply; and

(B) In other cases, a value of $450 will apply.

This method of valuing claims basically follows the method presently used in the Act for fixing the rateable values of the former types of claim. As in the present law, it is proposed that the Governor in Council will have power from time to time to alter the amounts of these valuations by Order in Council. This is necessary to keep the valuations in step with other valuations in the particular local authority area from time to time.

Provisions of the Local Government Act dealing with the definition of benefited areas, in respect of the levy of separate rates, are proposed to be amended. Under the Act, a local authority now has power to make and levy a separate rate for a particular function of local government in a benefited area defined by it. An example would be the making and levying of a separate rate on township lands, to defray the cost of street

lighting. The amendment provides that, before making and levying a separate rate, the local authority must obtain the prior consent of the Minister to the proposed benefited area.

The consent of the Minister would be also required if the local authority desired to divide the benefited area into subdivisions, or to include in one subdivision lands that are not contiguous. This amendment will allow separate rating and related benefited-area proposals to be scrutinised before they are implemented by local authorities.

The amendment relates to the power of a local authority to define a benefited area and make and levy a separate service rate to cover the cost of the local authority's contribution to a regional electricity board towards the expense of providing electricity extensions to rural consumers. Such a contribution is in the nature of a guarantee, and the board repays the amount to the local authority over a period of years.

It has been found that, in certain cases, lands benefiting from an extension may not be contiguous, and the Bill provides that, with the prior approval of the Minister, non-contiguous lands may be included in the benefited area.

As the separate services rate is a type of "separate rate" in terms of the Act, provision is also made for the prior consent of the Minister to be obtained to the definition of a benefited area before such a rate is made and levied.

In clause 3 (a) of the Bill, section 21 of the Local Government Act is amended to allow a local authority, by resolution, to exempt rateable properties of a specified class from a minimum general rate levy. It will be recalled that the Act was amended some years ago to empower a local authority to levy a minimum general rate to defray the cost of making and recovering the rate, and the basic costs of providing local governmental services—the levy being imposed on lands that have a very low rateable value.

The Local Government Association has drawn attention to cases where the levy of a minimum general rate on a particular parcel of land can result in an unjustifiable high levy. An example could be where a small road licence area is included in a farming property, and it becomes liable to the minimum general rate because it has a separate valuation, or where a small tenure exists for the purpose of a pump on a watercourse. The amendment is designed to empower the local authority, in its discretion, to exempt these classes of lands from the minimum rate levy. The granting of exemption from the minimum general rate will render the lands concerned liable to the normal general rate levy which will be lower than the minimum.

Mr. Moore: Slow down to 60 miles an hour; you are speaking too fast.

Mr. HINZE: Not really too fast for someone who can discern what I am saying. I would have expected the honourable member for Windsor to take this in quite easily.

Mr. K. J. Hooper: What can you expect? He's only a Liberal.

The TEMPORARY CHAIRMAN (Mr. Row): Order! We will have one interjection at a time.

Mr. HINZE: What, with a head like that!

The TEMPORARY CHAIRMAN: Order!

Mr. HINZE: In clause 5 (a) of the Bill before the Committee, the town-planning provisions of the Act are proposed to be altered to clarify a right to continue a use lawfully established at the time a town-planning scheme came into force, but which becomes a prohibited use under an amendment of the scheme. This type of situation very rarely occurs. The amendment is designed to provide that, in such circumstances, an owner of land has full rights to continue the use that was being lawfully made of his land at the time the amendment in question comes into force.

It also preserves the right of continuation of such a use where a building on the land is destroyed by fire or where the use of the building or land ceases for a period of six months or longer. In these circumstances, the amendment clarifies that the owner of the land or building concerned will have a right to apply to the local authority for approval to recommence the use or re-erect the building concerned for the purpose of resuming the use previously carried on. If the local authority refuses to grant such approval, the person concerned will have a right of appeal to the Local Government Court.

By clause 5 (B) of the Bill a machinery amendment is proposed to clarify an objector's right to object to town-planning proposals and to provide that objections must be lodged with the clerk of the local authority concerned.

Mr. Row, I think that gives honourable members an insight into what this Local Government Act Amendment Bill is all about, and I commend it to the Committee.

Mr. MARGINSON (Wolston) (7.36 p.m.): I listened with interest when the Minister for Local Government and Main Roads dealt with the many amendments proposed in this Bill. Most of them refer to mining claims, and particularly to the gem fields. It is quite obvious to me that the local authorities affected in Central Queensland are anxious to obtain some finance to assist them in the provision of amenities in that area. Because the Minister's speech was most difficult to follow at times, we will have a look at those provisions when the Bill is printed.

I am not very happy at any time with sections within particular local authorities being treated as benefited areas. I do not support the general principle. Having a benefited area departs from the principle that all local authorities should be responsible for certain things.

Mr. Hinze: Did you have any benefited areas when you were a member of the council?

Mr. MARGINSON: No. Though there were many areas that did not have sewerage —and it was a costly process to sewer the city—we would not have benefited areas. I do not believe there should be benefited areas for the supply of water. There are many other spheres in which the same objection is relevant. Tonight I am sure we will be involved in a discussion on a benefited area of the Albert Shire Council.

It seemed to me that in the main the latter amendments on the Bill dealt with problems being experienced by the Johnstone Shire Council in North Queensland. We will look at this very closely to see the implications of the amendments being placed before the Parliament.

However, while we are dealing with amendments to the Local Government Act, I wish to refer to another matter. In these times when there is talk of gerrymanders —about the boundaries of electorates and so on—whether we are heavy-handed or not, it is well to remind the Committee of two matters that I raised recently. One relates to the Redland Shire Council—and I am sorry that the member for Redlands is not here, because he happens to be a councillor of that shire—where there is a proposal to create a new division with a roll of 265 electors. Three other divisions in the same shire have over 3,000 voters. Although the Minister said that the 265 electors were residents of the islands that were recently brought under the control of the Redland Shire Council, I cannot see the justification in 265 people forming a division and electing a representative.

We all know, too, that in that particular shire council—this is fairly political, and I make no apology for it—although the numbers are not even, the balance is fairly close. The major party in that council at present is making an attempt to maintain its majority. This is one way in which I have no doubt that it will do it. With 3,687 electors in one division and 3,294 electors in another, there is no justification for having 265 in yet another division. I want to impress that on the Committee. There is no doubt that the National Party is using its gerrymander in the boundaries and divisions of local authorities.

I turn now to the Landsborough Shire Council. Part of this area is represented by the honourable member for Landsborough. At the time a councillor complained that one division contained 5,738 electors who elected five councillors whilst another division contained 318 electors who elected two councillors, or an average of 159 electors per member. This indicates the way in which the boundaries of our local authorities and divisions are being used today to keep in local government the people who support the National Party.

I remember coming to see the late Sir Harold Richter when he was Minister for Local Government. With other aldermen—not all of them Labor aldermen—I brought down a plan of the five wards in Ipswich which had been unanimously agreed upon by the Ipswich City Council. Four of the wards contained 5,500 people each and the other ward, which ran from Bundamba Creek to Gailes, contained 3,200 people because we considered they had a community of interest. A few years before, that area had been taken over from the Moreton Shire Council. The Minister told us point blank that we had to equalise the number of electors in each division. What a change of policy from equalisation of electors in five divisions in Ipswich to two members representing 318 electors in one of the divisions in Landsborough. The gerrymander is continuing in the State Parliament, too. Possibly they are copying what happened on the last occasion when Tommy Playford came here.

I turn now to the financing of local government. The Grants Commission divided among the 131 local authorities the money that was given to the State. I have heard honourable members, particularly the honourable member for Landsborough, complain about the bad deals their local authorities received. How can one full-time man working with four part-time men, as a commission, give justice to 131 local authorities in Queensland in the cutting up of the Grants Commission money? It cannot possibly be done. I advocate that the State should be cut into regions with full-time men who could concentrate solely on a region containing, say, 25 or 30 local authorities. They would have a much better idea of the financial requirements of those local authorities.

I say in conclusion that we will have a good look at this Bill so I ask the Minister not to consider moving its second reading tonight. We will come back tomorrow and express our thoughts on these amendments.

Mr. YEWDALE (Rockhampton North) (7.45 p.m.): The subject of local government brings to mind a host of problems close to the people and uppermost in their minds from day to day. The problem that I want to bring to the notice of the Committee emanates from a road transportation study. It is ironic that the Minister who is introducing this Bill tonight is also the Minister responsible for main roads.

Some little time ago the Main Roads Department carried out a road transportation study in Rockhampton, in particular in the area of North Rockhampton for which I am responsible.

Mr. Ahern: What has that to do with the Bill?

Mr. YEWDALE: If the honourable member for Landsborough would keep quiet for a moment he might learn something of a problem concerning people in the community. If he is not concerned with people's problems, he should not be here.

The road transportation study embraced quite a lot of my electorate. A number of houses have to be resumed, and several have already been taken over. In a joint approach to the study by the local authority and the Main Roads Department, certain areas have been defined where the roads will run, in conjunction with the bridge that it is hoped will be built in the foreseeable future—unless the Minister diverts the necessary finance to freeway construction in the south-east corner of the State.

The problem as I see it arises from roads that have been designated as complementary to the main highways and from resumptions that it seems will be made. I refer specifically to the cases of two owners of homes on a designated arterial road. In one case, maintenance or repairs had to be carried out by one owner to his house. His problem was to decide whether it would be worth while spending money on the home.

The TEMPORARY CHAIRMAN (Mr. Row): Order! I hope the honourable member realises that he is straying a little from the subject-matter of the Bill.

Mr. YEWDALE: I am coming to my point, Mr. Row. If you will allow me a little latitude for just a moment or two, I shall arrive at the very point.

The TEMPORARY CHAIRMAN: Order! The honourable member will address his remarks to the subject under discussion.

Mr. YEWDALE: I will, Mr. Row.

The arterial roads of which I am speaking are the responsibility of the local authority. By making that point, I think I have returned to the content of the Bill. The position is that one of the home owners to whom I referred desires to sell his property. That is obviously his right in what we are told is a free-enterprise system. I believe that he should at least be given some indication from someone in authority whether he can sell his property.

He went to the Main Roads Department in the belief that the house was involved in part of the road transportation study. He was quickly told by Main Roads Department officers, and quite correctly, that it was not within their province; it was an arterial road development and therefore a local authority matter. He approached the local authority, through the mayor of the city and then the town clerk, and was advised that they were contemplating resumption of the property for widening of the road to fit in with the road transportation study but they could not give any indication of when the work would be carried out or when finance for it would be available.

He asked for something more positive, both verbally and in writing if possible, and was told by the local authority that it could be within the next 10 years but it could not be certain. He consulted with his solicitor and the potential buyer, who was the third potential buyer who had approached him through his solicitor, and his solicitor advised him that, because of the encumbrances on the property as set out by the requirement of the local authority for the widening of the road to fit in with the road transportation study, he could not in all honesty sell the property to a potential buyer without indicating the encumbrances. The buyers were just not interested in view of the uncertainty about the resumption of that property. The solicitor advised him accordingly and the potential buyer, as in the two previous cases, decided that he would not buy the property. The only off-the-cuff advice he could get from the local authority was to sell the house for removal. I believe that is a ridiculous statement to make to a person wanting to sell his property.

In raising this matter tonight I appeal to the Minister to have a look at the situation. I will follow the matter up in writing and have the owner himself set out his case to the Minister in writing. It would seem to me that this chap is saddled with his property. I do not know why he wants to sell, and I believe that is his business, but if he had to leave the city tomorrow, either on transfer or for personal reasons he could not sell that property and unless the situation changes he may not be able to sell it for the next 10 years.

Mr. Frawley: What's he slinging you for this?

Mr. YEWDALE: He is not slinging me anything. Here is another inane interjection from a man who just spent 10 minutes bucketing a trade union official. He talks through his hat every time he stands up. His greatest claim to power is kicking old ladies' dogs, so I think he should shut up and listen.

I do not think this is reasonable. This chap should be given some concrete advice from the local authority. After consultation with the Minister and his department, the local authority should be able to make a positive statement. This is only one case. I believe that dozens of houses would be subject to this resumption. It is an old area and many of the residents have been living there for many years. They are in the latter stages of their lives—some of them are pensioners—and it seems to me that if they do not know what is going to happen, they will just have to wait and see. They are going to have to find alternative accommodation, which will probably mean the purchase of another dwelling, and if they have to purchase it outside this area it will mean moving to a higher-cost area or making other arrangements.

I have taken the opportunity to elaborate on this case so that the Minister will be conversant with the details. I intend to follow the matter up and I hope the Minister will take some action through his department, and the local authority in Rockhampton, to try to give the people living in this area some idea of where they are going.

Mr. LAMOND (Wynnum) (7.53 p.m.): I just want to make a short contribution to the debate. While I realise that this amendment does not cover the City of Brisbane Act, at one stage the Minister did make reference to benefited areas and I think this provision should be included in all future amendments to either the Local Government Act or the City of Brisbane Act. I refer particularly to benefited parking areas in suburban shopping areas.

Today many shopping areas around Brisbane which have been established for many years are gradually dying because of the development of major shopping complexes which are located away from the old established shopping areas. There is no way that the individual shopkeeper or individual landowner can possibly afford to supply adequate parking and thus compete with these major shopping complexes. We see this situation in practically every one of the old established shopping areas. I want to refer particularly to one in my electorate which could be further developed but is being held back because of the inadequacy of customer parking.

I would ask the Minister to give serious consideration to introducing an amendment to the appropriate Act so that benefited parking areas can be declared. The chamber of commerce in the Wynnum area recently conducted an extensive survey of traffic flows. They also spoke to many people and asked them why they were drifting away from what is an old established shopping area. There is no doubt that shopping centres in outlying suburbs of the city of Brisbane are part of the way of life of the people who live in those suburbs. They have become accustomed to using the local shopping centre and to the specialised service that they receive from shops that are run by people who are an integral part of the community. If we permit these shopping centres to die, to go out of existence, we shall be destroying a very important part of the lives of many people in Queensland. Therefore, I make a strong plea to the Minister to give consideration to including in the appropriate Act provision for benefited parking areas in the outlying suburbs of Brisbane.

Mr. CASEY (Mackay) (7.56 p.m.): It seems that always at this stage of the session honourable members see the sudden introduction of a number of amendments to the Local Government Act. Usually they have far-reaching consequences for many local authorities in the State. Unfortunately, when one analyses them and discovers what they are about, one finds that they are being introduced to correct a problem that a local authority has experienced in its activities.

In the last session, just before the Christmas recess, one of the amendments introduced by the Minister related to a superannuation scheme for local government employees. It is rather strange that, at the instigation of local authorities, the Act can be amended suddenly to make changes that will have consequences for the ratepayers in local authority areas, yet a different situation arises when we want to force local authorities to do something that will be beneficial for the community. In the case of the superannuation scheme, employees of local authorities are at a great disadvantage. Their scheme is completely outmoded when compared with the schemes that have been agreed to in this Chamber for the State Public Service, the Police Force, fire brigades, and various other local and semi-governmental bodies, including one for the electricity industry, for which the Act was consolidated earlier in the session. Although an instruction has been issued to various local authorities in relation to the superannuation scheme, they have not accepted it. They are deliberately holding off, and those who are missing out, of course, are the employees of local authorities throughout the State.

When the Minister introduced amendments to the Local Government Act just before the Christmas recess, we thought that they may have the effect of enforcing the provisions of the Act on local authorities. However, when the Opposition analysed the Bill and ascertained the full story, it found that it was a deliberate effort to ensure that the format of the local authorities superannuation board remained the same for virtually all time. There had to be a declaration by Order in Council to keep the board in office, and it was amazing to see that one of the representatives on that board—the representative of the Municipal Officers' Association—was a person who had been voted out of that particular position a considerable time ago by the executive of the association. He was hoisted by his own organisation as its representative on the superannuation board. Instead of appointing the

man who was nominated by the Municipal Officers' Association, the Minister saw fit to retain on the board the person who was not wanted by his own association.

Mr. Hinze: Only temporarily.

Mr. CASEY: I certainly hope that the Minister will adhere to his promise.

Mr. Hinze: There is a reason for it.

Mr. CASEY: There seems to be a little bit of mischief going on in the background. As soon as possible, the Municipal Officers' Association should be allowed to have on the superannuation board a person rightfully selected by it as its representative. After all, the Government still has on the board three other representatives, who can control the board as they wish, but a person who is truly a representative of the workers belonging to that association would be their spokesman in the right place. If that is done we may even see local authority employees throughout Queensland participating in a much better superannuation scheme than at present. I sincerely hope that, as the measure of representation on the board is only temporary, the Minister will use his good offices also to ensure that the local authorities knuckle down and institute throughout Queensland a scheme that will be beneficial to all local authority employees.

Great surprise is now being expressed by those who know at the fact that the regional co-ordinating councils are about to be scrapped by this Government. This is not well known throughout the community. However, either the week before last or last week, Cabinet, by Order in Council signed by Johannes Bjelke-Petersen, took this step.

Mr. Hinze: "The Honourable the Premier" to you.

Mr. CASEY: All right, the Honourable Johannes Bjelke-Petersen. I refer to the Minister as the Honourable Russell Hinze—a lovely sounding phrase. As I was saying, the Order in Council declared that the regional co-ordinating councils, on which all local authorities in Queensland are represented, will be terminated with effect on and from 1 July 1977. On that date the regional co-ordinating councils in the Far North, the North, the North West, Fitzroy, the Central West, Mackay, Moreton, Wide Bay/Burnett, the Darling Downs and the South West will be scrubbed.

Several years ago there was a great to-do about the legislation that was introduced to set up those regional councils. It was claimed to be the saviour of local authorities in that it would allow them to get together on their regional councils to formulate legislation that would be cohesive and beneficial to their particular region. Instead of looking at their planning schemes on an individual basis, the local authorities would be able to look at them on a regional basis. But suddenly, without explanation, the regional councils are going to be terminated. This Parliament is entitled to know why this is going to happen.

We are in the last stages of this session and probably tomorrow we will go into recess and will not meet again before 1 July, the date on which the regional councils are to be terminated. Why are these regional councils going to be scrubbed? The local authorities, which constitute the regional councils, are entitled to know. They should be told by the Government why this is happening. Is this just another secret, underhand move being made by the Government to keep the public unaware of what is going to happen in the State of Queensland?

Mr. PREST (Port Curtis) (8.4 p.m.): The Opposition will look closely at these amendments. Local authorities are confronted with grave problems arising from their town plans. The Gladstone City Council recently had its town plan approved. Councils are forced to insist that subdividers carry out certain works. If they did not do this, the councils themselves would have to provide facilities and amenities to new estates and it is quite likely that, because of their present financial position, they would be unable to do so. This would mean that new estates would be left without these amenities for years to come. Generally speaking, the provision of these services does not cost the subdivider a great deal of money. After all, he passes the cost on to the purchaser.

A city cannot be planned without transport. A grave problem is affecting my area at present in that the Gladstone City Council has dissociated itself from the transport system. In January this year the bus service was sold and the purchaser cancelled the bus services. I do not know whether the Minister is aware of the problem facing the 20,000 people in Gladstone. Before the former bus proprietor died he was making a profit of $12,000 to $13,000 a year and charging very low fares. The purchaser put a proposition to the council seeking land for the establishment of a depot. Unfortunately the mayor refused him an audience. He then took the buses from the town and sold them. After two public meetings were called, the city council announced that it was not in a position to provide a bus service. I understand that at the end of February the council submitted a case to the Treasurer for assistance but, to my knowledge, no reply has been received.

The private bus proprietor could run an adequate service for the town and make a profit while charging low fares, but when the Gladstone City Council looked into the proposition it said that if it were to provide a similar service it would lose in the vicinity of $176,000 annually. I feel sure that this figure was plucked from the air. I cannot imagine how a private-enterprise operator could make a profit whereas local government officers, with their expertise, would make a loss of $176,000 a year.

We will be very appreciative if the Minister can do anything to assist in providing public transport for the citizens of Gladstone. The streets in the city are very narrow and, with about 4,500 children attending schools, honourable members can imagine the chaos near school gates prior to and after school. If we can get a reply from the Treasurer through the Minister, or if the Minister can assist in any way, we will be very thankful.

I point out that residents who bought houses in the outer suburbs developed by subdividers had their valuation fixed on the basis that public transport was available. Pensioners who live in these areas can no longer get to town for a 13 or 14c. bus fare. They now have to hire a taxi and pay $2.50. This is very unfair. I believe that local government has a responsibility to provide public transport. I close on that note but reserve my right to speak to the Bill at the second-reading stage after I have examined it closely.

Mr. WRIGHT (Rockhampton) (8.9 p.m.): I rise to speak mainly because of the concern expressed in my area at the Government's move to do away with regional councils. While this comes under the Premier's portfolio I am sure that most people in Queensland would like to know what the Minister for Local Government and Main Roads thinks of this move. While there was some criticism of the legislation when it was introduced some time ago, and while some questions were asked about the 10 regions to be established, I believe we eventually accepted the philosophy and thought that the ideas put forward by the Premier and the then Minister for Local Government (Mr. McKechnie) would be for the good in the long-term planning of local authorities throughout the State. But now we hear that without the matter really being brought before the Parliament the system is being abolished. I recall that the present Minister for Justice spoke on the matter at the time, and I believe that most honourable members praised the idea. They were able to see that this was in the interests of Queensland at the grass roots level of government. We realise that when there are 130 or 131 local authorities, difficulties arise. Obviously, those areas responsible for tourist facilities have a huge cost burden to carry—a cost burden that cannot be met by the ratepayers. They just cannot afford to do it. When I cite the Hervey Bay area, some parts of Mackay and the Livingstone Shire Council, I am sure honourable members will understand what I am talking about. There are shires trying to carry out a huge task in providing facilities and amenities not just for the people who live in the area but for all those who use and benefit from its tourist resources.

There is some concern, and the concern is valid. We ought to know why this is happening. I was hoping that the co-ordination of councils throughout Queensland would only be the first step towards a type of regional government. There has been a lot of talk about centralism; yet here we had the opportunity for this State at least to demonstrate that its interest in giving people in the country areas a real say. We had the great difficulty of local authorities trying to meet the cost of supplying all the up-to-date requirements. When we think of town planners, engineers and all the other professional personnel required today, it is an impossibility for small councils to provide such services.

We had the machinery or the instrument whereby these groups could get together, co-operate and co-ordinate their activities; yet that opportunity is to disappear. While these comments do not strictly pertain the Bill, I believe that Queenslanders ought to know the reasons behind the move and what the regional councils will be replaced with. Their abolition is a very backward step.

I repeat that for the first time local authorities had an opportunity to co-ordinate and co-operate. Now the infrastructure is being removed. If we are ever to give people a real voice in government, we have to institute a type of regional government. The State Government fulfils a useful and forceful role in certain areas. Administrative expertise such as in education and police must be centralised. While there is a need for that, there is also a growing trend to give people a greater say at the local level. The Minister for Education has said very clearly that he wants to see greater community involvement in education. He said that we will start with the use of schools, so that the community can use those expensive facilities, which it is rather ridiculous to leave unused for 19 hours a day.

That is the first step. There are moves elsewhere to ensure that the community has a say. In the real area of decision-making at the local level—that is, the local authorities—that tendency is disappearing. Therefore, because of the moves by this Government to do away with regional councils, I ask the Minister, whether he does it now or tomorrow, to voice his views and make them clearly known to the people of Queensland.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (8.13 p.m.), in reply: I thank all honourable members for their contributions in this debate. As usual, all members who spoke went on a Cook's tour and touched on everything except those matters in the Bill.

I shall comment briefly on the various statements made. First of all, I refer to the member for Wolston, who led the debate. He found some problems with the distribution of representatives on councils that he believed to be not reasonably elected, with 265 electors in one division and possibly 4,000 or 5,000 in another. He found something wrong with that. I do not want it to be thought that I am talking about another matter, but that gets back to one vote, one value. Apparently the honourable

member for Wolston believes that all divisions should have the same number of electors, irrespective of the area covered. The 265 electors that he referred to are in an area very much greater than that for the division with 4,000 or 5,000.

The honourable member referred also to Landsborough. When I first came into local government, the same thing applied to me. In the No. 2 division of the Albert Shire there were 260 electors. Of course, the same thing applies in local authorities throughout Queensland. Frankly, I do not think that there is any real cause for alarm. Local government is doing a very good job for the State of Queensland.

The honourable member spoke of the Grants Commission. He found some fault in the present set-up. He acknowledges that the Grants Commission is covered by the portfolio of my colleague the Deputy Premier and Treasurer. I do not wish to reply on his behalf but let us get the Grants Commission under way and look at its performance after another year or two to see if it has carried out its duties well or not.

We can vouch for the personnel on the commission. They are very well known to people throughout Queensland. They are Sir Charles Barton, Albie Abbott from Mackay, Allan Hollindale from Gold Coast, Sir Reginald Groom who was Lord Mayor of Brisbane, Mr. Leo Hielscher from the Treasury and Charles Palmer from Longreach, who is the permanent member of the Grants Commission. The representation is pretty well spread throughout the State.

The honourable member for Rockhampton North referred to compensation for land resumed for road construction. I see a problem here. If anybody in the honourable member's electorate believes he is not receiving fair treatment from the Government in regard to land resumed for public purposes, I will either meet a deputation led by the honourable member or will meet him next time I am in Rockhampton and try to solve his problems. I do not want anybody to have the impression that the Main Roads Department or local authorities will take land for public purposes and not pay just compensation.

Mr. Casey: Will you come to Mackay and do the same concerning the land taken for the Rocleigh Bridge?

Mr. HINZE: Mackay has not done too badly, not through the efforts of the honourable member for Mackay but through those of the honourable member for Proserpine.

Mr. Burns: You don't even know the name of the electorate.

Mr. HINZE: Whitsunday. It was owing to the Minister's representations that the Rocleigh Bridge was built. The honourable member need not worry much about Mackay. People up there, such as the honourable member for Mirani, keep me well informed on the requirements around Mackay.

The honourable member for Wynnum spoke of benefited areas for off-street parking. This is a real problem. It has been considered in the Brisbane area. It would not be very well received if we set up benefited areas throughout Brisbane to overcome the problems he referred to. I am prepared to give further consideration to the points he raised.

I can give the honourable member for Mackay the assurance that it is not the Government's intention to keep people on the superannuation board if they are not fully representative. The honourable member should understand that a number of other unions believe they should be represented on the board. Until a decision is made on which unions and the representation there should be, it was decided to appoint the members for six months. That was the reason for the Bill last year. I assure the honourable member that it is not the Government's intention to extend it ad infinitum. He made the point and I think I have answered it in a way that is acceptable to him.

The honourable member for Port Curtis obviously has a wealth of knowledge of local government. He referred to town plans and the need to make sure that subdividers, when they are providing services, are treated fairly by local authorities. Later on tonight I shall be saying more about that particular matter. We want to keep the costs to the barest minimum and ensure that they are not loaded onto the ratepayers.

He referred to transport being a function of local government. I am sure that either the mayor of Gladstone or the honourable member could take that matter up with my colleague the Minister for Transport, who may be able to assist in the transportation of people in the Port Curtis area.

The honourable member for Rockhampton referred to regional councils. All I can say to him is that this proposal comes within another portfolio. The honourable member asked me to give reasons for the elimination of regional councils. I am not going to say that they have not functioned as well as they should have. All I can say is that over the years in which they have been in existence there has been no great acceptance of regional councils by the Local Government Association or councils in general.

A few years ago, during the very definite swing to centralism throughout Australia, there was some concern about the future of local government. The way Whitlam was heading, with the R.E.D. scheme and other schemes, there was a strong possibility that funds would flow direct to regional councils, leaving local authorities, along with State Governments, in danger of elimination. This would have left the central Government in Canberra as the only Government in Australia, with regional councils dependent on hand-outs from Canberra. I do not know if that is what the honourable member for Rockhampton wants me to say.

Mr. Wright: No, it is not. You were one of the greatest advocates of regional development and regional government.

Mr. HINZE: I appreciate that there are times when councils must get together to talk about border and boundary issues and to do things of a regional nature. I had discussions with 17 local authorities in the Moreton region about a water authority. When we sat down round the table, 10 did not want a Moreton region water authority and seven did want it.

I am not suggesting that regional councils are redundant; all I am saying is that local government is getting on quite well without them. That is why the Government said, "There is cost involved with regional councils and there is no point in keeping them going. Local councils are doing quite well without them."

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

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

ALBERT SHIRE COUNCIL (RATIFICATION OF ADMINISTRATON) BILL

INITIATION IN COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (8.25 p.m.): I move—

> "That a Bill be introduced to validate, approve, ratify and make lawful certain acts, matters and things done by the Council of the Shire of Albert in the purported exercise of powers conferred on that Council by the Albert Shire Council Budget Adjustment Act 1976 and for other purposes."

The purpose of this Bill is to validate actions of the Albert Shire Council in connection with the levy of separate rates by the council on a benefited area at Woongoolba for the purpose of financing flood mitigation works in that area.

Honourable members may recall that legislation was passed during the last session of Parliament to enable the council to recast its budget for the current financial year in relation to these works. The legislation authorised the council to frame and adopt a fresh separate rate fund budget for the works, to define a new benefited area and make and levy a new separate rate in respect thereof. In terms of the legislation this action had to be taken within 30 days of its coming into force.

It has come to notice that the council failed to take the above action within the time prescribed. The 30-day period prescribed by the Act expired on 17 January 1977, whereas the necessary resolutions for the adoption of the budget, the definition of the benefited area and the making of the rate were not passed until 27 January 1977. The reason that the action was not taken within the prescribed time was the fact that a copy of the Act was not received by the council until well after the Bill received royal assent. Some time elapses before copies of an Act become available from the Government Printing Office.

The initial legislation was designed to overcome rating anomalies in the Woongoolba area and it is desirable that the council be empowered to take the necessary steps to rectify this inequality.

For this purpose, a short declaratory Bill has been prepared providing that the budget and rate purported to be adopted and made by the council pursuant to the provisions of the Albert Shire Council Budget Adjustment Act 1976 and the various other steps taken under that Act are deemed to be as valid and effectual as if they had been carried out within the prescribed time. This will enable the council to levy and collect separate rates on lands in the benefited area to defray the cost of the flood mitigation works which are necessary to increase sugar-cane production in the area. I commend the Bill to the Committee.

Mr. MARGINSON (Wolston) (8.28 p.m.): If ever there was an example of gross negligence on the part of a local authority we see a fine example of it with the introduction of this Bill tonight. Last November, because of the council's negligence in that it had not recognised new valuations on certain properties, the Government had to introduce a Bill to overcome inequities brought about by the council's budget. We now find that, legislation having been passed to assist this shire council to overcome its problem, it very promptly took no notice of it with the result that tonight we have another Bill before us to legalise, as it were, its inactivity in not complying with the previous legislation.

That is in effect what this legislation really is but, as I claimed during the debate on the original legislation, there was no necessity for it. In fact, I doubt that any other local authority would have got away with what the Albert Shire Council has, because the Local Government Act, under which shires are administered, makes it quite clear that when a budget has been adopted, no matter under what valuations, it remains in force for the whole 12 months—and so it should—so that the council knows what its income will be and the ratepayers know their liabilities to the shire council. But here, because someone in the council—either the officers of the council or the councillors themselves—had overlooked the fact that some of the land in the shire had been substantially reduced in value, the rate that was struck was computed incorrectly.

Why could they not have done within 30 days the work that they ought to have done? Honourable members have heard in this debate the lame excuse that they could not obtain a copy of the Act because the Government Printer had not printed it sufficiently early. The Act to which I am referring was never amended. If the member for the area—and I refer to the honourable member for Albert, who was very vocal when amendments to the Act were last discussed—had done his duty, he would have taken a copy of the Act to the shire council, as the 11 members of the A.L.P. in this Chamber would have done, and said, "There's the law. Get cracking." Even if the Bill had not been assented to, the council would have received copies from us in due course. But no, the honourable member did not do anything about it. He let the matter rest. Undoubtedly he went away for his Christmas holidays, and so did the senior vice-president of the National Party, who is also a councillor in the Albert Shire and a friend of the Minister. He thought, "We will forget about it and do something about it when we come back." However, when they came back, the 30 days allowed by law had expired. Consequently, another Bill is now being introduced to overcome their negligence in not doing what they ought to have done under the legislation that was introduced last November.

Mr. BURNS (Lytton—Leader of the Opposition) (8.32 p.m.): This is one of the most incredible pieces of legislation ever to come before the House. It demonstrates clearly the lengths to which the Government is prepared to go for its powerful friends and allies and the pressures it is prepared to accept to assist its friends, even to the extent of disadvantaging other people in the community.

Recently honourable members heard the Minister refer to cockies in biscuit tins. Well, he sounds like a galah in an ice cream can when he tries to justify this sort of nonsense and rattles it off at 55 miles an hour.

At the bottom of all this there is an unhealthy and immoral desire to give financial relief to prominent persons in the National Party such as one councillor who is a member of the Albert Shire Council and who is a big landholder in the area covered by the Bill. This relief is being given at the expense of less prominent people who accepted the position as it originally applied to them without complaint and without adopting the frightening tactics of organising two special Acts of Parliament merely to obtain some financial gain for themselves. I am amazed that the Minister has been prepared to go along with this lobby. Surely he can see that the relief given to these prominent people is at the expense of other ratepayers—or doesn't he care, so long as his mates are fixed up?

When the first special Bill was introduced during the last sittings of this Assembly, honourable members were led by the Minister's speech when introducing the Bill to believe that it was designed to correct a rating anomaly that had occurred in the shire during that financial year.

Mr. Moore interjected.

Mr. BURNS: The honourable member for Windsor was led to believe that, too.

The Opposition accepted that explanation although, from other comments made, we were suspicious that there had also been some bungling on the part of the Albert Shire Council. Representations made to me earlier this year indicated that it was obvious that certain ratepayers did not know what was going on concerning the rating of their land till they received a cheque from the Albert Shire Council refunding some of their rates. They then started to make inquiries and wanted to know why they were getting money back. It is very rarely, of course, that one gets money back from a council.

Subsequently, I asked the Minister a series of questions in this Chamber in an endeavour to find out exactly what was going on, because evidence was beginning to filter through that what was fixed by the first special Act passed by this Assembly was not a rating anomaly but a valuation differential that went against the land barons in the Albert Shire who wield great influence in the National Party. It is not surprising that in these circumstances (knowing the direction to which National Party Ministers are subjected by Mr. Sparkes and others and by the outside organisation of the party) the word went out to fix the problem as soon as possible.

As might be expected, no real information was forthcoming in answer to my questions, and we assumed that the disadvantaged ratepayers of the Albert Shire were going to have to suffer the fate of all the other underprivileged people in the State and cop without question what the Government handed out to them. When notice was given of the Bill that we are now debating, the Opposition was confident that it had pressed the Minister into a corner and that he was going to restore the position that prevailed before all the fiddling went on last year.

We were astounded tonight to find that that is not the case; but we were more astounded to find that the Government again has the cheek to come before Parliament and ask us to support a further Bill to perpetuate the injustices created by its first attempt to fix things for its supporters at Woongoolba. It now seems that the Albert Shire Council did not meet its commitments under the special Act passed last year for the benefit of those ratepayers who were able to manipulate this Government to suit themselves.

The first question to be asked is: why didn't the Albert Shire Council observe the provisions of last year's special Act? I

am told by some of the people on the council that it was not because the Bill was not printed in time but because some of the members realised the injustices that the Bill created and preferred to let the matter lie. I am also told that the matter was drawn to the attention of the Minister but that he said, "Don't worry about it. Nothing will happen." The Minister might be able to furnish some enlightening information on this aspect, as he seems to be well aware of the activities of this council. In fact, I think he used to be its chairman.

The most absorbing aspect of all, however, is why no action at all was taken until I raised the issue in this House purely in an endeavour to assist certain ratepayers who felt they had been the subject of a confidence trick perpetrated on them by either this Government or the Albert Shire Council or both working together. An explanation of this point from the Minister might also disclose some interesting information.

From the answers which the Minister supplied to my questions, it is obvious that he was aware of what had taken place but intended to do nothing about it. Why? Was he frightened that he wouldn't be able to obtain approval from Government members for another Bill to correct the position? Or was it an attitude of complete disregard for the laws of this State? Whatever the reasons, the end result was completely unsatisfactory as far as we are concerned, and on this basis I cannot possibly support this Bill. The Opposition will not divide the Committee on the issue, but we most certainly will be voting against the Bill.

Although we are not conversant with the detailed provisions of the Bill, from what the Minister has said it is likely that if the Bill is not approved the rating in the Woongoolba area will revert to its original position. We believe that is how it should be.

In essence, what has happened here is that during the year certain landholders received valuations that didn't fit in with the rating pattern adopted by the local authority. Because the lands of certain privileged people are affected, the Government has bent over backwards to ensure that these privileged people are not affected in any way financially. So today it gives the Albert Shire Council the opportunity to have a second bite at the cherry. Last year it had one; today it is having another. What is to happen if the council doesn't observe the law this time? Is it to be given a third bite?

More importantly, is this privilege to be extended to other areas throughout Queensland? What is going to happen if the Kingaroy Shire or the Wondai Shire decides that it, too, wants to get in on the act? Are we going to see a whole series of special Acts designed specifically to adjust the payment of rates where people of great influence decide they might be paying too much and ask the Government to pass a Bill to ensure that more is drained out of those people who are less able to afford it than out of those who have some political pull or offer some political advantage?

Mr. Casey: Something like that has happened in the Bowen Shire, too.

Mr. BURNS: I am concerned that people should be able to do this. As I understand the position, the councils are supposedly independent and are supposed to be able to make their own decisions. If they make decisions that adversely affect people in a particular area, they can be thrown out at the next election. Special Bills should not be introduced to alter the position to suit the arrangements of certain people in the area.

It is our contention that this exercise should never have been entertained in the first place and that to indulge in further legislative action at this stage to save the operation is ludicrous. It is an indication of the lengths to which this Government is prepared to go to help its friends, and we cannot support it. It is making a laughing-stock of valuations, of local government as a whole and certainly of the Government.

I cannot recall action along these lines ever being taken in the past, and we sincerely hope that we will not see it again in the future.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (8.39 p.m.), in reply: We have had to listen to the Leader of the Opposition trying to draw some red herrings across the trail in respect of what is a simple declaratory Bill. It is not designed for any ulterior purpose.

Because the Albert Shire Council is so close to Brisbane and the news media, it is quite obvious that if there were any problems they would have been aired well and truly before now. The ratepayers in the shire would certainly have made themselves heard. As Minister for Local Government, I have had no representations from landholders in the area. I cannot find anyone who is concerned about his council. If there was any outbreak of concern by the ratepayers in the Woongoolba area, it would have been very well ventilated in the news media today or within the past few weeks, when it was known that this Bill would be brought forward. I can only say that it was an honest mistake. It seems that people in local government are not supposed to make mistakes; they have to be right all the time.

Perhaps I should take exception to the implication that some members of the National Party are getting something for nothing or are getting advantages. I guess it is all right for the Leader of the Opposition to make such accusations. He can make them, but they are not true in fact. I am quite sure that if the Leader of the Opposition ever governs the State he will not be a party to introducing declaratory

Bills to benefit any particular person, irrespective of which particular party he belongs to.

I point out to the Leader of the Opposition that that is not the reason for this declaratory Bill. It has been introduced because the Albert Shire Council, which is very well recognised in Queensland and throughout Australia, has made an honest mistake. As the Minister, I have tried to overcome what I believe to be a small problem. If the ratepayers thought that there was any real problem, or any semblance of special treatment for a section of the people in this cane-growing area of the Albert Shire, which everybody is proud of and which has developed remarkably in the past few years, we would have to be concerned. That is not the case and I am sure that, with the passage of this Bill, the small problem that has occurred will be overcome.

The Leader of the Opposition said that this action has not been necessary previously. He may be right, and I doubt whether the position will arise again. However, if it does as a result of an honest mistake made by a local authority and representations are made to the Government, I am sure the Government will use the protection of this Assembly to overcome the problems facing the council.

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

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

SECOND READING

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (8.44 p.m.), by leave: I move—

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

During the introductory stage, I explained fully the principal provisions of the Bill. The intention is to validate and make lawful certain actions of the Albert Shire Council under the Albert Shire Council Budget Adjustment Act 1976 so that the budget adopted and the rates made and levied by the council in respect of the particular function of local government called the Woongoolba Flood Mitigation Scheme may continue to operate in the manner proposed by the council.

The Bill is a simple measure and places no additional responsibility on the Albert Shire Council in the matter. It merely approves what the council has done to date for the reasons which I explained during the introductory stage and I can see no reason to depart from any of the provisions contained in the Bill.

Because of printing errors in clause 6 of the Bill, it will however, be necessary to amend both paragraphs (a) and (b) thereof. It is my intention at the Committee stage to move that these amendments be made.

I commend the Bill to the House.

Mr. MARGINSON (Wolston) (8.45 p.m.): It is ludicrous that we are now to have some amendments put in Committee. As I said earlier, we do not like the proposal. We will not divide the House on it. However, we feel that the council should have been allowed to go on with its budget during the present financial year and to overcome these problems in respect of the benefited area when it framed its next budget.

Motion (Mr. Hinze) agreed to.

COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Clauses 1 to 5, both inclusive, as read, agreed to.

Clause 6—Cessation of operation of budget, separate rate and benefited area—

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (8.47 p.m.): As I foreshadowed in my second-reading speech, it is necessary for two amendments to be made to clause 6 in order to correct minor errors made when the Bill was printed. I therefore move the following amendment:—

"On page 2, line 43, omit the figure—
'21'

and insert in lieu thereof the figure—
'23'."

Amendment agreed to.

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

"On page 2, line 46, omit the figure—
'23'

and insert in lieu thereof the figure—
'21'."

Amendment agreed to.

Clause 6, as amended, agreed to.

Bill reported, with amendments.

THIRD READING

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

CITY OF BRISBANE TOWN PLANNING ACT AND ANOTHER ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Kaus, Mansfield, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (8.51 p.m.): I move—

"That a Bill be introduced to amend the City of Brisbane Town Planning Act 1964–1976 and the Acquisition of Land Act 1967–1969 each in certain particulars."

The principal purpose of this Bill is to give effect to a number of amendments of the City of Brisbane Town Planning Act, so that the modified town plan, recently submitted

to the Government by the Brisbane City Council, can be formally adopted when approved.

The Bill also clarifies the law in relation to certain matters dealing with the implementation of town plans by the Brisbane City Council.

The Bill also seeks to make a minor amendment to the Acquisition of Land Act in respect of the resumption by Brisbane City Council of land for park, garden and recreation purposes.

For the information of the committee, I will outline some of the more important provisions of the Bill.

One provision of the Bill clarifies that objections to town plans prepared by the Brisbane City Council, amendments of the town plan, and applications made to the council for town-planning approvals (such as the approval to use and develop land) will close at 4 p.m. on the last day for the receipt of objections. The period within which objections may be lodged is prescribed by the Act. For example, in the case of a new town plan a period of 60 days is allowed for the lodgment of objections, whereas in the case of an amendment of the town plan proposed by the council a period of 30 days is prescribed for the lodgment of objections. Under present law, it could be argued that the objection period closes at midnight on the last day for the receipt of objections. This of course, was never intended. To put the matter beyond doubt, the Bill provides that the objection period will close at 4 p.m. on that day. This conforms with the provision contained in the City of Brisbane Town Plan Modification Act in respect of the closing time for the lodgment of objections to the modified town plan recently prepared by the council.

A further provision of the Bill is designed to increase the period presently allowed for the preparation of new town plans by the council. Under the present law, a maximum period of five years is allowed between the date one town plan is placed on public exhibition and the date when the subsequent plan has to be placed on public exhibition. The public exhibition of the modified town plan now before the Government is not relevant in this connection, and the time for the preparation of the next town plan under present law runs from 28 February 1975, which was the date of exhibition of the town plan that was returned to the council for modification. This means that two years of the five-year period allowed for the preparation of the next plan have already expired and, if the law is not amended, the council will have to commence almost immediately with the task of preparing a new plan. We consider that, having regard to the cost of preparation of a new plan and other factors, this is an unreasonable position and the Bill provides that a period of seven years will be allowed for the preparation of new town plans. Such period will run from the date of approval of one town plan and the public exhibition of the next. I think honourable members will support this proposal.

Another amendment contained in the Bill empowers the council, when considering an application for the rezoning of land, to take into consideration such things as the likelihood of the land's being flooded, the availability of essential services to the land and whether an environmental impact study should be carried out where the council feels that the development of the land would be likely to have a deleterious effect on the environment. Local authorities outside the city of Brisbane already have this power under the Local Government Act and it has been decided to vest similar power in the Brisbane City Council.

The Bill also seeks to amend, in a number of particulars, the existing law relating to the payment of compensation for injurious affection. Under present law, where land is included in a special uses A zone, or a special uses B (Railway) zone, a proposed open space zone or an existing open space zone, a person having an interest in the land is entitled to claim compensation for injurious affection in certain circumstances, for example, where he satisfies the Local Government Court that he is unable to sell the land because of the restrictive zoning or because that zoning caused him to sell the land at a lower price than he would have received if it had not been in force.

Under the modified town plan that is presently awaiting approval, there is no reference to the zones mentioned. The names of the corresponding zones in the modified town plan are the special uses zone, the existing or proposed open space zone, and sport and recreation zone. It is accordingly necessary to make reference to these new zones in the law so as to preserve the right of a person to claim compensation for injurious affection where his land is included in any of such zones.

The Bill contains a schedule listing the particular zones that give rise to a claim for compensation for injurious affection in these circumstances, and power is vested in the Governor in Council (by Order in Council) to alter the names of zones in the schedule from time to time. This will avoid the necessity for amending legislation each time the name of a zone referred to therein is altered.

Provision is also made in the Bill for a person to claim compensation for injurious affection where his land is included in one of the zones I have just mentioned and the council subsequently resumes the land. In these circumstances, it is felt that a person should be entitled to claim compensation for injurious affection where he can satisfy the council that, by reason of the restrictive zoning of his land, he received less compensation for it upon resumption than he might

reasonably have expected to receive if the restriction did not apply. The Bill so provides.

A further amendment relating to the payment of compensation for injurious affection deals with a case where a person has an interest in land in a particular zone under which a number of uses are permissible (subject to the prior consent of the council) and the zoning is subsequently changed, or the town plan is amended to provide that all or some of these discretionary uses are prohibited. The Bill provides that in such a case the person concerned is entitled to compensation for injurious affection where he can satisfy the court that he could reasonably have expected to receive consent to develop the land for a particular purpose that is subsequently prohibited if he had applied to the council for such consent immediately before the amendment (effecting the prohibition) came into force. A hypothetical case might be where a person buys land zoned residential B, wherein multiple dwellings are permissible subject to council's prior consent. Honourable members will appreciate that if the land were subsequently included in a zone in which the erection of multiple dwellings is prohibited, the value of the land in the hands of the owner would be depreciated. In the circumstances mentioned the amending provision will enable the landowner to claim compensation for injurious affection if he can satisfy the court that he could reasonably have expected to receive consent for the erection of a multiple dwelling had he made application to the council immediately prior to the prohibition's coming into operation.

Another amendment included in the Bill seeks to specify more precisely conditions that the council cannot lawfully impose when dealing with certain types of town-planning applications, except where the applicant voluntarily agrees to comply with the conditions. The amendment provides in general that conditions imposable by the council when dealing with such applications—other than the conditions stated to be unlawful—will have to be authorised by the ordinances of the council and will have to be reasonably necessary in the public interest for the proper development of the land in question.

The existing provisions prohibiting the imposition by the council of certain conditions when dealing with applications for the subdivision of land or for site approval (except by agreement) are preserved. One such prohibition is the imposition of a condition on a subdivider that he truncate a corner of a road that has already been truncated. In addition, the existing provision under which an applicant may agree with the council to meet certain conditions that the law provides that the council cannot lawfully impose is removed. The Government considers that this provision could encourage councils to negotiate conditions that would otherwise be unlawful.

A further provision provides for the proper accounting of contributions which a developer is required to make to the council in respect of the carrying out (by the council) of works relating to the particular development for which approval has been sought. The Bill provides that, where a contribution is so required, a written agreement will have to be executed between the council and the developer setting out the amount of contribution to be made, the nature of the works to be carried out and the period of time within which the works will have to be commenced and completed. Provision is also made for the money so paid to the council to be placed in its trust fund and expended on the works concerned within a period of three years from the date specified in the agreement or such lesser period as may be specified therein.

The council will be required to furnish the Director of Local Government with an annual return showing contribution moneys that, at 30 June in each year, are held in the trust fund and have not been expended in accordance with the agreement. The Bill also clarifies that interest received by the council on money so lodged with the council will have to be paid into the trust fund and used in accordance with the agreement entered into between the developer and the council.

It is felt that it is desirable, in the public interest, that these contributions should be properly accounted for; and, of course, it is also very important from a local government viewpoint, that not only must the right thing be done, but it must also be seen to be done. These provisions should remove, or at least minimise, conflicts which give rise from time to time to unsubstantiated claims, suggestions or allegations of illegal or shady practices or demands by councils.

It is my intention to take action to embody similar provisions in the Local Government Act, affecting all other local authorities in Queensland, later this year. I already have had some discussions on these matters with local authority representatives—including Brisbane City Council representatives—and I believe that, on balance, the provisions will clear up many of the so-called "grey" areas which now give rise to considerable conflict, allegations and concern both within local government itself and outside it. Any suggestions that these provisions will add to the cost of developments to the ratepayer are, of course, irrelevant, because no matter how services or facilities are provided, it's the buyer—the ratepayer—who foots the bill in the long run. We feel that it is desirable in the public interest that these contributions should be properly accounted for.

The Bill amends the provisions of the present law dealing with the advertising of applications for the subdivision of land. The

amendment provides that subdivisional applications will not have to be advertised for objections in future except where—

(A) the land to be subdivided is owned by the Brisbane City Council; or

(B) the proposed subdivision will result in the creation of a road bounding allotments external to the land being subdivided; or

(C) the land is included in the existing or proposed open space zone or in the sport and recreation zones.

The Bill makes no alteration to the present provisions relating to the advertising of lease subdivisions of land. This will mean that a lease by the council of part of a parcel of land for a period of less than five years, without right of renewal, will not require to be advertised.

I feel that I have given honourable members a fair summary of the amendments that are proposed to be made to the City of Brisbane Town Planning Act.

As I mentioned at the outset, the Bill also provides for a minor amendment of the Acquisition of Land Act. Section 8 (3) of that Act provides that, before the Brisbane City Council can resume land for park, garden or recreational purposes, the land concerned has to be zoned open space under the town plan. It is considered desirable to specify the names of the particular zones in which the land to be resumed will have to be included. This is done by making a reference in section 8 (3) of the Acquisition of Land Act to the zones set out in the Second Schedule to the City of Brisbane Town Planning Act as inserted by the Bill.

When the modified town plan is approved, the zones in question will be the existing or proposed open space zone or the sport and recreation zone. It will be remembered that the Governor in Council is authorised to alter the Schedule from time to time by inserting the names of the new zones that might be created under future town plans. The proposed amendment of the Acquisition of Land Act has been discussed with my colleague the Honourable the Minister for Lands, Forestry, National Parks and Wildlife Service and his department, and they are in agreement therewith.

I commend the Bill to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (9.5 p.m.): As I see the Bill, it is a machinery measure to amend the City of Brisbane Town Planning Act. The matters that the Minister has mentioned in his speech are: approval of the modified town plan and certain amendments to handle the question of objections closing at 4 p.m.; a maximum period of seven years, instead of five, between the date of one town plan and the publication of the next; a council, when handling an application for rezoning of land, may take into consideration the likelihood of the land being flooded, the availability of services, the environmental effects, etc.; the question of compensation for injurious affection; and conditions that apply to town-planning applications where the applicant voluntarily agrees to comply with the conditions set by the council. Under these circumstances, the Bill can be described as just tinkering around with the Act rather than tackling anything substantial or worth while.

Planning legislation in Queensland is riddled with anomalies and something certainly ought to be done about it. Looking at the anomalies in the present situation to begin with, there are two separate Acts. One is the City of Brisbane Town Planning Act, which deals with planning within the City of Brisbane; the other is section 33 of the Local Government Act which covers the remainder of the State. It is a fair question to ask why there are two separate Acts. Are the people of Brisbane superior or inferior, or different in some way, that they should be treated differently and that there should be different Acts on planning for them and for the remainder of Queenslanders? In the case of Brisbane, town-planning is mandatory; in the case of the remainder of the State town-planning is optional.

The City of Brisbane Town Plan—and that is what we are approving tonight—is required, quite properly, to include, together with all the usual zoning maps and ordinances, a statement of intent, and the statement is required to be supported with proper planning surveys and an indication of how the plan is to be implemented. There is a requirement that there shall be an economic assessment, and it might be said here that this could well be supplemented by a requirement that there also be a social and environmental assessment of the implications of the plan.

In my own area, the social and environmental implications of the plan become of major importance to the people who live in the area close to the Metropolitan Public Abattoir Board, the tanneries or other industries where the smells and the problems of pollution from industrial development cause great concern. The social and environmental effects of the Government decision to build a new port at the mouth of the Brisbane River, on Fisherman Islands, should also be taken into consideration when we are talking of town-planning.

There are no similar requirements in the case of plans under the Local Government Act, even though there are some requirements in the Brisbane Town Plan. As I said, planning outside Brisbane is optional, and therefore a lot of damage can be done by speculators pending the introduction of planning controls. I mention this point because if we have land speculators working in areas outside the capital city, we have to put up with their transport costs and the developments on the fringe of the city that affect the city itself. Quite apart from the damage to the environment, it is certainly a fact that damage done by speculative

developers—speculators in land—is costing local government councils and their ratepayers a great deal of money.

Then again, the appeals procedure is different between Brisbane and the rest of the State. There are slightly different rights of appeal between Brisbane and the rest of the State; there are slightly different rights of appeal under the two Acts. All of them, of course, are expensive. They all relate to the highly legalistic system of planning appeals to the Local Government Court, and there is nothing comparable with this in any of the other States. So we have an extremely expensive appeals system, plus confusing differences in planning legislation. Therefore, it is extremely difficult for the people to understand, let alone participate in, the planning process, which is what planning should be all about—people participating, people being involved. So it can be argued that it would be far better to have positive participation in planning coupled with inexpensive, readily accessible means of challenging planning decisions by way of appeal. We do not have that, and it is fairly obvious that we are not going to get it from this Bill.

One point that I think needs to be made is that even a city the size of Brisbane cannot be planned in isolation; yet here we are, tinkering around with trivial machinery aspects of legislation whereas there is no machinery for planning Brisbane in a regional context.

I ask you, Mr. Kaus: who amongst us is not conscious of the traffic congestion getting worse in Brisbane week by week? The traffic congestion is only one of the most obvious of the social and environmental changes that are slowly overtaking us as the uncontrolled influx of population into the south-east corner of the State continues. But what are we doing about it? Does the Government care? I do not think it really does. For example, when we were discussing the Local Government Bill earlier tonight, we spoke of the demise of the regional councils, the co-ordinating councils. These were wiped out by an Order in Council a few weeks ago, after all the trumpeting about what we were going to do in the field of regional planning. In the next few months we will see the withdrawal of the Co-ordinator General's Department from any pretence of responsibility for regional planning. As I say, the regional co-ordinating councils are going to be abandoned and all this conjures up nightmarish visions of development with a capital "D" and to hell with all the social and environmental consequences!

The other day I read the speeches that were made when that Bill was introduced. It is quite interesting to read the comments made at that time by the Minister and compare them with what is happening now. As members will recall, the Urban and Regional Affairs portfolio disappeared without trace last August. Prior to that there was a Minister for Urban and Regional Affairs in this Government. Now we have a situation where the low-key involvement of the Co-ordinator-General in regional planning and development is also about to be abandoned. I am told that the Local Government Department will take over the environmental section of the Co-ordinator-General's Department. What is happening now is that all of the organisations that were set up in 1971 for involvement in this particular aspect of planning are being dismantled.

In speaking to the Bill, the Minister mentioned the conditions imposed in town-planning applications where the applicant voluntarily agrees to comply with conditions. I spent a bit of time looking at this because, like a lot of other people, I am concerned about the allegations of sweetheart deals, blackmail and other things. I asked certain officers of the Brisbane City Council to explain to me exactly how this town-planning legislation worked and how they dealt with applications coming before them. They told me that they have long held the view that developers should be prepared to pay the cost of services associated with their development projects. They said that the poor financial deal that local government has received from other levels of government has given the council no alternative to pursuing this policy.

I asked them what sort of alternatives they would have if they did not pursue this policy, and they made the point that alternatives to this method of financing developments are either unacceptable or unrealistic. They include—

> That the cost should be an additional burden on ratepayers and should not be charged against the developer;
>
> That the system of rates levied on the unimproved value of land is recognised as one of the most iniquitous methods of taxation;
>
> That to further increase the burden on ratepayers for the sake of subsidising private entrepreneurs cannot be morally justified; and
>
> That the costs could be financed by additional grants and subsidies to local authorities from State and Federal Governments.

We know that recent Government decisions that have had a detrimental effect on the financial viability of the Brisbane City Council indicate that this would be an unrealistic expectation. For example, today I was looking at local government finance and found that even if the philosophical argument that a local authority should provide all the works and services in private developments could be proved, the financial realities of the situation cannot be ignored. Local government has suffered financial deprivation resulting from unsympathetic attitudes of both State and Federal Governments.

A few years ago the Queensland Government reduced its subsidies to local authorities for water and sewerage schemes from

50 per cent to 33⅓ per cent for water schemes and to 40 per cent for sewerage schemes. No subsidy is now available for sewerage extension schemes.

In 1965 the Queensland Government handed over traffic control to the Brisbane City Council, but has not kept its promise to provide sufficient funds to enable the council to carry out this work. The Government is taking over the council's profitable electricity distribution, thereby depriving the council of valuable funds again. It cannot continually take money away from councils or add to their cost burden and at the same time expect them not to impose additional charges on the ratepayers and landowners in the district.

Commonwealth road grants for 1977 provide less money for urban roads at a time when local authorities are burdened with rising costs. Commonwealth grants for urban roads in Queensland for 1977-78 total $14,700,000 compared with $17,500,000 in 1976-77.

Commonwealth funds paid to local govenment or to the States on their behalf are either untied or tied. The Fraser Government, in allocating the 1.52 per cent of personal income tax for local government, provided $140,000,000 general purpose payments to the States. Government spokesmen claim that this represents an increase on the 1975-76 allocation to local government, but failed to add that this referred only to general purpose funds. The general purpose assistance in 1976-76 amounted to $79,900,000 and in 1976-77 to $140,000,000, or plus 75 per cent. On the other hand, the specific purposes assistance fell from $192,600,000 in 1975-76 to $53,300,000 in 1976-77, or a reduction of 72 per cent. The total Federal payments to the States for local government fell from $272,500,000 in 1975-76 to $193,300,000 in 1976-77, or a drop of 29.1 per cent.

I have used those figures to show that in talking about local authorities paying all these charges that land developers and others are asked to pay, we are really saying that rates and charges will have to be put up and the ordinary landholder or householder who has lived in an area for some time will have to be slugged. I could go further and say that if that is not done the other way to do it is for developments to be deferred until the council can pay for all services associated with development.

If we accepted that the provision of roads, gutters, sewerage, water, electricity and kerbing and channelling be deferred, the council would have to turn back the clock 20 years to the days preceding Labor administration when Brisbane was noted for long rows of outhouses, dusty roads and people holding sprinklers in their hands during summer. Those days have gone because the council has accepted the idea that existing landholders and ratepayers who have battled on while their homes have attained some asset value should not have to provide funds to help a subdivider develop land on the outskirts of the city.

Most reputable developers now accept that they have a responsibility to pay for services associated with their development. They appreciate that the council treats them all equally and without favour. I accept that, if there are any weaknesses in the Act, we should eliminate them. Everything should be fair and above board and be seen in that way.

I also note that the Queensland Government expects mining companies to contribute to areas affected by their projects. In the same circumstances it is not unreasonable that the Brisbane City Council should seek similar activity on behalf of the developers in its area.

I am told that the allegations of secrecy, etc., are not true. When applications for subdivision, development or site approval for a non-residential building are handled, the various council departments have to investigate the proposals and estimate the costs associated with roads, water, sewerage and electricity. Those estimates are placed on the file and the applicant is interviewed about the developments required or needed for his project to be of an acceptable standard. He may then elect to proceed with the development proposal, advising the council in writing that he is prepared to meet its requirements, or he may ask for a relaxation of the proposed conditions. Applications for relaxation are considered by the council's Establishment and Co-ordination Committee. In the event of an application being refused, the applicant has the right of appeal to the Local Government Court.

It is important to realise that all this information is placed on file. I am informed that allegations of secrecy and blackmail cannot be substantiated as all files are made available for perusal to all aldermen and the Ombudsman, who has been a valuable asset in this area in that he has a right to peruse the files. If information is placed on file, as I am advised that it is, that seems to be a method of ensuring that there is no secrecy or blackmail. I make the point that it is very difficult for a State member of Parliament to get files from Government departments, but the council advises that aldermen are able to obtain files and check on some of these matters.

Mr. Lane: Over the years you have been known to come by some unlawfully.

Mr. BURNS: I have not, but I know of the honourable member's activities in this regard. He has a history of it. He should not try to tar people with the brush that he has been noted for and has had a reputation of using in the past.

The Brisbane City Council requires security from developers as a guarantee that work connected with their projects will be completed to the council's satisfaction. There are

a number of forms of security that the developer may elect to use. The most common is to pay five-eighths of the cost of bonded items into a council loan. The loan is transferred into the name of the council for the time that it is required as security. At the end of this time the loan is transferred back to the applicant. I am told that, at all times, the interest on the loan is paid to the applicant. I have asked a couple of people engaged in this area about this and they tell me that this is so.

In dealing with small amounts in cash, the council pays the security straight into its trust account. I am told that money may be used for important works outside the immediate area. I was making the point that I believed that if a man with a subdivisional area was required to pay money in, it should be only for water and sewerage works affecting his subdivision. However, I was told that unless road schemes or major headworks connect the development to the council's roads or sewerage treatment plant, (even if they may not be in the immediate area but further down the road), they may have to be enlarged or other services may be necessary. In those circumstances the council or the developer must be prepared to provide extra funds to meet the cost of the major works.

I understand from the Minister's speech tonight that the advertising of subdivisions under the City of Brisbane Town Planning Act 1964-1976 will be deleted from the Act. I hope it is, because it was discriminatory legislation which applied to no other local authority. It adds to the time and cost of subdivisions—a cost that is passed on finally to the purchaser. It is not necessary when the zoning of land clearly indicates the proposed use, and people have the right to object to rezoning applications. Since 1971, I understand there has been only one appeal to the Local Government Court involving a subdivision application. Fairly obviously, then, the system has been working very well.

In the last few minutes of the time allocated to me I want to talk about compensation for injurious affection. I have not had an opportunity to read the Bill, but I would like to think compensation could be extended to people living in the Lytton electorate who are injuriously affected by planning decisions allowing industries to be set up in adjacent areas—industries that destroy the environment, that result in the areas all the way through from Cairncross Dock to Fisherman Islands being affected by foul and rotten odours polluting the homes regularly of an evening after 6 o'clock at night. It cannot always be fobbed off as an accident, because it seems to always occur after hours. It is passing strange that plant generally breaks down after hours.

If we are to talk about injurious affection and about people being injured by town-planning decisions, it is time we looked at environmental injuries that create financial hardship. Take the case of a person living in the area near the metropolitan abattoir, where the plant is breaking down all the time.

If for some reason he had to shift out of the area and sell his house at this time, there would be no way that he could get the true value of his home. When we clean up that problem and we overcome a lot of the other problems associated with pollution in that area, those homes will be of tremendous value. The area is very close to the heart of the city. It is a beautiful area to live in. I live in it myself. I know its potential. The major problem is that we have those polluting industries that destroy the environment and really create some sickening smells. It not only creates a financial problem but also a mental problem. People are not prepared to invite friends home for an evening barbecue in the middle of summer. They are not too certain that on that particular night they will not get a smell making everybody uncomfortable or making it impossible to be outdoors.

Mr. Lindsay: I'll come anyway. When is your next one?

Mr. BURNS: We'll invite the honourable member over.

Mr. Hinze: If the industries were there first, how can people who go and settle there claim compensation for injurious affection?

Mr. BURNS: There may be an argument when the industries were there first, but I can mention some industries that the Minister and I have been trying to have cleaned up and that have been built near Murarrie since 1971. I can show him the old hide and skin works that was on the road to Old Cleveland Road going down to Capalaba that has been shifted to the top of the hill within 250 yards of a new subdivision at Murarrie. Some people have been there since 1946. The new subdivision is being built now. On the fence on one side of the road are rotten hides covered in maggots and flies. On the other side of the road are homes worth $30,000 and $40,000. Those homes were there before the hide and skin works was shifted. If I bought a home on the top of that hill in what was a clean sweet-smelling area four or five miles from the centre of the city, and along came an industry——

Mr. Lane: Sweet-smelling?

Mr. BURNS: It was until this factory came there.

Mr. Lane: It might have been till you came in.

Mr. BURNS: One of the funny problems about you, Mr. Lane, is that you never have any heart and soul where people are concerned. You were knocking around the town for years rolling drunks and you have lost any softness or decency that you once

may have had. If you were concerned about the ordinary people, you would have found that in this area people——

The TEMPORARY CHAIRMAN (Mr. Kaus): Order!

Mr. BURNS: If the honourable member were concerned about the ordinary people, he would have found that in this area people and their families have been affected and their property values are being affected, but I am pleased to see that the Liberal Party spokesmen in this Parliament are making their attitude very clear. When the Liberal candidate runs next time, I will be reminding the people of the attack on them by the honourable member for Merthyr.

(Time expired.)

Mr. LANE (Merthyr) (9.25 p.m.): I am very pleased to enter the debate and to support the Minister on the introduction of the Bill to amend the City of Brisbane Town Planning Act. First of all I have a responsibility, on behalf of the metropolitan members town plan committee, to say a few words in this debate.

The metropolitan Government members committee, which was formed as a subcommittee of the joint Government parties some years ago to oversee the town plan prepared by the Brisbane City Council, has been one of the more active committees in this Parliament. It has carried out more work than any other group in this place on the problems of the people and how they could be injuriously affected by the council's heavy-handed planning.

For a number of years the committee was chaired by the honourable member for Mt. Gravatt, who did an excellent job. Recently I became chairman of the committee. I take this opportunity of thanking the Minister for Local Government for the way he has handled the City of Brisbane Town Plan.

He sent the plan back to the Brisbane City Council some months ago with our request to have it straightened out, redrawn, redrafted and rewritten. The plan that appeared in the first instance really affected the interests of the people, their rights to property and many other rights they enjoyed.

The redrawn plan contains some slight improvements but it still contains many faults. Once again the plan has been examined in detail by the Minister and his officers, who have at all times been ready to discuss its implications with the members of the metropolitan members town plan committee.

We have sought a number of amendments to the plan. I thank the Minister for his undertakings on how the town plan will be changed before it receives the stamp of approval from the Governor in Council and becomes one of the laws of this city.

The amendments we sought include such things as a better attitude towards sport and recreation zoning so that there would be a public right of appeal before land of this kind could be alienated permanently and the way existing and proposed open space zoning has been handled in the plan. Residential B or multi-unit zoning under the plan will be increased. It was too restrictive in the way it was put forward by the council and a limit was placed on the land so that the smallest area that could be developed for multi units was 32 perches. We have an undertaking from the Minister that the limit on the frontages will be broadened. There is quite an iniquitous provision in the town plan relating to adjoining blocks, a proposal which is quite unrealistic. The Minister readily saw this when we discussed it with him and he has taken action to have that eliminated also. We have discussed the part of the plan that pertains to river set-backs and the elimination of non-conforming uses as it appears in the schedule of the Order in Council under the Act. The Minister has favourably received all of our suggestions on these matters and is doing something about them. Before this plan becomes law it is necessary that the legislation under which it is made be reviewed and brought up to date so that it will be effective.

The Bill contains many improvements that we have asked of the Minister. They relate to compensation, which we have sought for some time, and the formalising of the provisions relating to contributions or development charges by the Brisbane City Council is contained in the Bill. We are very pleased with the hearing we have had on this matter and the proposals that are being put forward.

In future a register of non-conforming uses will be compiled on a voluntary basis. People will be invited to contribute and register at the city hall their non-conforming uses and this will be done voluntarily. This is another matter on which there has been agreement with the Minister.

There are some new and quite radical zonings of land which is understood to be open space. The new zone known as non-committed zone will go a long way towards overcoming some of the misunderstandings that take place and will establish a better legal position for those who in the past have held land that was in a non-urban zone and have had to fight the council through the courts in order to establish a right to make some use of that land.

At the same time, there will be a zone known as non-urban in which will be land that it is unlikely will be developed for any purpose. There will also be land that will be zoned clearly as future urban so that at a glance people will be able to see exactly where they stand in zoning matters.

My main purpose in entering the debate tonight was to pay a tribute to the Minister who is surely one of the most broadminded Ministers ever to hold the Local Government

portfolio. He is also one of the most co-operative with metropolitan Government members.

Government Members: Hear, hear!

Mr. LANE: I am pleased to hear my colleagues acknowledge what I am saying. We are very pleased with what has been achieved and we look forward to continued co-operation with him in the future. Legislation of this nature is always of a highly technical nature and it may have a few wrinkles that only trial and error will iron out. I think the Minister accepts, as we do, that some time between now and the next sittings, possibly after the next election, when the Government has been returned with an increased majority, we will be able to look back and, in the light of trial and experience, perhaps make a few minor adjustments that may then be necessary.

Mr. M. D. HOOPER (Townsville West) (9.33 p.m.): As a member of the Minister's committee, I realise that these amendments are very desirable. As well as calling his committee together on several occasions, the Minister invited all Government members to express their views on the proposed amendments. I know that they are very acceptable to Liberal members holding seats in Brisbane.

I want to pass some pertinent remarks about town planners. In my opinion, town planners, under Government legislation, are possibly the most serious cancer inflicted on local government by any government.

Mr. Katter: Well said!

Mr. M. D. HOOPER: That is my opinion. I know from experience that that one man in any local authority has too much power. He seems to have more power than a mayor, a shire chairman and council officers themselves. He decides, quite often arbitrarily and without reference to the elected council members, what will be done in the city or shire. I have received countless complaints over a number of years about people being knocked back by town planners who have said in effect, "You can't do that there here." The wiser ones who have been knocked back have gone to their elected representatives and said, "I would like to have my application advertised and considered by the people, subject to objection, and also considered by the council's committees. I want them to say whether I should be allowed to proceed with this development." Too much power has been placed in the hands of town planners. They cause innumerable delays. Plans for development have to be advertised. The costs of making applications for development are considerable and all these requirements hold back progress.

Mr. K. J. Hooper: What you are really saying is that we should not stand in the way of the land developer?

Mr. M. D. HOOPER: Not at all. The honourable member for Archerfield is quite wrong in making that assumption. There should be controlled progress but it should be decided by members of shires and councils, not town planners, who are not elected respresentatives. It is not an exact science. I think the ability required is on about a par with that required for a second or third year architecture course or possibly a quantity surveyor's course. One can see two town planners in a city with completely different opinions. Each one thinks he is right, but the bloke who has the job in the shire is the one who decides what will or will not take place. I compare them with, say, a city engineer or a health surveyor. They are people who are dealing with an exact science. They know what the State by-laws are and can give an opinion on the spot about the standard sewerage by-laws or the health requirements for a cafe or other development. But not so with town-planning; it is not an exact science.

Contrary to what the honourable member for Archerfield suggested, I believe there should be some controlled development in our cities and shires. Once the town plan has been established and advertised and been subjected to scrutiny by the public and to appeal, it should remain as it is for a number of years and not be subject to revision, because those things are too costly and too lengthy. With a change of town-planning, all of a sudden there is a different set of by-laws. I do not see why we cannot have a plan, for argument's sake, for a complete region taking in adjacent shires. A complete regional plan could be adopted, or even a State-wide plan, which is not subject to the whims of town planners who come along every few years and try to change the whole system.

The TEMPORARY CHAIRMAN (Mr. Kaus): Order! There is too much audible conversation in the Chamber.

Mr. M. D. HOOPER: After all, we are a free-enterprise Government and pride ourselves on property ownership. Property owners are the bulk of the ratepayers. They are an ever-diminishing circle of people because circumstances have put home and property ownership out of the reach of many people. So all we are doing is making it harder for property owners, the backbone of any city or shire, to put money into their own city and develop it. All we are doing is making it harder for those people to pay for the so-called quality of life of the people who are not ratepayers, the most vociferous minority section in our community. We are imposing by State Government legislation requirements for inspectors to be appointed under the Clean Air Act and the Clean Water Act and to police various litter laws.

Now we come to a new definition in the Brisbane Town Plan which has been copied in the present revision of the Townsville

Town Plan, and that is non-urban development. What does "non-urban" mean? It obviously means that a person cannot build there now or in the future. That is what "non-urban" sounds like to me, but then we find under the approved definition of non-urban areas that people can conduct a nursery or engage in agriculture or something of that nature, but we certainly cannot have any workshops, factories, rail sidings or any other commercial or industrial development. I know that in Townsville over the last few years several thousand acres of land on the south side of the Ross River have been bought by the Townsville Harbour Board, Mount Isa Mines and other companies for major industrial developments in the future—developments which will cause a tremendous amount of building activity and provide employment for hundreds of people in the next couple of decades. Yet all of a sudden this land is now zoned non-urban. Why is it that the town planner can come along after 10 years and say that this land should be non-urban because it has been acquired by industry for future development? To my mind these people should appeal as soon as possible to the Director of Local Government, and the Minister personally if needs be, to see that this type of development is removed unless there is ample evidence to show that the land cannot be used for any possible development in the future. Too many revisions are taking place. They are costly and are causing too much hardship in the community.

I commend the Minister for the alterations he has proposed to the City of Brisbane Town Planning Act, but I feel that there should be similar amendments to the Local Government Act so that town planners will be stripped of some of their powers and more power placed in the hands of the elected representatives of these cities and shires.

Mr. HOUSTON (Bulimba) (9.39 p.m.): I support the Leader of the Opposition in his submissions. I am very happy to support him because it has been one of the better contributions made in this Chamber during this session. One of the factors that I think we have to consider when we talk about the town plan is to put it and the responsibility for its authorisation into the correct perspective. Unfortunately, every time Government members come across some part of the town plan they do not like, they blame the Brisbane City Council for it. At every council election, Government members are very happy to lay the shortcomings in the town plan or its application at the doorstep of the Labor aldermen.

The first point I wish to make is that the town-planning legislation is the responsibility of the Government. After hearing the honourable member for Townsville, I should say it is very obvious that the Liberal members of this Assembly are also responsible for the City of Brisbane Town Plan. So any shortcomings in the town plan are the responsibility not of the Brisbane City Council but of the Liberal Party.

Government Members interjected.

Mr. HOUSTON: It is their Bill that is before the Assembly.

Government Members interjected.

Mr. HOUSTON: The approval of the town plan is directly in the hands of the Minister.

Government Members interjected.

The ACTING CHAIRMAN: Order!

Mr. HOUSTON: Honourable members opposite do not like hearing the truth. They prefer to go out and use their own half-truths in their propaganda. What will be approved shortly is the town plan that has been approved by the Minister. No other person approved of it.

Mr. Gygar: What a lot of hogwash!

The ACTING CHAIRMAN: Order!

Mr. Gygar: I am afraid I have got you on toast.

Mr. HOUSTON: The honourable member has not got me on toast. I do not want to be nasty to him, but it is only on rare occasions that he graces this Chamber with his presence. Now that he is here, I suggest that he keep quiet and he might learn something about the matter.

After his renowned recent speech, the Minister has put the wind up every Liberal in this city. None of them knows which of them will finally disappear. A few moments ago we heard the member for Merthyr saying, "Oh, Russ, you are a great fellow!" Of course he would say it! He does not want Russ to be responsible for his losing his seat. Now we have the honourable member—the silent member——

Mr. K. J. Hooper: Charlie Chaplin.

Mr. HOUSTON: I know that is his nickname, but what seat does he represent?

Mr. K. J. Hooper: Stafford.

Mr. HOUSTON: The honourable member for Stafford also says——

Mr. Gygar: Bulimba will go.

Mr. HOUSTON: If Bulimba goes, I will tell the public that the Government is scared of me and wants to get rid of me. Don't worry about it. I will find a seat, because the people on the south side of the river look upon Mr. Burns and me as their only saviours against the present Government.

Let me return to what I was saying before the rude interjections. The City of Brisbane Town Plan will be that approved by the Minister. For the edification of the honourable member for Stafford, I point out that the aldermen of the Brisbane City Council,

through the Planning Committee, submitted a town plan for the city of Brisbane. Time was allowed for objections; the objections were considered by the aldermen, and the plan was amended. By law, every objection to the town plan has to be passed on to the Minister. I ask the Minister whether that is right.

Mr. Hinze: Yes.

Mr. HOUSTON: He, and he alone—perhaps helped by the Liberals in this Chamber; that is for him to say—decides on the plan that will be approved. It may or may not conform completely with that submitted by the aldermen of the Brisbane City Council. The law lays down that the Minister has the right to change the town plan as submitted provided he does so in conformity with the objections submitted. Again the Minister nods his head in agreement. Therefore, the town plan under which the Brisbane City Council is working is the town plan approved by the Minister and the Government.

Mr. Gygar: Put up by Sleeman and his mates.

Mr. HOUSTON: The honourable member cannot get out from under on that one.

Mr. Gygar interjected.

The ACTING CHAIRMAN: Order!

Mr. HOUSTON: As I said, I support the submissions made by the Leader of the Opposition, so I shall not delay the Committee by repeating them.

As to injurious affection—I support the principle, but if a block of land in a particular zone reverts from A zone to B zone the person who owns the block is entitled to compensation. The council may be interested in receiving compensation in one form or another if land that was B zone is zoned A and the owner then finds himself in the position where he can capitalise quite substantially on the increase in value that flows from that new zoning.

I support the comments of the Leader of the Opposition on injurious affection and the consequences that flow from it. The Bill provides that if a person is affected by something that occurs within his zone compensation can be paid. I suggest to the Minister that if a person is affected by a change of zoning outside his zone, he should be compensated.

As an illustration—people on Balmoral Heights, in my electorate, built their homes a few years ago when the ground was sold as residential land. They were told that the open space between Lytton Road and Thynne Road and the Brisbane River was held by the Department of Harbours and Marine for harbours and marine purposes. They built lovely homes on their blocks of land. Some time later the Government decided that the land would be transferred to the Lands Department, which subdivided it and allowed industries to be established there. In some instances the department claimed that the industries were associated with harbours and marine works. That may be a technical point, but the fact is that overnight these people found that a change in zoning next door to them had a tremendous dertimental effect on their welfare.

I have no doubt at all that the value of their properties was reduced, not because of what happened within their zone but because of something that happened next door in the adjacent zoning. The contributing factor was, of course, noise. I know that the noise pollution Bill may be of help but I am not sure that that Bill will ever become law in this State.

The Leader of the Opposition mentioned the Brisbane Abattoirs, a Government instrumentality. When the abattoirs were down near the river and certain methods of disposal of offal and waste were used, there was not a continuous bad smell coming through the suburbs of Murarrie, Morningside and Bulimba.

Mr. Hinze: The Minister for Primary Industries and I visited the abattoir yesterday.

Mr. HOUSTON: And did the Minister find the smell there?

Mr. Hinze: Most definitely.

Mr. HOUSTON: What the Leader of the Opposition and I want the Minister to do is take some action to stop it.

Mr. Hinze: We are going to.

Mr. HOUSTON: I hope so. I realise that this matter is not covered by the Bill, but in this the introductory stage I am suggesting to the Minister that when the Bill is next amended he look at the effects of something that happens in one zone on someone who lives in an adjoining zone. I ask him to look specifically at the effect of something that happens in a noxious-industry zone on someone living in a residential zone. In fact, my idea of town-planning is that residential zones should not be allowed beside noxious-industry zones.

Mr. Hinze: We all agree; but what do you do when you have got them?

Mr. HOUSTON: This is occurring more and more. The construction of the new abattoir is a typical example. The Minister has said he will take action, and I accept it. However, other industries are located in the area.

One of the things that worry me is the cost of water and sewerage charges to the people. Uncontrolled development is permitted. When travelling on any of the main arterial roads near Brisbane we come to large tracts of undeveloped land and then areas that have been subdivided and developed. In these circumstances water, electricity, gas and telephone services pass undeveloped areas. When a city is being

developed, people who hold such unproductive land should have to contribute to the cost of the amenities which they will eventually take advantage of. How often do we see a development take place, with the buyers paying for water and other facilities and then a more central block being developed by a different developer who saves all these development costs? This may benefit buyers who purchase the land but it does not in any way help those who bought land in the older subdivision.

When I rose I did not want to criticise the Bill but I wished to clear up some points about responsibility for town-planning as I see it. When the Minister is considering how people are affected by freeways and other road developments, which are part of a town plan, the Government should be responsible for any loss in value of homes. I know of many very good homes that are free from noise and motor vehicle pollution that will be affected as soon as the new port is built. Heavy traffic will be flowing where presently there is only light traffic. Apparently the town plan does not take this matter into account so far as compensation is concerned. I suggest to the Minister that this should be looked at when the town plan is next reviewed.

Mr. DOUMANY (Kurilpa) (9.53 p.m.): I wish to support the Bill and some of the comments made by the honourable member for Merthyr on behalf of the metropolitan members' committee on the town plan. The Minister is to be commended on bringing this legislation before us because a great deal of tidying up is needed. Undoubtedly the two attempts at town-planning by the Brisbane City Council in the past 18 months have highlighted some of the deficiences that this Bill seeks to overcome.

I shall not traverse all the points made by the Minister, but I intend to deal with a couple of key areas—areas of prime importance. The first relates to compensation. In dealing with the Brisbane City Council compensation undoubtedly has been one of the greyest and vaguest areas. It has virtually been a case of survival of the fittest under the law of the jungle. Those who have been fleet of foot and able to move quickly enough perhaps have gained some satisfaction, but the majority of the community who are inclined to put their faith or trust in those in authority have been faced with a frightful situation.

One of the most important effects of this legislation is that it puts the onus back on the Brisbane City Council where it properly belongs. This does away with the jungle-like aspect of the existing situation where the individual has been at the mercy or the whim of those who, without any thought of repercussions, have placed lines on maps and done many things that have seriously affected the value of land and assets.

One of the problems that even these provisions may not come to grips with is the fact that, when in a town plan something is proposed (even if it is not likely to manifest itself in reality, such as a possible freeway corridor or something of that nature), even with all the denials that come from the relevant departments, the effect on land values is real and lasting. The responsibility on the shoulders of town planners, whether in the city council or a Government authority, is enormous. The moment they draw a line, the moment they say a word, they create an impression in the minds of people, and that impression governs values of and attitudes towards property throughout the affected area.

Mr. Houston: Freeways reduce values, don't they?

Mr. DOUMANY: I will not reply to the honourable member's interjection.

Mr. Houston: Why?

Mr. DOUMANY: Because it is an entirely subjective matter. I like driving on the freeways, just as he does. I have noticed him driving on the freeway very often.

Mr. Houston interjected.

The ACTING CHAIRMAN: Order! The honourable member for Bulimba has had his opportunity.

Mr. DOUMANY: Leaving the subject of compensation, which I believe has been dealt with very substantially by the Minister in these provisions, I list as the next important step that he is taking the introduction of the voluntary registration of non-conforming uses. Undoubtedly, this is a most important decision. What the city council had in mind in its town plan would have locked people into a strait-jacket. The Minister has removed that strait-jacket.

I come now to what is probably the most important provision of the legislation—that relating to unlawful conditions. This is probably one of the most notorious items to blot the record of the Brisbane City Council over the last decade or so. What virtually amounts to blackmail has been exercised time after time in the most blatant fashion. Development and improvement of property have been made almost impossible for many, many individuals and companies. In some situations, unlawful condition after unlawful condition has been imposed. The very strange feature of it all is that very rarely has the council committed itself to paper on these conditions. Instead, it has verbally communicated with them and made it quite clear that, if they are not confirmed in writing by the applicant—

Mr. Brown: As an offer.

Mr. DOUMANY: Yes, if they are not confirmed in writing as an offer, then it is made clear that nothing can happen.

Let us have a look at some of the amounts involved. For instance, on an improvement worth $250,000, it has not been unusual for conditions amounting to perhaps $60,000 or $70,000 to be imposed. If that does not contribute to inflation, I do not know what does. This has been a blot on the record of local government in this city.

Mr. Houston: You're making it up.

Mr. DOUMANY: I will not respond to the honourable member for Bulimba. From the grin on his face, I know he is in a very playful mood tonight. I do not have to make it up. The facts are there. I will not bore the Committee with a recitation of the facts, because anyone who says I am inventing it is, quite frankly, making a laughing-stock of himself outside the Chamber. Some areas have really been exploited by the Brisbane City Council in this respect. All sorts of fictitious conditions have been placed, for instance, on the movement of water mains and the repositioning of footpaths. We have witnessed the enormous saga of underground electricity mains. Worse than that we have had demands for the dedication of land free of cost in respect of very vague proposals, such as the widening of a road that is not confirmed at that point of time. These are enormous impositions.

In one recent case that I know of, out of demands that amounted to some $30,000, no more than $1,000 worth was legal or lawful. What the Minister is doing in this Bill is most admirable and timely because we must put an end to this sort of nonsense and give a fair go to genuine, bona fide developers who are going to improve this city and provide business and employment opportunities.

It is about time there was some consistency. In two cases, with the properties only yards apart, several of the demands made in one case have been omitted in the other. They do not know what they are doing.

The history of this goes back to the Lord Mayor who dominated the scene a little while ago. I believe it was a very useful method of financing a disastrous form of budgeting. I am sure that the Minister will put an end to this inflationary type of exercise and I commend him for it.

Mr. PREST (Port Curtis) (10.2 p.m.): I rise to support the Leader of the Opposition and the Deputy Leader of the Opposition in their concern about the City of Brisbane Town Plan. I, too, am very concerned not only for the city of Brisbane but for the whole of the State as to what compensation may be paid by companies should they become a problem in a certain area.

Tonight and previously honourable members have spoken of town plans and what they mean. Only a couple of nights ago one of the metropolitan members said that we should allow sons and daughters to build granny flats to house their parents. Unfortunately, under a town plan, that is allowable in residential B, but residential A is high-rise and residential C is residential only, so no matter where a person lives in a residential C area he cannot build granny flats or other flats.

I support the remarks of the honourable member for Townsville, who said that town planners have too much to say and too much authority. Unfortunately in our area town planners apply unreasonable conditions on people wishing to build. They tell them what colour fence they must erect or what type of tree or shrub must be grown on their land. This is going too far.

In our area we are not able to build flats to house our aged people or pensioners or whoever we are looking after. Only last week the Gladstone City Council issued summonses against people with caravans in their yards to house their parents. This is a great imposition on these people when housing accommodation is not available in a growing city such as Gladstone. I am quite certain that between 100 and 200 people are waiting for Housing Commission accommodation which cannot be provided. What do we do now? The city council has issued summonses and these people will be taken to court and removed from their sons and daughters. They will not even be allowed to live in their yards. I think that is quite wrong. It is not the rich and those who can afford to pay for better accommodation who are living in caravans. Those in caravans are there because of their poor circumstances.

We have heard recently that a committee is being set up to grant a franchise that will take power from a local authority and enable a company to override it and do as it wishes. Without going into that matter at this stage, I want to say that I am very concerned about the overriding of the powers of a local authority. I join with my leader in saying that adequate compensation must be paid should industry interfere with areas into which it moves.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (10.7 p.m.), in reply: I thank all honourable members for their contributions to the debate on this Bill. I propose to reserve my reply, which will be in detail, till tomorrow.

Progress reported.

CONSTITUTION ACT AND ANOTHER ACT AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (10.9 p.m.): I move—

"That a Bill be introduced to amend the Constitution Act of 1867 (as amended from time to time) in certain particulars and the Legislative Assembly Act 1867-1971 in a certain particular and for another purpose."

I am sure honourable members will recall my introducing legislation in December to declare that certain Crown appointments were not to be taken as offices or places of profit under the Crown. That legislation, the Crown Appointments Declaratory Act 1976, met the situation at the time. But I then did indicate that it was regarded as a holding operation only and I undertook to introduce more complete and definitive legislation during this session. The Bill I am now introducing is a result of that undertaking. Its purpose is to amend the Constitution Act 1867–1976 and the Legislative Assembly Act 1867–1971 in certain respects.

The amendment to the Constitution Act is concerned with the relationship of members of Parliament to the Crown. When I introduced the previous legislation I also informed honourable members that I had asked the Minister for Justice and Attorney-General (Hon. W. D. Lickiss) to examine the uncertainty surrounding the interpretation of the phrase "office or place of profit under the Crown" with a view to introducing legislation this year designed to put the matter in a proper and more realistic form. The present Bill amplifies and clarifies the position. This part of the Bill has one main object and that is to ensure that members of Parliament are not in a position where they can receive or appear to receive any patronage from the Crown. The Bill seeks to do this in two ways, firstly by making members ineligible to be appointed to any body or position where the appointment comes from the Crown (in right of the State) either by way of a direct appointment by the Crown (including a Minister) or where the member's position has to be confirmed by the Crown (or by a Minister) and, secondly, by making members ineligible to perform services or transact business for the Crown or anybody representing the Crown.

The prohibition in respect of services is limited to bodies representing the Crown. The Crown will include any body or Crown instrumentality. Consideration was given to including services on behalf of or bodies referred to in the first part of the clause but it is thought that such a provision would be too far-reaching and perhaps unfair because it might well deprive members of legitimate opportunities of practising their professions and engaging in normal business relations for bodies which in their day-to-day functioning are not part of the Crown in the legal sense. In country areas, for instance, hospital boards should be able to use the services of skilled medical practitioners who may happen to be members of Parliament. The engagement of the particular member would, of course, be a matter for the board itself.

The State Government Insurance Office, under its Act, represents the Crown but in practice it engages in a wide range of commercial activities which have ramifications in many fields such as insurance, litigation, medical and agency. Because of the wide range of activities of the State Government Insurance Office and the large area where its operations cannot fairly be described as Crown activities, it has been decided that members will not be precluded from performing services for or on behalf of the State Government Insurance Office.

A provision has been inserted for the purposes of making it plain that attendance at a court in obedience to court process does not constitute the performing of services for or on behalf of the Crown whether or not witness's expenses are payable. The Parliament will have power in minor circumstances, where there has been no conscious breach of the law on the part of any member, to determine that no disqualification should take place.

The amendment to the Legislative Assembly Act relates to the position of members of this Parliament who seek election to the Federal Parliament. The effect of the Bill will be that if a member of this Parliament resigns his seat and when doing so notifies his intention to contest the State seat again if his election to the Federal Parliament does not eventuate, the issue of the writ in respect of the vacancy caused by his resignation will be deferred pending finalisation of the former member's position in respect of his election to the Federal Parliament.

Mr. Houston: You will still have a by-election, though?

Mr. BJELKE-PETERSEN: Yes, but this one is not for me.

When this Bill comes into force, the provisions of the Crown Appointments Declaratory Act 1976 will no longer apply. As I said at the outset, I believe this Bill gives a complete coverage of all those situations which might affect the relationship of a member of this Parliament to the Crown and I commend it to honourable members.

Mr. BURNS (Lytton—Leader of the Opposition) (10.15 p.m.): We have waited since 8 December 1975, when the Premier rushed through this Chamber special retrospective enabling legislation to absolve the so-called sins of one of the members of the Government, for the introduction of the new legislation that the Premier promised would be drawn up to put the matter in a proper and more realistic form than presently existed. I have some grave fears about the legislation that he now proposes to introduce. I am concerned about making specific provisions in relation to doctors, lawyers and others, because I think that parliamentarians are in a profession that is paid well and they ought to be able to make up their minds whether they are going to be doctors, lawyers or Indian chiefs afterwards. I think members of this Assembly have to make up their mind what they are or what they are going to be. However, we must wait till we read the provisions of the Bill, and we can refer now only to the matters that were raised by the Premier.

I have spent some time looking into this matter, and a very good report was released in 1975 by a joint committee of the Federal Parliament on pecuniary interests of members of Parliament. Indeed, I think it assists us to set out clearly what the solutions may be. Most of us can see the problems, and I think most of us could be worried that we might find ourselves in a position in which we could breach the Act or the law without realising that we were doing so, especially people who are involved in a profession.

I look first at the existing law and its inadequacies, and there are three relevant sources of authority which in some measure regulate the conduct of members of Parliament, public offices and pecuniary interests. These are sections 6 and 7 of the Constitution Acts, 1867 to 1961 (I should imagine that we are amending that), section 5 of the Officials in Parliament Act 1896–1975, and rule 158 of the Standing Rules and Orders of the Queensland Legislative Assembly. As I understand it, these provisions have been adopted from the provisions of the House of Commons Disqualification Act of 1782, which in turn had its genesis in legislation as early as 1696.

Section 6 of the Constitution Act is headed "Disqualifying contractors and persons interested in contracts". It says, in effect, that any person who directly or indirectly undertakes, executes, holds, or enjoys in the whole or in part, any contract or agreement for or on account of the Public Service shall be incapable of being elected or of sitting or voting as a member of the Legislative Assembly during the time he shall execute, hold or enjoy any such contract. And if any person being a member of such Assembly shall enter into any such contract or agreement or, having entered into it, shall continue to hold it, his seat shall be declared by the said Legislative Assembly to be void accordingly. Section 7, under the heading "Election of disqualified persons void", lays down a penalty for sitting or voting.

Sections 6 and 7 at first glance appear to be all-embracing. However, in 1959 a Country-Liberal Government in this State introduced an amendment that severely limited the scope of section 6 by providing that only contracts or agreements for the furnishing or providing of wares and merchandise to be used or employed in the service of the public were covered. In other words, certain services were not covered, but it covered the provisions of wares and merchandise—goods.

Section 7A also provides loopholes for leases with the Crown, any agreement relating to mining, any insurance agreement under the Workers' Compensation Acts 1916 to 1959, and any contract relating to loans to the Crown involving the repayment of interest and principal. Without a doubt, there are few contracts other than those provided for by the preceding limitation that would be a source of conflict of interest and duty. In other words, the provisions in the Act have not, to my mind, given any protection to the public, and I think the public believes that the Acts suggest that you and I, Mr. Gunn, and everyone else who sits in this Assembly will have no financial interest in affairs that will be debated in this Chamber, or if we have, we will declare those interests if we are involved in debating them in the Cabinet room, or we will not accept any office of profit through the Crown; in other words, we will not be bound in any way to the Crown and so be forced to endorse the Crown's opinion on matters. The law does provide a number of loopholes for a shrewd operator, who could contract for services equally guilty of conflict of interest and duty but not guilty because the contract is not for goods or chattels.

I went back through section 5 of the Officials in Parliament Act and studied some of the effects of it, and then began to look at the extent to which the law applies, the principles behind it, and how it has been applied in the past. When one looks back, one finds some rather strange cases. Mr. Justice Barwick, in the Webster case, cites the case of Sir Stuart Samuel in 1913, where it was said of the principle involved—

> "Itself declares that it was made to preserve the freedom and independence of Parliament: and the mischief guarded against is the sapping of that freedom and independence by members being admitted to profitable contracts."

Whilst that is in the language of 1913, the principle or the spirit of it is there today.

In 1880 in the case of Miles v. McIlwraith, the Full Court held that section 6 applied equally to members of the Legislative Assembly becoming interested in contracts as well as to persons seeking election. So it was not only those who became members of Parliament; it applied equally to those seeking election. In that case the M.L.A. concerned was merely a trustee.

The case of Bowman v. Hood in 1889 is authority for the proposition that a member who holds an office in respect of which fees are payable but who does not accept such fees holds an office of profit. So even though he does not get fees to which he is entitled he is said to hold an office of profit.

In the case of Hodel v. Cruckshank in 1889, Chief Justice Lilley ruled that the office of a pound-keeper under the Impounding Acts is an office of profit under the Crown. The pound-keeper under that Act was not a salaried officer and was only entitled to fees if and when he received impounded cattle. It was ruled that he held an office of profit.

Dr. Lockwood: What about the poor blokes on the rabbit board?

Mr. BURNS: I am coming to them now.

In the case of the Warrego election petition (Bowman v. Hood) in 1889 it was ruled that a member of the Central Rabbit

Board held an office of profit under the Crown although he received no fees—no remuneration in regard to his position on the stock board and was only entitled to be paid a fee for each attendance and travelling expenses.

It has always been a general principle of our law that a member of Parliament is excluded from holding an office of profit under the Crown and that, if a member does, his seat shall be declared void and vacant.

The principle behind the law that no member of this House should hold an office of profit under the Crown is founded on the need to preserve this House as a people's House from the influence of the Crown.

One of the problems inherent in this law is the ease of evasion. It is like locks on the doors of a home. They are there to keep out an honest crook. Anyone who is determined to get in will succeed in getting in, no matter what locks are on the doors. He will break the windows if he really wants to get in. If these laws are made, they should be difficult to evade or get around.

Any member wishing to have outside financial interest can, through smart estate-planning, easily hide away and divest himself of direct ownership through either a company infrastructure or some other type of trust infrastructure. Again there is a need for us to have a look at it.

I thought we should look at the recommendations of the Joint Committee of Pecuniary Interest of Members of Parliament. It states—

> "A solution can best be achieved by coupling the avoidance of conflicts provisions of the Constitution with provisions which require not divestment of potentially conflicting pecuniary interests but disclosure of those interests, the desirable extent of disclosure, the form in which it should be made."

What is required is a compromise between protecting the privacy of individual members of Parliament and protecting the interests of the public in ensuring that the decisions are not being made for improper motives.

It is worth while looking at the recommendations of this report.

They were—

"1. Consequently the committee recommends that the filing of a copy of one's income tax return would constitute neither an adequate nor an appropriate form of registration of pecuniary interests.

"2. The committee recommends that members of Parliament should disclose the names of all companies in which they have a beneficial interest in shareholdings, no matter how insignificant, whether held as an individual, a member of another company or partnership, or through a trust. The committee further recommends that it should be left to the discretion of individual members of Parliament as to whether or not they should register the actual value of any shareholdings.

"3. The committee recommends that members of Parliament disclose the location of any realty in which they have a beneficial interest.

"4. The committee recommends that members of Parliament declare the names of all companies of which they are directors.

"5. The committee recommends that sponsored travel be declared.

"6. The committee recommends that members of Parliament should provide the information required in the form of a statutory declaration to a Parliamentary Registrar who shall be directly responsible to the President of the Senate and the Speaker of the House of Representatives. It is reasonable and proper to allow the public to have access to the information disclosed on establishing to the satisfaction of the Registrar and with the approval of the President or Speaker that a bona fide reason exists for such access. These statutory declarations should be in loose-leaf form so as to enable members of the public to inspect any relevant details in the statutory declaration filed by a particular senator or member. Upon any request for access being received by the Registrar the senator or member concerned should be notified personally and acquainted with the nature of the request and informed of the details of the inquiry before such access is granted. The senator or member thus notified may, within seven days, submit a case to the Registrar opposing the granting of access. On receipt of such submission, the Registrar, with the approval of the President or Speaker, shall make a decision from which no appeal will lie.

"7. The committee recommends that Ministers of the Crown, on assuming office, should resign any directorship and dispose of any shares in a public or private company which might be seen to be affected by decisions taken within the Minister's sphere of responsibility.

"8. The committee recommends that a joint standing committee of the Australian Parliament should be established with power to supervise generally the operation of the register and modify, on the authority of the Parliament, the declaration requirements applicable to members of Parliament. It is not envisaged that such a committee would sit frequently, but would merely be ready to function when a situation arises which calls for resolution.

"9. The committee further recommends that the Parliamentary Registrar should be the clerk of the Joint Standing Committee, and should be appointed by the President of the Senate and the Speaker of the House of Representatives."

The Committee then wholly endorsed the view of the House of Commons Select Committee on Members' Interests when it stated in its 1974 report, at page 12—

"Under no circumstances should the Registrar and his staff be seen as enforcement officers, with powers to inquire into the circumstances of members. The underlying principle behind the register is that members are responsible for their entries: The House will trust them in this respect, but at the same time such trust involves obligations. As the Clerk of the House pointed out, 'the ultimate sanction behind the obligation upon members to register would be the fact that it was imposed by resolution of the House . . .' "

It then went on to make further recommendations and included in them was a sample statutory declaration which I think was quite a good one. It also suggested an extension of the range of pecuniary interests, and these were—

(A) Agreements performed, goods supplied or services rendered of which the person in question had no knowledge, and of which he could not reasonably have been expected to know.

Mr. Moore: Is this from the C.P.A. journal?

Mr. BURNS: No, this is from a printed report. It is worth while reading.

Mr. Moore: I just wondered. I read it somewhere.

Mr. BURNS: It is a printed report.

It went on to say that agreements with the Public Service to which the person in question is, or was, not a direct party should not be counted, that agreements not originally made directly with the person in question, but the benefit of which he takes by way of assignment, devise or similar means, and of which he divests himself within a reasonable time also should not be counted. It then referred to agreements for the provision by the Crown of goods, services or other benefits on the same terms and conditions as they are made available to the public generally. I do not think that a Minister or a member of Parliament should be treated differently from any member of the public. It also referred to loans made to the Crown. Why should not a member invest his money in Government loans if he wants to? Reference was also made to compensation settlements, including payments for property compulsorily acquired. If we do not make such provisions, we might take someone's land for railway purposes, decide to compensate him and then find that we place him in an invidious position as a member of Parliament if the provision is not framed properly.

The matter of agreements performed or services rendered of a casual and a transient kind, where the value of the transaction or the amount of the fee involved is relatively small, was also dealt with. I will not read all the recommendations, because they go on and on, but those are the type of recommendations we should be looking at today.

There is general disquiet in the community about politicians, political parties and Parliament itself. Many people in the community are not happy with the operation of Parliament. Many of them believe that we are all tarred with the one brush, that we are all crooks and shysters; that there is some reason for being suspicious about a member of Parliament; that once he is elected he becomes a crook and a shyster.

It is our duty to try to frame laws that will help to dignify this Parliament and improve its standing in the community to ensure that people not only see that members of Parliament and Ministers of the Crown are honest, but that they appear to be honest or it is patently shown that they are honest. If they are not honest in their dealings or are accepting offices of profit or are dealing in matters privately that could be affected by their jobs in Parliament, something can be done about them. It is necessary for us to look not only at offices of profit, but also at different sections of the Constitution Act and the Legislative Assembly Act and Standing Order 158 which says—

No Member Pecuniarily Interested May Vote.

"A Member shall not be entitled to vote either in the House or in a Committee upon any Question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed."

This Standing Order follows the rule of the House of Commons, which was clearly spelled out in 1811 by the Speaker, Mr. Abbott, when he said—

"This interest must be direct pecuniary interest and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or in a matter of State policy."

As far as I am able to determine, there have not been any challenges in this Parliament based on Standing Order 158. There have been some in the House of Representatives, but in each case the motion based on its Standing Order 196 has been negatived or ruled out of order.

I think that this Standing Order is severely limited in its operation, because it is very rarely used. Indeed, its operation is based upon the Speaker ruling upon it. What happens when the Speaker has to rule on it? In 1923 the Speaker in the House of Representatives, Mr. Watt, made a ruling. In 1934 the Speaker, the Honourable G. J. Bill, after having been asked to rule on this issue whether certain members who had been

participants in the distribution of money raised by means of legislation were in order to vote, said that he had no knowledge of the private business of members and he was therefore not in a position to know "whether certain members have, or have not, a pecuniary interest in the Bill".

I think that is what just about every Speaker placed in that position would say. If a member said, "I rise on a matter of privilege. I draw your attention to Standing Order 158. I believe that such-and-such a member has a pecuniary interest in a particular matter and he has voted on it in this Parliament today.", I think the Speaker would normally answer, "I do not know what he owns. I have no knowledge about what sort of business interest he has. Under those circumstances, I am not prepared to rule on it."

So we have to lay down very clearly in any legislation—and we are interested in looking at the legislation—rules that will not only protect this Parliament but also that will conform to the famous lines (and I took the words down, because I thought I should quote them for inclusion in "Hansard") of Mr. Justice Montague Smith in 1869 in the case of Royse v. Birley, when he spoke of the 1782 Act in these terms—

> "I cannot help thinking that it would be very desirable that this Act should be revised because it certainly appears to me to be totally inapplicable to the present state of commerce, and that it really provides a pitfall into which men who wish to walk uprightly and according to law may unwittingly tumble."

I think that that indeed is a point that we ought to make—that the law has to be framed in such a way that it is not out to entrap members; that it is out to lay down guide-lines that are clearly spelt out for members so they know what the law is. If they break the law, we will then not have to rush through any more Bills to allow them to continue as members of Parliament. If they break the law, we ought to make it very clear that the provisions of the law will be implemented and that if they transgress the laws we are now enacting, they will be treated like every other citizen of the community and lose their seat, because that is what the penalty is. It should be emphasised that we will not be rushing Bills through the Parliament to backdate legislation as we did in the two Bills last year and in the Percy Raymund Smith Act in 1971. We cannot continue to ask the people of Queensland to accept the position that we rush Bills through this Parliament—or, rather, that the Government rushes them through the Parliament. It was not the Opposition, because we opposed each of them. I refer to the Bills designed to look after the Government's friends, and to alter the law to suit people who have broken the law. When this Bill becomes law, we ought to make it very clear that there will be no more Acts that will be rushed through the Parliament to clear up the sins or actions of Ministers or members in the past. If those things are clearly spelt out in the Act, we will have further submissions to make at the second-reading stage.

Mr. HOUSTON (Bulimba) (10.34 p.m.): I listened with great interest to the introduction of the Bill by the Premier. When he began, I think he used the words that members were to have no patronage from the Crown. I thought, "This is something we have been looking for and waiting for for some time." I thought, in other words, that it would clearly indicate that members of Parliament were elected to do their job here. I think we have to understand that no-one forces us to become members of Parliament. We freely stand for election.

Mr. Moore: It is an office of profit. It does not have to be a profit—just an office of profit. Just get that into your thick skull.

Mr. HOUSTON: I think we can forecast that this is the honourable member's last term and that he is worried about it. I can assure him that the Opposition appreciates his finer points and certainly would not let him starve in the years to come.

When the public elect a member of Parliament they believe that he has a full-time job and expect him to carry it out with diligence and sincerity. There are sufficiently well-versed people in the community to fill any position. There is no position that needs the services of an elected member of Parliament. I am thinking of positions on boards and positions with semi-governmental establishments and the like which the Premier has indicated will not be exempt under this Bill. I have no fight with that at all.

When a person stands for Parliament, he does so of his own free will. He hopes to be elected. Surely when he stands he should be prepared to give his full time and energy to the job on hand. He would hope, of course, to be a member of the Government and would also hope to be given the responsibility of a Minister. He should be prepared to divorce himself from other remunerations that normally he would be entitled to but for his decision to stand for election to this Assembly. Once he does that, that is the decision he makes and he should stand by it.

When I heard the Premier's opening remarks, I felt that this was it. But he went on to start listing exemptions. In every case the exemption was a professional man such as a doctor or a barrister. Many people in the community who are not professional people are just as important in the overall running of our society. I can imagine, as the Premier said, a doctor being a member of a hospital board. In these modern days of radiology, why not have a qualified radiologist on the board, a qualified electrician or somebody else? I believe that all

of these positions could be filled by people other than the 82 members of this Assembly. If we are going to do our job properly, there should be no exemptions.

The Premier mentioned Federal elections. I refer now to something of which I have practical experience—the person who wishes to stand for election to the Federal or State Government. If he is a public servant, he has to resign. But it is difficult to know when the resignation should take effect. If he resigns before the result of the election is known and he is not elected, he becomes one of the unemployed and his job has to be advertised. If he resigns after he is elected, he runs the risk of losing his seat. What happens is that he takes the risk and resigns on the Friday prior to the election? The result of the election may not be known for weeks afterwards. I think the resignation should take effect at the time of the declaration of the poll and he is elected to Parliament. He should not receive double wages during the period between the Saturday of the election and perhaps when he is declared elected, which could be two or three weeks later under the preferential voting system.

Some years ago the honourable member for Mansfield won the seat of Hawthorne by four votes. It was a long time before it was known that he had won. His opponent was not a public servant but he could well have been. In that case he would have been out of work for that period. That would have been the position under the law as it then was. I suggest that a person standing for a State or Federal seat should be given some latitude by law so that he runs no risk of being caught in such a situation. It was claimed by a member on one occasion that I was very close to the mark. I assure honourable members that that was not the position. I happened to know what the law was at that time because I had stood on the previous occasion as a candidate for a Federal electorate.

I should now like to make some remarks about State members who seek Federal representation. Constantly in this Parliament over the years, from well before my time and over the years that I have been here, there has been criticism of the Federal Parliament and Federal parliamentarians over decisions made in Canberra. I have always felt that one of the great weaknesses in the Federal system is that far too many Federal members know little or nothing about State Parliaments, State legislation and State activities.

Mr. Gygar: You are right on there.

Mr. HOUSTON: Of course I am, as usual. When a person has had experience in the State House, he realises that the real power of Government is the financial power and that, whether he likes it or not, is in Canberra. Just as active and successful local government members seek to enter State Parliament because they realise that legislation controlling the activities of local authorities is, quite rightly, here in the State House, many State members would like to enter the Federal Parliament. We do not say to members of local authorities who nominate for election to this Parliament, "Your seat is in jeopardy. You will be out if you do not win the State seat." We allow them, quite rightly, to stand as aldermen or councillors for State seats and, if they are elected, in most cases they resign their local authority positions when their term of office expires. It is rare to find a person carrying on as both a State member and a local authority representative beyond the time of the next local authority election.

The point that I am making is that if we want to improve the State's representation in both the Senate and the House of Representatives of the Federal Parliament, we should send there men and women who have had State Government experience. I believe that they should come through this Parliament. Why, then, should it be made nearly impossible for them to do so? To become even a candidate for election to the Federal Parliament, a State member has to resign his seat. At the present time, a by-election can then be held to fill that vacancy. The member who has nominated then has either to win the Federal seat, which means in many cases the difficult task of defeating a sitting member, or take the risk of finding himself out of the State House because his seat has been filled following a by-election.

Mr. Gygar: Isn't it correct that there is a provision that allows a member to be reappointed to his seat without election?

Mr. HOUSTON: No, there is no such provision in this State. The full procedure has to be followed.

What the Premier now proposes goes part of the way to what I suggest. He says that if a member stands for a Federal seat and loses, there will not be a by-election until after the Federal seat is determined. That at least allows the defeated State member a chance to recontest his State seat. But even that would make a man or a woman think twice before forsaking the substance for the shadow. If there are to be in the Federal House members of all parties—I am not speaking in party-political terms—with State Government experience, some consideration will have to be given to what I am suggesting. I refer particularly to younger State members. As I think the Premier indicated earlier, I do not think that this will apply to him or to me. Our time of thinking of going into the Federal Parliament is long since past, but the point is that I think it would be a great thing for our younger members if we could quite honourably facilitate the opportunity for them to seek Federal office because it would be to the advantage of this State of ours. I would like to see them given leave

of absence from the State Parliament. If a member is sick and can produce a doctor's certificate, we give him leave of absence from the Parliament, and quite rightly. I have not worked this out in detail, but in general I would like to see a member given leave of absence from this Parliament to contest a Federal seat, and then if he is unsuccessful he resumes his place in this Parliament. If he is successful——

Dr. Scott-Young: He receives no pay in the meantime?

Mr. HOUSTON: Of course he doesn't.

Dr. Scott-Young: You're getting better; you're talking good sense.

Mr. HOUSTON: I will have to look at my argument. The honourable member is making me worry. I thought my argument was pretty sound until honourable members opposite supported it. If a member is elected to the Federal House, we can still have a provision whereby he cannot hold two positions. That is only a matter of words. Once the poll is declared, if the member is successful his seat in the State Parliament is declared vacant and he carries on as the Federal representative. That would encourage members of this Parliament to enter Federal Parliament. I believe that a lack of understanding of our problems by Federal parliamentarians is what causes our downfall. Most of the remarks made in an earlier debate today—and perhaps my thoughts were the same—were to the effect that members of the Federal Parliament do not understand or appreciate anything about the operations and responsibilities of State Governments.

Mr. Wright: There is a parallel with local authorities and the State Government.

Mr. HOUSTON: Many members have come up through the ranks of local government, and I think this is a great advantage when we are discussing local government matters. I know that the Bill is now before the Assembly, but I suggest that if the Premier adopted my suggestion it would not in any way interfere with the principle he is trying to lay down and I believe it would help Queenslanders and Queensland parliamentarians.

Dr. LOCKWOOD (Toowoomba North) (10.49 p.m.): I rise to address myself briefly to this Bill. I think the time is long overdue for this Parliament to have the meaning of the phrase "office of profit" and the position of officials in Parliament clearly spelt out because I think every member of this Assembly is aware that there is an absolute dearth of leading case law on the subject. We have referred to cases 100 years old which refer to pound-keepers and rabbit board members who have been elected to Parliament, although not in this State, and borough councillors who have been elected to the English Parliament. The new legislation must clearly set out what has in fact become the accepted practice in this State. I believe that in this State the Crown refers to the Crown in right of the State of Queensland only and does not, as some people have tried to tell us, refer to the Commonwealth of Australia. There is no doubt that the medical practitioners in this Assembly believed when they were elected that the Crown was the State of Queensland and not the Commonwealth. Had we believed it applied to the Commonwealth we would probably not have been able to write national health prescriptions, see pensioners whose accounts were submitted to and paid by the Department of Social Security, treat soldiers, sailors, or airmen or been able to perform any services for the departments controlling quarantine and immigration. I think all doctors in this Assembly have been aware of this, and when they have performed services for the Government, it has been the Commonwealth Government. The Commonwealth does not offer State Parliaments any office or any profit.

I resigned as Government Medical Officer in Toowoomba before the election, and since election I have had no need or desire to again seek that appointment.

The rights of medical practitioners seeing patients who are insured with or entitled to some remuneration from the State Government Insurance Office need to be set out clearly. After all, these patients are ordinary people, and when they first get in touch with a doctor he may be completely unaware that they intend to insure with the S.G.I.O. All services that are performed are performed for the patient, and no office with the S.G.I.O. is intended or implied if a patient is seen who has some other dealings with the S.G.I.O. In that regard, the S.G.I.O. is no different from any other trading insurance house. Similarly, I do not think that solicitors should be in any way prevented from acting for clients who are having any legal problems with the S.G.I.O. sorted out.

In practice, I think that most people see the point at which an office of profit needs to be determined as being the eve of the election, and a resignation written out on that date can be forwarded and not acted upon, depending upon the result of the election. That seems to have been perfectly acceptable to the people of Queensland in the past.

Mr. K. J. HOOPER (Archerfield) (10.52 p.m.): I rise to address the Committee on the proposal by the Premier to introduce a Bill which concerns the freedom and integrity of this Assembly and the high duty placed on each honourable member to be a true representative of his or her electorate and, in so doing, preserve the role of Parliament as one of the main bulwarks of democracy.

A matter came to my attention last session that so disturbed me that I was duty bound to reveal it to honourable members. This

related to the acceptance of patronage by one of our members. The serious nature of the matter warranted the careful deliberation of this Legislature without commitment to party loyalties as to what the issue was.

The issue was the standing and the reputation of this Assembly in the eyes of those who sent us here—and I think the Premier would agree with this—the people of this State. The member to whom I am going to refer was elected as a member of this Parliament at the general election of 7 December 1974. By law, he was then deemed to have vacated his office of profit. The commission to prosecute without which he could not present indictments or profit from the prosecution of criminal cases was terminated by section 5 (2) of the Officials in Parliament Act. However this member declined to recognise this termination of his office.

Mr. GREENWOOD: I rise to a point of order. I find the imputation that I possessed an office of profit as a result of being a Crown prosecutor offensive, and I ask that the honourable member withdraw it. It has already been pointed out to him on numerous occasions by, amongst others, the Attorney-General, that this was not an office of profit.

The ACTING CHAIRMAN: Order! The honourable member will withdraw it.

Mr. K. J. HOOPER: With respect, Mr. Gunn, I have not mentioned the Minister for Survey and Valuation by name. Let me say that if the cap fits, he can wear it. Let us be realistic, Mr. Gunn. If you tell me to withdraw it, I will withdraw, but I have not mentioned the Minister's name, nor have I cast any imputation upon him. Apparently the Minister is over-sensitive. I will be guided by you, Mr. Gunn; I do not want to transgress.

The ACTING CHAIRMAN: I think we understand whom you mean.

Mr. K. J. HOOPER: Rather than embarrass you in the chair——

The ACTING CHAIRMAN: I will ask you to withdraw it.

Mr. K. J. HOOPER: I will, Mr. Gunn. I certainly did not mention the Minister for Survey and Valuation by name.

However, it now appears that when it was profitable for a member of this Assembly to do so, he would prefer to vacate temporarily the representing of his electorate for personal gain. The record of Votes and Proceedings shows that the member was present in this Chamber on 16 March and 18 March 1976. However, his name does not appear as being one of the members present on 17 March, St. Patrick's Day. I should like to ask where the honourable member was on that day.

Mr. Campbell: Where were you when you went to the union meeting?

Mr. K. J. HOOPER: I was not at a union meeting; I was in this Chamber. However, I don't remember seeing the Minister here on that day. He is rather a nice fellow and I like him, so I would suggest to him that he sit back in his seat and not make inane interjections.

As I say—the member I was referring to was to be found elsewhere as a prosecutor for the Crown presenting the indictment in the matter of The Queen v. Dean before Judge Broad in the District Court at Brisbane. I am told that his fee from the Crown purse for this work was $266 or thereabouts. This patronage, I might add, was dispensed by the honourable member for Nundah, one of the Queen's Ministers in this Parliament and then Minister for Justice and Attorney-General. The result was that, while drawing on his parliamentary salary of $18,900 a year for that day, 17 March, this member also received from the Crown the sum of approximately $266. This member drew two salaries for the one day, both from the Crown, which, as we all know, is reimbursed by the taxpayer. I see the Minister for Aboriginal and Islanders Advancement and Fisheries is nodding his head in agreement. He knows that what I am saying is true.

This member took the handsome sum of $266 to be outside this Chamber while at the same time he took a lesser sum to be here. He left the people of his electorate unrepresented while he served his commitment to his patron. The balance of profitability swayed this member from his obligations as a member of this Assembly and inclined him to seek greater merit in being where there was greater money.

Mr. GREENWOOD: I rise to a point of order. I find that remark offensive and I ask that it be withdrawn.

The ACTING CHAIRMAN: Order! I ask the honourable member to withdraw it.

Mr. K. J. HOOPER: There again, Mr. Gunn, I did not mention the Minister's name. He is certainly over-sensitive. As I said before, if the cap fits, he should wear it. It must be pinching his ears.

The ACTING CHAIRMAN: I ask the honourable member to withdraw the remark.

Mr. K. J. HOOPER: I withdraw it.

In allowing himself to be bought off, this member put a price on service and in doing so dishonoured every member of this Assembly.

Mr. GREENWOOD: I rise to a point of order. I also find that offensive. In fact, Mr. Gunn, I find these remarks both inaccurate and offensive. Standing Orders 119 and 120 are being constantly transgressed by the member opposite.

The **ACTING CHAIRMAN:** Order! The honourable member can proceed.

Mr. **K. J. HOOPER:** Thank you, Mr. Gunn.

As the Minister has raised various rules of debate, I should like to quote a rule. Section 5 of the Officials in Parliament Act 1896-1961 states—

> "Any person holding any office or place of profit under the Crown who is also a member of the Legislative Assembly shall be incapable of being elected or of sitting or of voting as a member of the Legislative Assembly, and the election of such person to be a member of the Legislative Assembly, shall be null and void and a writ shall forthwith issue for the election in his stead."

That is clear enough. I see the Deputy Premier and Treasurer, the former Minister for Justice, in the Chamber. He would agree with me. Whilst I dislike his politics, I have always respected his knowledge of the law.

Mr. **Knox:** Particularly when you're Perry Mason.

Mr. **K. J. HOOPER:** A very good Perry Mason, too.

If what I have read were all that section provided we would have been well rid of that member by now. However, subsection (2) of section 5 of that Act provides that he may be elected to and remain a member of this Parliament but upon his election he is required to and is deemed to vacate his office of profit under the Crown. This was mentioned by my leader in his address approximately 20 minutes ago.

There can be no doubt that the holding of a Queen's commission to prosecute is an office of profit under the Crown. I see the Attorney-General is not disputing this, so what I am saying must be spot on. It is quite true.

Mr. **GREENWOOD:** I rise to a point of order. This is not true, as has been said to the honourable member on numerous occasions before. Unfortunately he does not seem to be capable of understanding it. I find the whole speech of this honourable member offensive and tedious in the extreme.

Mr. **K. J. HOOPER:** As I was saying, Mr. Gunn, the question of what is an office of profit under the Crown was examined in the Queensland courts before the turn of the century. The Minister for Survey and Valuation is a barrister of some standing in the community and he would know that what I am saying is quite correct.

I now wish to cite details from a case referred to by my leader which I think are worth repeating. I refer to the mere poundkeeper in the Hodel v. Cruckshank case who lost his seat in Parliament because he was held to hold an office of profit. I also cite, as did my leader, the case of Bowman v. Hood in which a member of a mere rabbit board, who was entitled to claim only travelling expenses, was removed from office because he held an office of profit under the Crown. We well remember the legislation that was introduced in great haste during the dying stages of the previous session to amend the Officials in Parliament Act in order to protect a certain member of Parliament.

Mr. **Frawley:** How would you get on as keeper of the rubbish dump?

Mr. **K. J. HOOPER:** How would the honourable member get on kicking an old lady's dog?

The principle behind the law that no member of this Assembly should hold an office of profit under the Crown is founded on the need to preserve this Assembly as the people's House from the influence and patronage of the Crown. I know the Premier would agree with that. When patronage is paid, as we all know——

An Opposition Member interjected.

Mr. **K. J. HOOPER:** It is a little over his head but, nevertheless, if he listens to me he will be enlightened; he will learn something.

When patronage is paid, favours are owed and returned. Anyone in this Parliament should not owe the Crown a favour let alone accept an office which can be described as an "office of the Crown".

It has always been a general principle of our law that a member of Parliament is excluded from holding an office of profit under the Crown and that if a member does so his seat shall be declared void and vacant. The principle is still valid today even though the honourable member I am referring to pays it very scant respect.

As recently as June 1975, in the matter of Senator Webster, the Chief Justice of the High Court, in considering a somewhat similar section of the Australian Constitution, recognised it as being designed to secure the independence of the Parliament from the Crown and its influence.

The honourable member was not paid a regular salary as a Crown Prosecutor but, without his commission, he could not prosecute and therefore he could not be paid. Like the member of the rabbit board he was paid for services. Without his commission it could not be called, "an office of the Crown".

I do not see the Minister for Survey and Valuation rising to his feet to deny that. To hold an office of profit under the Crown, it is not essential to establish a regular salary but merely a right, as my leader said, to be paid when work is done. But since section 5 (2) of the Officials in Parliament Act says that on his election the honourable member is deemed to have vacated his office of profit, how does he now claim his fee of $266? Surely the proper thing for this member to do

now that he has been discovered is to acknowledge his error, apologise to the Committee and refund his fee. Or, if he has not yet been paid his fee, pursue the matter no further.

There is more to be seen in this relationship that obviously exists between the Minister for Justice, who dispenses Crown patronage, and the honourable member I am referring to. If the honourable member had some exceptional qualities as a lawyer which are not enjoyed by other barristers who are members of the Liberal Party, one could understand the motive behind briefs delivered from the Crown Law Office to his chambers.

The Minister has made much noise about amounts of money involved. Let me say this: the Attorney-General and Minister for Justice, who is under a duty not to mislead Parliament laid certain papers on the table. The papers showed the following:—

Paper No.	Date paper laid before House	Year	Account
			$
358	19 November 1970	69–70	114
410	24 November 1971	70–71	1,562.20
496	7 December 1972	71–72	1,245.50
346	17 November 1973	72–73	805
434	30 October 1974	73–74	1,447.50
400	11 November 1975	74–75	6,109.50

The figures are there in black and white.

Mr. GREENWOOD: I rise to a point of order. The honourable member knows very well that the last figure he quoted is wrong. It has been pointed out to him on a number of occasions. I find the whole thing both offensive and misleading and I ask the honourable member to withdraw it.

The ACTING CHAIRMAN: Order! I ask the honourable member to accept the denial.

Mr. K. J. HOOPER: With respect, Mr. Gunn, how would the Honourable the Minister, seeing I have not referred to him by name, know that the figure is incorrect?

The ACTING CHAIRMAN: Order! I ask the honourable member to accept the denial of the Minister and withdraw the statement.

Mr. K. J. HOOPER: I withdraw it, in deference to you, Mr. Gunn, but there it is in black and white.

He would agree—everyone here would agree—that legislation had to be rushed through in the dying stages of the last session of this Parliament to protect a certain member. Everybody knows that. It received wide publicity in the Press. However, it is interesting to note that, in the photostat copies of his speech handed out to the Press, the words "60 per cent" were crossed out and the word "completely" substituted before the word "false". I would say quite categorically that this is a complete misleading of the public. I would like to think that this Bill would enforce these principles.

Mr. Ahern: Round off.

Mr. K. J. HOOPER: I am going to round off. As a matter of fact, you think about that when your members are on their feet waffling on. It is all very well for you to talk about "round off". I will use up my full time.

The ACTING CHAIRMAN: Order! The honourable member will address the Chair.

Mr. Ahern: Waffling is a thing you do a lot, too.

Mr. Marginson interjected.

Mr. K. J. HOOPER: Yes, he never does this to his own members—only to members of the Opposition.

The member I am referring to must ultimately face the judgment of the people. Their decision will be paramount. His campaign literature is interesting. It says, "This is your voice in Parliament—your voice in Cabinet." That is what it says. I have seen copies of it. It is an amazing statement from a man who absents himself from the Chamber to perform work for the Crown. Well may his electorate ask, "Where was he on St. Patrick's Day 1976 and where was he when the Electricity Bill was debated?" Check the "Hansards". He didn't even vote. This Bill ought to safeguard against that situation, against part-time representation and against patronage.

Mr. Gunn, the member I am referring to is the honourable member for Ashgrove and Minister for Survey and Valuation, John Ward Greenwood.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (11.7 p.m.): Tonight the law is being clarified. One result will be that even the honourable member for Archerfield will be able to understand it. He will no longer, however, be able to launch false and unfounded criticisms against lawyers and doctors and other people in the Chamber. We will have clearly set out——

Mr. K. J. Hooper: It is only against you—only against the shysters.

The ACTING CHAIRMAN: Order! I ask the honourable member for Archerfield to withdraw that remark. It is offensive.

Mr. K. J. HOOPER: Which remark, Mr. Gunn?

The ACTING CHAIRMAN: The honourable member knows quite well the remark I referred to.

Mr. K. J. HOOPER: I withdraw it.

Mr. GREENWOOD: We will have it clearly set out what is and what is not correct. But may I state here the well-accepted historical position with respect to my own profession—the legal profession—prior to this Bill's being produced. It has been clearly established for 100 years prior to this Bill that it was not—I repeat "not"—an office of profit under the Crown for a member of Parliament who is a barrister to accept a Crown brief. Since 1907 it has been clear that solicitors are in the same position.

Honourable members should know that a barrister's position is not very different from that of a taxi-driver. It is the duty of a member of the bar to accept briefs from private citizens, whether it is in accord with his personal wishes or not. A good example was when R. G. Menzies, Q.C., appeared for the Communist Waterside Workers' Federation. He might not have chosen them as clients if he had any choice in the matter, but it was his duty as a barrister to act for them when they asked.

If it is the duty of a barrister to appear for a private individual, it is even more obviously his duty to appear for the Crown if he is asked to do so.

Mr. Houston: He shouldn't be asked.

Mr. GREENWOOD: I know the member for Archerfield is a republican, but I know what the Crown in our society represents. The Crown in our society represents the interests of the community. I did, throughout my own career at the bar, take the view that I would do any work that the Crown asked me to do, if I could possibly fit it into my programme.

After I came into this Parliament it was extremely difficult for me to fit this work in. However, there were three occasions when I felt I had to do it, even though it was at some considerable inconvenience. Might I say that on those three occasions the Minister for Justice and Attorney-General had nothing to do with the decision and wouldn't have known that the cases were going on. All of these things are done through professional solicitors within the Crown Law Office.

The first occasion was a brief I was asked to prosecute where a V.I.P. from another State had been assaulted while on holidays at the Gold Coast. Four or five witnesses said that his version was completely wrong and his credit was going to be attacked so it was desirable to have a fairly senior member of the bar to conduct the prosecution.

The second occasion on which I felt I should do the work that I was asked to do was an appeal to the High Court. The Health Department's interpretation of "cannabis" was being challenged. Quite a number of prosecutions by the Health Department for drug offences depended on the successful outcome of this appeal.

Mr. Houston: You lost.

Mr. GREENWOOD: That just shows how much the honourable member knows about it. It was a successful outcome for the Health Department.

Once again I felt that it was an important case and that I should accept the brief.

The third case was a case of alleged fraud where most of the alleged elements of fraud were supposed to have taken place in New South Wales. It was sought to charge a person in Queensland. The facts were extremely complicated and again I felt I should accept the brief.

Might I say that on one of those three occasions I was obliged to miss two hours of sitting time in this Chamber, and that is all.

Might I point out once again that there was nothing in the Officials in Parliament Act which prevented a barrister from accepting work that the Crown asked him to do and that this view has been held for many years.

Might I say also that, though there is no doubt whatever in the ordinary case, it is only in recent years that members of the private bar have been asked to do a certain special category of Crown work—prosecutions for the Crown in criminal cases. So this aspect of the matter was somewhat novel. Earlier in the life of this Parliament I sought the opinion of the Acting Solicitor-General. He assured me that the Act did not apply to briefs to prosecute for the Crown. Shortly before Christmas, when the honourable member for Archerfield raised the matter in this Chamber, two further opinions were obtained, one from the Crown Law Office and one from the most eminent and distinguished Q.C. practising in Queensland at the private bar. In both cases the opinion was that, as the Attorney-General has reported to the House on a number of occasions, the Officials in Parliament Act did not apply. So that any suggestion that there was any impropriety in doing what I did is absolutely without foundation. If the honourable member for Archerfield cares to repeat his statements outside Parliament he will have a writ for defamation on him quicker than he can wink. He should bear that in mind.

On 9 March of this year, as the honourable member for Archerfield seemed to be keen to bring it up on various occasions I dealt with this matter and established that I was driven to the conclusion that his own comments in this Chamber on 8 December consisted of a number of fabrications. I said at the time that it made it very difficult for me to accept any of his remarks as being those of a responsible member. Since then I have waited in vain for any explanation of the figures he quoted which is consistent with honesty. So far none has been given. I am therefore left with the conclusion still undisturbed that what he said on 8 December was a deliberate fabrication and that his actions then, as on this occasion, were completely irresponsible.

Mr. WRIGHT (Rockhampton) (11.15 p.m.): It is not my intention to prosecute a quarrel with the Minister for Survey and Valuation but I think the point needs to be made again and again that, because of some lack of clarity in the provision concerning officials of Parliament, the Premier brought down legislation on 8 December. Whether it pertained solely to the Minister for Survey and Valuation is a matter that all members will judge for themselves.

I take him to task, however, on the point that we ought to maintain the historical position that lawyers have some special significance. I think we have for too long allowed lawyers to live in their ivory towers. Whilst I agree with what the Premier is doing here tonight, I do not see that members of professions, be they medical or legal, should have a special status. There might be some argument for barristers. I shall not go into that at any length but, because of their peculiar position, I believe that there could be a need for exemption for barristers.

But, if there is to be exemption for doctors, why should there not be exemption for accountants, teachers and dentists? One could go on and on listing members of professions. The Deputy Leader of the Opposition made the point very well that when a person enters Parliament it is a job that he takes on and one that he himself chooses. Members of Parliament should follow the principle of one man, one job. The Minister for Justice and Attorney-General did not continue in his profession; he accepted that his job was to be a member of Parliament. The same could be said of many other professional people in this Chamber. But for some reason, presumably if a person is a doctor, he is different. There might be some who would agree that doctors and lawyers are different but I cannot see that special exemption for them is necessary.

Mr. Houston: What about qualified teachers in the Outback?

Mr. WRIGHT: Quite so. One member has been teaching at an independent school. Fair enough; he is trying to help out, but is he now going to be in trouble? If he had been teaching at a State school he would have been entitled to receive money, even though he might not have taken any. This is the point made by the honourable member for Windsor. If a member is eligible to receive money, even though he may not receive any, he will be in trouble. Therefore we should give consideration to the exemptions and to not maintaining the historical ivory tower position for those in the legal profession.

I believe the thrust of the legislation is to overcome the difficulties that have arisen because of the lack of clarity in the definition of an office of profit under the Crown. This point was well made by the Premier back in December and it was made by him again tonight. It was also made by the Deputy Leader of the Opposition. It is most important that we clearly understand what is an office of profit under the Crown. I find myself in some jeopardy and the honourable member for Mansfield might be in the same position because we are members of the State council of the National Fitness organisation.

If I understood the Premier correctly tonight, any person who is appointed by the Minister, or holds any position by way of appointment by the Minister, could now have serious problems. I think we need clarification of the position. I think the honourable member for Mansfield would certainly like to know where he stands. I certainly do not want to give up my position with National Fitness. I believe that I have a contribution to make to it and I also believe that the honourable member for Mansfield has made a contribution in the time in which he has been associated with National Fitness. I believe that this point ought to be cleared up by the Premier.

The point is not whether a person receives any money; it is whether he was appointed by the Minister and is performing services on behalf of the Government. The honourable member for Mansfield and I certainly do this. We consider budgets and determine staff. I have been a member of various committees and we decide whether or not people should be employed by the National Fitness organisation. I attend State conferences of National Fitness. There is a State conference to be held on either 16/17 or 17/18 April of this year at Tallebudgera. There we will discuss many matters and State zone councillors, of which I am one, will be representing the Government.

I notice the honourable member for Landsborough is making the point of cutting the head. Does that mean, therefore, that the honourable member for Mansfield and I are out? I think this ought to be cleared up.

Dr. Scott-Young: You're out.

Mr. WRIGHT: Well, perhaps that is just a political move. But the real issue here, I believe, is that of the pecuniary interests of members of Parliament. It is a matter of great public interest and concern. The image of parliamentarians, be they Federal or State, is at a very low ebb. Mr. Chipp made this point recently. He spoke mainly of the antics that went on in Federal Parliament, but I think most members would agree that the antics that sometimes go in in this Chamber do not do us much good. Perhaps we are developing a generation of people who are going to continue the idea that Parliament is a joke, and I refer to those thousands of children who watch the 11 o'clock antics of this Parliament when they come as visitors.

So there is a problem about the image of Parliament in the minds of the public. There is this belief about lurks and perks. I have had it put to me so many times, "As members of Parliament you get all sorts of lurks and perks." I have yet to find them.

I think members of Parliament generally—and I do not want to play politics here—work darned hard. I would say we work as hard as anyone else in the community. All right, we are well paid and we accept that, but when a member actually gets the money in his hand I believe he would be better off back in some of the professions. I once worked mine out, and until the increase in pay in 1974 I was always below the amount I could have received as a teacher or as the principal of a school. I think this would be true of many who come from the professions. There is the ridicule that goes on and I believe it is totally unfair. But there is also some foundation for it because we have not had the courage, or the guts, if we want to put it more strongly, in this Parliament to do something about the pecuniary interests of members.

I find myself in a difficult position here for I have to agree with the honourable member for Merthyr. This is a terrible position for me to be in, but in 1975 he made what I believe was one of the most forthright speeches on the question of pecuniary interests that has been made in this Chamber for a long time. I give credit where credit is due. He made the point—it has been made before but he did at least get up and say it at the time—that we ought to do something about the pecuniary interests of elected representatives. I want to expand on the points made at that time, and also the points made by the then Leader of the Opposition, Mr. Houston, because he also raised the point. I believe Pat Hanlon also raised it back in 1970.

Mr. Lane interjected.

Mr. WRIGHT: If the honourable member does not want credit he should not worry about it, but I like to think he sometimes makes a contribution, though those contributions might be few and far between. The point is that elected representatives should be required by law to disclose their pecuniary interests. I believe that all elected representatives, whether they be local authority, State or Federal, should disclose their shareholdings. They should be required to name the companies they are linked with and their shareholdings; they should be required to name those companies that the immediate members of their family are linked with and they should be required to list all land holdings that they have. I believe this is the only way we are going to change the image of members of Parliament, because there is a question mark on us; there is a cloud over us. People believe about the lurks and perks.

Mr. Frawley interjected.

Mr. WRIGHT: I agree that shire chairmen ought to be included. Let us tie in the local authority people. But there is a cloud over every member of Parliament because of the actions of a few. We can go further and say that members of Parliament ought to disclose the interests they have through statutory authorities. We might even come down to milk quotas, and we can think about a certain Minister at this moment. I believe if we are going to talk about the benefits and contracts that one has with the Crown we ought to look at the statutory boards as well. We ought to disclose the information as to the directorships held, and the only way to do this is to set up a type of parliamentary record and require every member to submit all this information by way of statutory declaration—whether he is in Cabinet or a back-bencher—and this information should be available to the public. I believe that when private members of Parliament rise to ministerial rank they should go even further; they should sever their contacts, by directorship or any other way, with various companies. I say to the Premier that, unfortunately, one of the greatest wrongs he ever committed was when he refused to allow Ministers to disclose their shareholdings. At that point when the issue was really at a peak he ought to have come out and said, "Yes, they ought to do this." In this I include the Premier himself.

Mr. Marginson: He would not do it himself.

Mr. WRIGHT: I have recently read a book entitled "On Being a Christian", and it is the first insight that I have had into some of the views held by the Premier. I suggest that he might read it, too. If he did, he might become very introspective.

The same rule should be applied to senior public servants and those board members who are involved in giving contracts to various people in the community, particularly to companies. It is not good enough to have only members of Parliament disclosing these interests; the same rules should apply also to top public servants.

We need to re-establish the integrity of Parliament and parliamentarians generally. We need to upgrade the image of this Assembly, and the way to start is to convince the public that we are not pulling rorts, that we have not got our pockets filled because of some interest that we have or some lurk or perk we are able to get as members of Parliament. That might be so when a member becomes a Minister. He might know of land development that is taking place. Even though we might play politics on this, I still do not believe that very many people would be doing it. We could have all the Ministers getting up in this Chamber and saying, "No, I don't do it."; but the only way to finally convince the public would be for documentation showing

that these are their shareholdings, these are their landholdings, and these are their pecuniary interests.

We must begin somewhere. We must remove the cloud that is over this Assembly and over the lives of all members of Parliament. The only way of doing this is by declaring our pecuniary interests.

Dr. SCOTT-YOUNG (Townsville) (11.27 p.m.): I have listened in this debate to a member whom I would call the shadow Minister for sewerage, because every time he rises in this Chamber he attempts to spill something unpleasant, and usually something derogatory, on some member of this Assembly. Often his claims are completely unsubstantiated, and I think it is about time something was done about disciplining his vocal cords. He is an ogre of the worst type, and I think he should be disciplined.

Mr. Lane: He should be referred to the Privileges Committee.

Dr. SCOTT-YOUNG: Probably that would be a good idea.

It should be remembered, of course, that profit under the Crown need not necessarily be monetary gain. It can be a moral or a social gain. Although honourable members are talking about monetary gain, a person can gain quite considerably by his position. Some people have an ego that needs bolstering more than their pocket needs padding, and that is a fact that must be considered by the Premier in introducing this Bill. A considerable amount of stress has been placed on things that really are of little consequence.

Doctors and barristers have been mentioned. I do not know why honourable members pick on these two groups of people, because their work is associated with the treatment of individuals. Individual problems permeate all groups in society. A barrister is faced with not only social problems but also pecuniary problems. He has to sift various types of evidence, and a good barrister should be a good administrator because basically his mental training and outlook teaches him to sift, assess and give an unbiased decision on complex problems.

In our parliamentary set-up in this country we find a considerable number of lawyers and other people with legal training. The honourable member for Townsville South once said that the A.L.P. is the academics' and lawyers' party. Some people may laugh at that, but they will find that a considerable number of people in the legal profession have entered the parliamentary ranks, mainly because they are well trained mentally and well fitted to sort things out and do a reasonable job of administration.

Unfortunately, in the debate tonight I have heard a considerable amount of abuse directed at one member of this Assembly because he happens to be legally trained. None of this abuse has been substantiated. Nor could any of it be substantiated; it is incapable of substantiation. No proof can be found of the claims made by the so-called shadow Minister for sewerage.

Members of the medical profession have to make a lot of decisions not on the finances of people or their monetary affairs but on their lives. We have to make decisions whether we will allow them to spend their last few days in a happy and contented manner, and so on. Every day we have to make more decisions than does the average person and by so doing we are dragged into legal opinions and opinions on compensation, and give opinions on length of life. We find that quite often we have to give these opinions in writing. No matter what we might say or do, we sometimes have to give legal and documentary evidence as to what our opinions are.

Many members of the medical profession have refrained from entering Parliament. They have been under the fear that "profit under the Crown" could be considered as not only a pecuniary profit but also a moral or ethical profit. If we are going to be hidebound and narrow in our approach to the meaning of the words "profit under the Crown", Parliament will not obtain the services of people such as lawyers, who are trained to make decisions and to think analytically. Nor will it gain the services of members of the medical profession, who are trained to consider people in depth. Furthermore, it will not get the services of accountants, who are inclined to understand the mechanism of finance, nor will it get the economists. In fact, it is closing the door to the best brains in the community. If Parliament continues to have this peculiar stunted outlook on administration, it will create an administration ruled by mediocrity.

We have heard comments such as, "You must have all your assets given over to the public gaze." That is a lot of piffle and it is brought out by the socialists. Why should a man who has inherited money have to bare his soul to everyone who wants to elect him? If a man has enough guts and gumption to earn money and to accumulate it honestly within the taxation system of this country, why should he have to bare that information to the country and to every member of this House? That is his affair, his own personal business. He has to account only to the Taxation Commissioner and to God. He has to account to his own conscience. Why should he have to bare it, for example, to the shadow Minister for sewerage? Fancy my having to bare all my personal effort and work to the shadow Minister for sewerage so that he can spread it all over this Chamber. If he did that I could do nothing; he would do it under the privilege of this Parliament, just as he denigrated a Cabinet Minister tonight. I have listened to the denigration of a Minister of the Crown by the so-called shadow Minister for sewerage, and the Minister of the Crown has no means of redress whatever. All he can do is say that he finds the remarks objectionable.

This Assembly has really deteriorated. Outside the Chamber the shadow Minister for sewerage would not even be game to say what he says inside. In here he can get up and say what he likes. It is about time that Parliament pulled up its socks and set some standard of behaviour.

Mr. Wright: Are you prepared to say that the issue involved——

Dr. SCOTT-YOUNG: The issue involved is an issue of principle and ethics. If the honourable member for Rockhampton continues to behave in the way in which he has behaved, God help this country. Parliament has become degenerate. I hope to God I can lift it up a bit; but, with people like the honourable member in it, what hope have I?

The Bill is a worthwhile one. It will spell out the meaning of the phrase "profit under the Crown" and it will stop for ever this constant sniping at members. A member can get up under parliamentary privilege and denigrate and absolutely ruin another. Members of the professions have had enough sniping at them. It is about time the Opposition got down to doing a bit of administration and it's about time the State Government got down to doing a bit of administration instead of tearing one another apart as it is doing tonight. All members are doing is tearing one another apart and denigrating themselves in front of the electors. Not one Opposition member has gained. Opposition speakers have run down the Minister for Survey and Valuation. What did they gain in their electorates? Not a damn thing!

An Opposition Member: What will you gain in yours?

Dr. SCOTT-YOUNG: I do not care what I gain in mine. A principle is involved in this. The people of my town know me but they do not know Opposition members until they open their mouths. My people know me and how I react.

I agree with a few words spoken by the Deputy Leader of the Opposition. He said that if we are to get good administrators in this country we must give them some incentive. In this State the incentive comes through from local authorities to the State Government. If a man is lucky, he may go to the Federal Government; if he is even luckier, he may go to the Senate. And the country will be all the better for that because it will get men of experience and proven integrity.

The Deputy Leader of the Opposition said that there should be some easing of the so-called rules on profit under the Crown so that a man may be able to enter the Federal sphere without severing himself completely from his electorate, in the same way as a man can enter State Parliament without severing himself completely from local authority administration. I agree with that and I hope the Premier considers it seriously. In this legislation Queensland could lead the whole of Australia. That was a worthwhile suggestion. In fact, it was the only reasonable, decent suggestion made by Opposition members tonight. Apart from that, they engaged in nothing but abuse. I hope that the Premier, when reviewing this Bill, considers that proposal, because it could give the nation a lead in attracting worthwhile people to the Legislature.

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.37 p.m.), in reply: This has been quite an interesting debate from many points of view. However, too much emphasis has been pleaced on the idea that we must lay down rules, set patterns, declare this and that, don't declare this and that, and thereby get people to have confidence in us.

I heard one Opposition member talk about a cloud over members of Parliament. I do not know whether there is a cloud over Opposition members, but I am quite sure that there is no cloud over any Government member in the Parliament. I am quite sure that our standing is very high. I do not accept that members of Parliament have a cloud over them. That statement is absolute nonsense. What we and party organisations have to do is make sure—as we in Government have done—that people of integrity, people who can be trusted and people who are recognised as honest people are elected. That is typical of members on this side of the Chamber.

Mr. Wright: Do you recall making a statement that Christians should not get into politics, because they will be ruined?

Mr. BJELKE-PETERSEN: I will deal with the honourable member in a moment if he likes. I might say that if he does not get a wriggle on quick smart before this Bill comes into effect, he will not be in this Assembly, because he is in a situation he is emphasising that others should not be in. He will not be laughing then.

Mr. Wright: Did you say such a thing?

Mr. BJELKE-PETERSEN: I said that if the honourable member is not careful, after this Bill is passed he will not be a member of this Assembly. If the honourable member does not care to take advice——

Mr. Wright: Did you say that before?

Mr. BJELKE-PETERSEN: The honourable member is completely incorrect.

I emphasise that all the rules and regulations in the world will not make people honest. The organisations choose people of integrity, men who can be looked up to, men who have proved themselves as honest men. There has been a lot of talk about men who are dishonest or men who have sought to use their position of advantage for their own personal gain. Where are they to be found? Where did all the royal commissions come from? Where have they all been in the past? I know—we all know—from a study of the history of this and many other Parliaments

that they come from the party that honourable members opposite represent. No wonder they are so concerned and unsure of themselves. They want laid down guide-lines on matters in which they are involved. If we go back over the history of the Queensland Parliament, where are those who transgress to be found? In the A.L.P.

Mr. Marginson: What is all this sort of rubbish?

The ACTING CHAIRMAN: Order!

Mr. BJELKE-PETERSEN: Is it a lot of rubbish? As to laying down guide-lines—we have set out measures in a Bill that the honourable member can read.

Mr. Marginson interjected.

The ACTING CHAIRMAN: Order!

Mr. Marginson: He's not coming at that with me.

The ACTING CHAIRMAN: Order! The honourable member for Wolston will refrain from interjecting.

Mr. Wright: Four enabling Bills in five months!

The ACTING CHAIRMAN: Order!

Mr. BJELKE-PETERSEN: Earlier tonight Opposition members were saying, "If the cap fits, wear it." It is obvious that they are getting very touchy when it is pointed back at them.

In reply to the Leader of the Opposition's question about public servants who want to stand for Parliament, I inform him that they do not have to resign. However, if they are elected, the office of profit must be vacated by virtue of their election. We have not the problem that he raised, when he suggested that we should give some leeway so that they can stand before being elected. If they went back to work in the office of profit in the Public Service after their election, of course they would be in trouble. However, it is not necessary, as the Leader of the Opposition indicated, that they should be given some leeway. This is taken account of.

Mr. Burns: I was only taking a point out of a previous judgment. I was not suggesting it in this case.

Mr. BJELKE-PETERSEN: Fair enough.

The other interesting matter about which honourable members made some comment related to members of this Parliament who might wish to stand for Federal Parliament. The suggestion was that we should do something more concrete about it. Section 70 of the Commonwealth Electoral Act sets out quite clearly that that cannot be done. On the other hand, we have gone as far as we can to assist a member of the Queensland Parliament who might wish to stand in the Federal sphere. We have provided that, if he is not successful, he may again stand for his own seat. I think that is fair and practicable and accepted by others.

I think that honourable members generally will agree with the Bill when it is printed, as far as it goes. As to all these other suggestions about the rules and what not that have been suggested—"You have to say this, you have to do that, you have to look this way and you have to look that way and then you become an honest man."—let us be sensible about it. As the honourable member for Townsville said, "Honest people are not made by our setting a lot of rules." A person is either honest or he is not. In the modern age in which we live, people would soon find out if we were not honest. In olden days, when the predecessors of honourable members opposite were in office, things were quieter and news took much longer to get out. There was not the modern means of communication and so on that we have today. It was much easier, of course, and so many of their colleagues in the past got into trouble. But that is not the case on this side of the Chamber.

I hope that today members of Parliament on both sides are decent and honest. I believe this generally. We differ in our views. Some members opposite take certain liberties in attacking or attempting to attack the characters of certain people. I do not think that that sort of thing gets anyone anywhere. I do not think that is the way any member of Parliament should act—by innuendo and all manner of means.

This Bill deals not with offices of profit. That matter is still regulated by the Officials in Parliament Act. This Bill deals with Crown patronage by stopping Government appointments of members to boards, bodies and so on, and by stopping the performance of service for the Crown. That is its purpose. It is not concerned with the disclosure of interest, as some honourable members seemed to suggest that it should be. It does not have anything to do with that at all.

I think that we are setting down some fairly broad and effective measures that will indicate to all members of all parties in future what ought to be the position in relation to certain activities in which they may be engaged. We are laying that down very clearly.

This Bill will not receive royal assent for a few days and therefore will not become law until then and one or two honourable members of Parliament who may be in certain positions may have the opportunity to take action if they so desire, perhaps as honourable members, but that is up to them.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Bjelke-Petersen, read a first time.

PARLIAMENTARY COMMITTEE TRANSITIONAL BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.48 p.m.): I move—

"That a Bill be introduced to provide for the continuance of the Committee of Subordinate Legislation beyond the prorogation of the Legislative Assembly; to preserve the operation of the resolution of 8 September 1976 by which that committee was appointed; and to provide for the completion of unfinished business of that committee."

The primary purpose of this Bill is to enable the Committee of Subordinate Legislation, which was appointed by resolution of the House on 8 September 1976, to meet and function during the period between the date the current session is terminated by prorogation and the date of commencement of the next session.

The present position is that any committee of the House derives its authority from the House. When Parliament is prorogued the House no longer is in session and consequently, unless provision is made to the contrary, the act of prorogation terminates any sessional committees which have been appointed. I think all honourable members will agree that it is important for the Committee of Subordinate Legislation to operate during the period in question.

The Bill also preserves the operation of the resolution of 8 September 1976 by which the Committee of Subordinate Legislation was appointed and, in addition, it provides for any unfinished business of the committee at the time it ceases to exist to be considered by any subsequent committee.

I commend the motion to the Committee.

Mr. WRIGHT (Rockhampton) (11.50 p.m.): The Opposition supports the Bill. I think all members would agree, from the reports that have been presented by the honourable member for Mulgrave, that the Subordinate Legislation Committee has worked extremely well. It has been extremely effective. It has been a non-party-political committee and, as the Opposition's representative on it, I should like to place on record the excellent work that Chairman Roy Armstrong has done. Members, regardless of party, have worked together in the interests of the committee and subordinate legislation by the ream has been handled.

The Bill is enabling legislation which will allow the committee to continue to work whether Parliament is sitting or not. There has been some lack of clarity of this position for some time and members have been concerned about it. I think the Opposition is pleased that the Premier has now acted in the matter. However, my information is that further legislation will be required at a later date to make clear exactly where we stand.

Mr. ARMSTRONG (Mulgrave) (11.52 p.m.): I welcome the introduction of this simple Bill, which, as the honourable member for Rockhampton said, will enable the committee to continue to function efficiently to "the day before the commencement of the session of Parliament next following the third session of the Forty-first Parliament of Queensland."

It will be recalled that last year—it could have been early this year—our committee ran into difficulties. As the honourable member for Rockhampton said, it has worked extremely hard and I should like to express my thanks and appreciation to its original members and to those presently working on it. They have applied themselves most diligently and worked extremely hard.

I should also like to say that we have had co-operation from all the Ministers and their departmental officers. We appreciate that and hope it will continue. It certainly makes our job much easier.

We had become nicely set up and were working very hard drawing to the attention of Ministers things that we thought required attention when, all of a sudden, Parliament was prorogued and we found ourselves like a ship without a rudder. We ceased to exist and the research and other work that we had done all fell by the wayside. This to some extent disheartens people, particularly when they have applied themselves so diligently to their task.

As my colleague the honourable member for Rockhampton, who has served worthily on the committee, said a while ago, we have examined a tremendous number of regulations, proclamations and the like. I think the number far exceeds 1,000. During the early stages, before prorogation of Parliament after last session, we had attended to about 223 articles, which involved a fair amount of work. Then, all of a sudden, we found ourselves left high and dry.

I should like to thank the Premier for his assistance. There are members who tried for a number of years to set up parliamentary committees. It was not until the Premier assumed his office that the promise was made to set up a Committee of Subordinate Legislation in due course. It took a little time to set it up but it is now functioning efficiently. We say to the Premier, "Thank you very much." Parliamentary committees of this type are important and I feel that as time goes on, Parliament will be the better for them. The hour is getting late and I do not want to dwell on the subject much longer because I think my colleague the honourable

member for Landsborough, who is chairman of the Select Committee of Privileges, would like to say a few words. I do thank the Premier for introducing this measure, and while we realise it is a stopgap measure it will suffice and enable the committee to keep working during the coming recess without running into the difficulties we ran into on a previous occasion. I would like to thank the members of the committee for their loyal service and the great interest they have shown.

Mr. AHERN (Landsborough) (11.55 p.m.): Very briefly, I wish to support the legislation that is currently before the Committee. It is, as the Premier has said, pro tem legislation to enable the Subordinate Legislation Committee to continue to meet until the August session. In that regard it fills a gap which exists at the present time and which ought not to if this committee is to work effectively. I think it is the wish of all members of the Assembly that this committee in particular be able to consider regulations, and I think it is fair to say that their work so far has been very temperate. They have been very reasonable in their approach to this difficult area. The work that they do has been valued by the Assembly.

The problem of parliamentary committees meeting during periods of prorogation is a difficult one. As has been said, this legislation is pro tem. It is a stopgap and it will overcome the immediate problem facing us, but during the next session we will have to look towards a wider consideration of the general law relating to the privileges of the Parliament in respect of these parliamentary committees during a period of prorogation. Earlier in the year I reported on behalf of the Privileges Committee on the problems we faced when looking at the possibility of a prorogation of the Parliament removing our committee when it might be in the middle of a serious deliberation. That problem is not with us at the moment, but it could be, and I think that the Parliament ought to consider the wider problem and provide for us some long-term legislation that could enable these committees to meet during a period of prorogation of the Parliament. I hope that review will take place in August.

Too many of us say we were elected to govern, and that is simply not true. We on the Government side are elected to be the Government in the Parliament of the State, and there is a vast difference between those two philosophies. The latter embodies a recognition of the status of the Parliament, and an important status it is. It is a very important institution and it is important that each one of us pays it due respect. An adequate system of parliamentary committees that are not overbearing or obstructive in any way—that are reasonable—is absolutely necessary to the workings of the modern Parliament. The Subordinate Legislation Committee has been thoroughly reasonable and that is why we have persisted in asking for this legislation, which I think is very reasonable and helpful. I thank the Premier for implementing it.

Mr. McKECHNIE (Carnarvon) (11.59 p.m.): Very briefly, having served on this committee, I would like to pass a few comments. The chairman of the committee, the honourable member for Mulgrave, stated that we have looked at over 1,000 regulations in approximately 12 months. This means that individual Cabinet Ministers have taken that number of regulations along to the Executive Council for approval, and with the work-load of individual Cabinet Ministers I cannot understand how they can be expected to review those regulations as well as some of them would like. This is the reason why it is necessary to have this subordinate legislation watchdog. Only today I received a letter from one of the primary producer organisations asking us if we felt that we were able to review these regulations as well as we would like. This shows that there is some concern in the community that there is a need for a committee of this type.

One thing I should like to speak about is the background to the promotion of the committee. I am sick and tired of hearing members of the Opposition consistently branding the Premier as being a one-man band. The Premier has been the driving force in allowing us to set up the Committee of Subordinate Legislation. Does that indicate that he is a one-man band? Does that sound like the action of somebody who is a one-man band? He has agreed to set up a watchdog committee to check Cabinet decisions. It proves to me that, without a shadow of doubt, we have in Queensland a Government that is concerned about governing Queensland properly. How the Opposition could ever conscientiously believe that one man makes all the decisions in this State when he has helped distribute power more widely amongst Government members of this Assembly, I just cannot understand.

I agree with the honourable member for Rockhampton that the committee has worked on a non-party basis, and it has done a lot of good work.

[Wednesday, 6 April 1977]

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (12.2 a.m.), in reply: I thank all honourable members for their contribution to the debate, and I thank particularly the members of the committee for their work. I know that they have put in an immense amount of time and carried out their work very conscientiously. For my part, on behalf of Cabinet, I should like to thank each and every one of them, particularly the chairman, very sincerely.

As the honourable member for Carnarvon said, the work of the committee shows that a great deal of work goes through Cabinet. With the exception. I think, of two weeks

over the Christmas/New Year period, Cabinet meets for a big part of one day each week, making decisions, and so on. The Committee of Subordinate Legislation then follows through and gives an indication of its thoughts in relation to the measures that have been approved by Cabinet. I again thank the members of the committee, and I know we will go from strength to strength in working together for the good of the Government and the good of the State generally.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

First Reading

Bill presented and, on motion of Mr. Bjelke-Petersen, read a first time.

Second Reading

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

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

Motion agreed to.

Committee

(Mr. Miller, Ithaca, in the chair)

Clauses 1 to 5, both inclusive, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr. Bjelke-Petersen, by leave, read a third time.

UNITING CHURCH IN AUSTRALIA BILL

Introduction

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.8 a.m.): I move—

"That a Bill be introduced to make provision for the inauguration of The Uniting Church in Australia; to constitute The Uniting Church in Australia Property Trust (Q.); to provide for the vesting of certain property in the said trust; and for connected purposes."

During the latter part of last year representations were made to me with a view to the introduction of the necessary legislation to provide for the Congregational Church, the Methodist Church and portions of the Presbyterian Church to unite and form one church to be called the Uniting Church in Australia.

These representations were made by the solicitors who were appointed on behalf of a joint constitution commission of the three churches to seek to implement within Queensland the union of the churches by 22 June 1977.

I am advised that similar legislation is proceeding in all other Australian States, the proposal being that union should be completed on an Australia-wide basis by 22 June this year. The necessary legislation has already been passed in Western Australia.

The Bill is the concern of the three religious denominations, portions of which will join together to form the Uniting Church in Australia later this year.

So far as the Presbyterian Church is concerned, it was necessary for uniform legislation to be passed by each of the States to enable sections of the Presbyterian Church to enter the proposed union whilst at the same time providing safeguards for the rights of those sections of the Presbyterian Church which did not intend to enter the union.

It may be recalled that in 1971 the Presbyterian Church in Australia Act, which implements these measures, was passed by this Parliament. The provisions of this Act are uniform throughout the State of Australia.

The three churches now uniting into the one church have a history in this State dating back to the days even before Queensland became a separate colony in 1859.

The Congregational denomination established its first church, at Ipswich, as early as 1853. From this beginning further churches were established throughout the State and in 1861 the Queensland Congregational Union was formed. Letters patent were granted to the church on 25 November 1862 by the then Governor of Queensland, the honourable Sir George Ferguson Bowen.

The Methodist Church was introduced into Queensland in the early days of settlement. The first Methodist minister appointed to the Moreton Bay area was a William Moore, who arrived during 1847. The first services were conducted at Zion's Hill at Nundah and at a small hall in Queen Street. The first Methodist Church in Queensland was erected as the Burnett Lane Chapel on the site now occupied by the Commonwealth Bank opposite the city square.

The first Presbyterian Church service in the Moreton Bay area was conducted in 1845 by a Dr. John Dunmore Lang. Some six years later the first Presbyterian Church was built on the present site of the Melbourne Street Railway Station. Further congregations were established in the State and in 1863 these united to form the Presbyterian Church of Queensland.

The history of the movement towards union of these three churches dates back to 1901. In that year there was a union of those who were known as Wesleyan Methodists with another group styled the Primitive Methodist Connexion. Also in that year the

Presbyterian Church issued the initial invitation to the Methodist and Congregational Churches to confer in the formation of a United Evangelical Church of Australia. However progress was slow and no meaningful moves towards union resulted.

In 1935, informal conferences were held between the Congregational and Methodist Churches with a view to possible union but once again a union did not eventuate.

The first significant moves towards union of the three churches commenced in 1957 when a joint commission on church union was set up. Following this the churches were active at all levels and a basis of union was completed by the commission and presented to the churches for consideration in 1971. Approval to this basis of union was given by the Congregational Church in 1973 and by the Methodist and Presbyterian Churches in 1974. This basis now becomes a permanent document to guide the life of the Uniting Church.

It can be seen that these proposals for the churches to unite have been in progress for a considerable time and it is, perhaps, not surprising that, during the course of the planning and preparation, there have been some differences of opinion between the churches and in particular between the representatives of the Presbyterian Church continuing to function after union and the representatives of that section of the Presbyterian Church proposing to enter union.

However, at the outset, it was indicated that the churches themselves should resolve their differences before any detailed consideration would be given to the preparation and introduction of the necessary legislation.

I am now pleased to be in a position to inform all honourable members that I have received certification from the Methodist Church of Australasia (Queensland Conference), the Queensland Congregational Union and the Presbyterian Church of Queensland, which is representative of both that section of the Presbyterian Church entering union and that section continuing to function after union, to the effect that the draft legislation has been examined and is acceptable in its entirety to the respective churches.

It is, of course, not unusual for churches to have separate Acts of Parliament to provide legislative authority for their establishment and workings. Amongst other things it gives the church a corporate state and enables it to own property and deal with it in an efficient and safe manner.

The Bill will provide for the three churches to unite in accordance with the basis of union which takes the form of a schedule to the Bill. The basis of union, having received the approval of the requisite proportions of church members and of a sufficient number of the councils of the churches, was approved by the assemblies and conference of the Congregational, the Methodist and the Presbyterian Churches.

The Bill provides for the inauguration of the church, and for the inaugurating assembly to adopt a constitution for the church consistent with the provisions of the basis of union.

Further provisions will allow the assembly of the church, which is to be established in accordance with the basis of union, to determine matters of doctrine, worship, government and discipline in the church and, at any time, to resolve that the church enter into union with other branches of the Christian church.

The proposals, as contained in the Bill, will provide for the constitution of a trust to be called "The Uniting Church in Australia Property Trust (Queensland)" to hold property in trust for the church. The trust will be a body corporate with perpetual succession and a common seal and will be capable in law of suing and being sued and acquiring and dealing with real and personal property.

The trust will, of course, be required to hold, manage, and administer the trust property in accordance with the regulations, directions and resolutions of the assembly of the church.

Further provisions relate to the membership of the trust, proceedings of the trust and the execution of documents by the trust.

Perhaps the most important provisions of the Bill with respect to the initial establishment of the church relate to the acquisition and vesting of trust property.

In this regard the Bill contains comprehensive provisions dealing with the vesting in the Uniting Church in Australia Property Trust (Queensland) of property presently vested in the churches. The provisions of the Bill adequately protect the interests of continuing Presbyterians in this respect.

Although the churches will not officially unite until the enabling legislation as provided for in this Bill comes into force, a joint advisory committee has been set up for some time now to plan co-ordination and promote schemes of co-operation between the churches in anticipation of the official union of the churches. In many places throughout the State co-operative parishes have been developed where the work of the three churches has been fulfilled in the one congregation and upon the one site.

Throughout the development and progress of this State, the work of the churches has been well known, particularly in the area of social and community services. Organisations such as Life Line, the Blue Nursing Service and Meals on Wheels, to name but a few, have had their birth from within the churches.

It is indeed true that many valuable services are provided by the churches, and it is hoped that the union that these three well-known churches are entering into will allow for their work to continue for the betterment of its members and the community.

I take this opportunity to wish the Uniting Church every success upon its inauguration.

I commend the Bill to the House.

Mr. WRIGHT (Rockhampton) (12.17 a.m.): A long-held belief of many people—and, I would hope, of all members of this Parliament—is that people should have the right to determine how they are going to practise religion. There are those of us who believe in the separation of church and State —the separation of the spiritual from the political. I have always seen the role of the State as one of facilitating laws that are necessary because of the requirement to allow people to choose their religious practices.

Until recently, I thought that was the view that was held, too, by most members of this Assembly; but I have noticed with some dismay in recent times that Government members have attacked the churches. I am pleased tonight that the Minister for Justice in carrying out his role is wishing the Uniting Church all the best.

Mr. Byrne: What a lot of rubbish that is.

Mr. WRIGHT: The honourable member says that it is a lot of rubbish. He should recall the speech by the Minister for Aboriginal and Islanders Advancement, who attacked the Presbyterian Church quite viciously and violently, making all sorts of accusations and implications that the church was not carrying out its responsibilities. I refer to an attack made by the member for Toowoomba North on members of the House of Freedom. That was backed up by the Minister for Community and Welfare Services. I could advert to the attack by the member for Everton and also the attacks by the honourable member for Toowong on the prayer vigil that was held in this very city. I could even mention the move put forward by this Government in the Psychologists Bill, when it was mooted that the Government would start deciding on what were acceptable religions.

Mr. Byrne: That was associated with individuals, not with churches.

Mr. WRIGHT: That was withdrawn, certainly. However, I was asked to substantiate my statement, and I have cited a number of reasons for my feeling that some members of this Government are prepared to attack churches that do not agree with the political line of the Government parties.

The moves for unity have been well outlined by the Minister for Justice. In recent times there have been moves for the Presbyterian and Congregational Churches to unite. This goes back some 27 or 28 years. They made such moves in the 1950s. The first major document on uniting the churches was called "The Faith of the Church". That was more or less an interim report dealing with the philosophies and the proposals of the combined church of the present age rather than a conglomeration or jigsaw collection of ideas.

We see now in 1977 virtually the culmination of a lot of thought and deep consideration into how various churches of the Protestant view could get together. It was agreed, however, according to the history of this matter, that further consideration was needed, so a second major document was prepared. It was called, "The Church, its Nature and its Functions." Proposals put forward accompanied this document. The proposals included all sorts of notions about a bishop who was a pastor and not an administrator. Also at that time suggestions were put forward of ties with the Church of South India. History tells us that these proposals were originally rejected but in 1971 the basis of union was agreed upon. That was six years ago, so it has taken some time.

As the Minister told the Assembly, it is now planned to have the ceremony of unity between 22 and 24 June this year. So it is not far away. Because of this we need uniform legislation in every State. That is the reason why there is some haste tonight and the reason why the Opposition has accepted the need to go through to the second-reading stage.

The union of these churches reflects the spirit of co-operation—the ecumenical spirit which is becoming extremely strong in the Christian communities of the world. Sometimes I do not think it is strong enough and sometimes I get put out when I hear one church attacking another one because it does not believe in some doctrinal aspect. I have heard of a church recently attacking the Good News for Modern Man version of the Bible because of some aspects of Matthew and Mark that it did not agree with. It worries me that some churches are prepared to pinprick. We have here an indication of three churches that are prepared to place their differences in the background for the sake of working together.

Similar moves to unite these three churches have been made in other countries. Moves have taken place in Canada where the United Church of Canada was formed and in India where the Church of South India was formed, which also included the Anglicans as well. It is significant that we are involved in this Assembly in this very important move.

It is also significant that the churches in Australia chose the word, "Uniting" (a present participle) and not "United" (a past participle). I put this forward because the church believes unity among people is a continuing process and not something that is past and finished with.

Like the Minister, I wish the members of this church well because I believe there will be problems. There is the difficulty of dividing up $1,000 million worth of property. No doubt the nine-man commission will need

the wisdom of Solomon to determine how best this should be done to assure justice is achieved for the 917 Presbyterian congregations that are in favour of amalgamation and for the 520 congregations that rejected the move. It will be a difficult task in some ways. I believe that all honourable members wish the Uniting Church well.

Mr. BYRNE (Belmont) (12.23 a.m.): This is a significant move on the part of the Presbyterian, Methodist and Congregational Churches in an endeavour to form a Uniting Church—the present participle, as the honourable member for Rockhampton mentioned.

The movement towards a greater concept of unity and ecumenism between the churches is a significant factor in the 20th Century. It is hopefully a breakdown of those prejudices and the bigotry that existed in past times. It shows that not only in those churches but in Christian churches generally there is a very clear understanding that the goals and the aims of those bodies and the basic beliefs of those churches are indeed shared by all of those religious institutions. It is appreciated that the economic circumstances of those bodies and the legal circumstances need to be tied together and that there is a responsibility on the part of the Government to play some part in seeing that this comes about.

I take umbrage at certain comments made by the honourable member for Rockhampton. They were that there was criticism of individual churches. Indeed, no such criticism was made. The criticism that arose was of certain statements and attitudes of some members of various churches. There is a clear distinction between people who are preachers, pastors, ministers or priests and church organisations themselves.

For thousands of years there have been representatives of various church bodies who have not expressed what were the doctrinal or dogmatic views of those churches and they have come in for criticism from their own church leaders and associates and also from political and community groups. But that does not mean that those church bodies, political and community groups were criticising the churches themselves. Rather were they making certain comments and judgments on some people who held and proclaimed certain ideas.

In Government or any other body with an administrative or institutionalised function one cannot expect, as in the case of the Police Force, that there will be 100 per cent perfection. There is certainly not 100 per cent perfection in pastors and ministers working in the churches today.

Mr. Wright: Do you include priests?

Mr. BYRNE: And priests. There are people who do not have the greatest understanding and appreciation of doctrine and dogma in relation to what the churches are striving for. When criticism is made of certain ministers, pastors and priests, that criticism is not of the church bodies themselves and it perturbs me that the honourable member for Rockhampton, who presents himself as a person who is interested in and very concerned with church bodies, would presume to draw a similarity and say that the ministers are the institution. Indeed, ministers are not the institution. Once we find ourselves falling into the error of saying that the ministers are the institution of a church, we are moving away from the very essence of the spirituality with which that church is associated.

It is pleasing to see that the Government is able to play a significant part in this ecumenical endeavour by three churches towards unity. There will be divisions, even within those same churches, in their moves towards unity. Indeed, in the Presbyterian Church particularly there appears to be a break between those who desire to play some part in the Uniting Church and those who wish to maintain an interest in their own particular religious grouping. That is a most understandable and human circumstance. It is, however, desirable that religious groupings with similar doctrinal and dogmatic bases move towards a similar end.

I am pleased therefore to be able to support the concept of the Government's playing some part in this move on the administrative, economic and legal sides of helping these churches come together. I hope that the situation that the churches are able to present to their flocks will enable in the future a much clearer understanding by individual members of the churches of the ecumenical movement and endeavours to see that doctrinal and dogmatic differences associated with the different churches are not causes of division but rather causes of unity.

I am very happy to lend my wholehearted support to the provisions of the Bill.

Mr. CASEY (Mackay) (12.29 a.m.): It is wonderful to see a Bill such as this coming before the House in Easter week. This is a week that is so very important to all Christian churches throughout the world. It is the week in which the Christian churches celebrate the death of Christ on the cross. He died for all, not just for Presbyterians, Methodists, Congregationalists, Catholics, Anglicans, agnostics or any others in the community. He died for all. I think it is very important that we as parliamentarians realise that this is one of the things behind this move, which we are validating here tonight, of these three great Christian churches to unite in dogma, tradition and in work. I suppose it is ironical that these churches cannot unite properly, completely and fully until such time as an Act of this Parliament is passed to allow their property to be properly vested in a new trust.

It is so often said in our community that politics and the church do not mix. Surely this is one of the greatest fallacies ever uttered. Any true politician who enters

this House with the interests of the people at heart must do so with a Christian motive and in the Christian way and he must follow his true beliefs in order to help his fellow man. Why else do we in this Parliament commence each day with a prayer? When I go round the State talking to school-children, I remind them that every morning before the work of Parliament starts we pray that God will look with favour upon the work that we are carrying on in this great place that has such a lasting bearing on so many in our community. It is tragic that many parliamentarians disregard the fact that in prayer each morning they say they will offer their work to God and then go ahead and do what is perhaps classified as the devil's work.

I also think it is important for us to realise that when we look at this unification, although I prefer the word "unity", of these three great Christian churches, we remember that each of them has important traditions and different faiths that they will carry into the new church. It is well planned, it will mix and it will strengthen as time goes on.

It is rather unfortunate that some elements within the Presbyterian Church have not been prepared to unite with the other churches, but I believe that they will do so in the future. I would again remind the House that this move for unity within our Christian communities started with the wonderful person of Pope John XXIII and his attempt to have all the Christian churches and Christian peoples unite. I realise that, whilst he had no direct influence on the move that we are discussing tonight, his efforts certainly helped to clear away the last vestiges of hatred, bigotry and dislike that existed between the churches. Even in these modern times we see some strange things that have been handed down over 600 or 700 years from the time of the so-called Reformation (which when we look back now was not so reformist after all) such as people in cemetries being separated because of their religious beliefs. These barriers are all disappearing and we are coming back together to help one another in accordance with God's original commandment to us.

The three churches—the Presbyterian, Methodist and Congregational—do wonderful work for people throughout the State. They do God's work amongst the sick, the poor, the young and the old and it is very important that this House ensures that their work is protected by the legislative cover of the law that we can give them. In looking at this aspect of their work among the sick, the poor, the old and the young, we should remember that the Christian churches in the community have led in this field and Governments have merely followed. It was the truly Christian men and women who made the initial sacrifices to set up old people's homes, youth hostels, hospitals and congregations to assist the poor long before Governments stepped in and took a hand in this work.

I think that the measure before the House is a good one and that we in this State Parliament should give legislative backing to the unification of these three churches, and I pray to God that some day, as Christian people, we may all be one.

Mr. HALES (Ipswich West) (12.36 a.m.): Because of the lateness of the hour, I shall not delay the House for long. I cannot match the eloquence of the honourable member for Mackay, but I endorse all the comments that he made. I support the Bill whole-heartedly, and I believe that every member of the House should support it. The amalgamation of the three churches has been going on for some time. But for litigation, amalgamation would have taken place about this time last year.

My own involvement is mainly in the Ipswich area. As mission treasurer of the Methodist Church there, I am pleased that we are coming into the Uniting Church. As the honourable member for Mackay said a few minutes ago, the church has been of great benefit to mankind throughout the years. Through great Christian innovators such as the Rev. Alan Walker in Sydney, the church has introduced organisations such as Life Line and the Blue Nursing Service and provided many other worthwhile services to the community. These have benefited particularly the poor, the aged and people who do not seem to be able to cope with life. Most members of this Assembly have met people of that type in their work—people who just do not seem to be able to cope with life. Repeatedly people come into my office with major problems that they cannot get on top of.

There have also been major innovations for the benefit of the community in the Ipswich area. Last year the member for Wolston was involved with me and other people in Ipswich in a problem relating to the funding of Lauriston Centre for Sick Aged, and I pay a sincere tribute to the way in which all political parties worked together to convince the present Federal Government that its cuts in funding were dreadfully wrong. Without the help of the people involved with the Lauriston Centre for Sick Aged, we would not have been able to be in the forefront of the fight against that cut in funding.

In Ipswich alone, the Methodist Church has had up to 250 employees a week over recent years. It has an annual budget of $1,600,000, and this is of great benefit to the community. We have been able to employ handicapped people and give them an incentive in life. Instead of staying at home and receiving a pension, they have been able to go out into the community and work and do something worthwhile with their life. We have established a laundry in Ipswich in

which we employ 26 handicapped people and a sheltered workshop in which we employ another 20.

There are two people in Ipswich who ought to be highly commended not only by me but also by other honourable members. I refer to Matron McAlister at the Lauriston Nursing Centre, who was the second Blue Nurse in Queensland in 1956 and the longest-serving Blue Nurse in Queensland at present. I also refer to the Rev. Eric Moore, who is known throughout the nation as one of the greatest Christian innovators of social benefits. I commend the Bill to the House.

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.41 a.m.), in reply: I thank the honourable members for Rockhampton, Belmont, Mackay and Ipswich West for their contributions. It is pleasing to see that the House generally backs the move for the Uniting Church in Australia.

In examining what has been said, I suppose I could say that most honourable members made a contribution that indicated their strong feelings towards this move. I think only one member, the member for Rockhampton, was somewhat critical. He made certain accusations.

Mr. Wright: Not against you.

Mr. LICKISS: Fair enough. But if I might quote in Biblical terms, he that is without sin among you, let him cast the first stone. If the member for Rockhampton takes that honour upon himself, he then has the right to cast the first stone. I commend the Bill.

Motion (Mr. Lickiss) agreed to.

FIRST READING

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

SECOND READING

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.43 a.m.), by leave: I move—

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

I feel sure that the provisions of the Bill were fully canvassed at the introductory stage, and I have nothing to add now.

Mr. WRIGHT (Rockhampton) (12.44 a.m.): In his introductory speech the Minister stated very clearly that he had received certification from the Methodist Church of Australasia (Queensland Conference), the Queensland Congregational Union and the Presbyterian Church of Queensland, which is representative of both that section of the Presbyterian Church entering union and that section continuing to function after union, to the effect that the draft legislation had been examined and is acceptable in its entirety to the respective churches. I think we should adopt the attitude that if it is O.K. by the churches it should be O.K. by this Assembly.

Motion (Mr. Lickiss) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Clauses 1 to 41, both inclusive, schedule and preamble, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

LEGAL PRACTITIONERS ACTS AMENDMENT BILL

INITIATION

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Legal Practitioners Acts Amendment Act 1968 in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.46 a.m.): I move—

"That a Bill be introduced to amend the Legal Practitioners Acts Amendment Act 1968 in certain particulars."

In recent times the development of education and training for future members of the legal profession has been given serious consideration in this State by representatives of the Department of Justice, the University of Queensland, the Queensland Institute of Technology and the private legal profession.

A Legal Studies Advisory Committee comprising those representatives produced a report recommending the introduction of a law course at the Queensland Institute of Technology.

Honourable members will be pleased to know that since February this year the School of Law at the Queensland Institute of Technology has a four year full-time, and a six year part-time course of law at the professional level.

In addition representatives of the Department of Justice, the University of Queensland, the Queensland Institute of Technology and the private legal profession are examining the possibility of the introduction at the Queensland Institute of Technology next year of a legal practice course.

The legal practice course is designed to provide systematic instruction in practical skills and professional responsibility and it is then hoped that the course will produce more competent practitioners better attuned to public interest and professional responsibility.

The main objective of this Bill is to provide for the recognition to be given to the law course at the Queensland Institute of Technology for admission purposes.

At present section 7 of the Legal Practitioners Acts Amendment Act 1968–1974 provides that any person who—

(a) is a British subject aged twenty-one years or more;

(b) is of good fame;

(c) is an officer within the meaning of The Public Service Acts and has—

(i) completed the Solicitors' Board examinations and completed a period of 10 years' service in one or more of the offices specified in subsection (2) of the section; or

(ii) obtained at a university a degree in law approved by the board and completed a period of five years' service in one or more of the offices specified in subsection (2) of the section;

(d) has complied with the machinery requirements for admission,

shall be entitled to be admitted to practise as a solicitor of the Supreme Court of Queensland.

The Bill seeks to amend the Act to provide that a public servant may be entitled to be admitted to practise as a solicitor upon obtaining at the Queensland Institute of Technology or at a university a degree in law approved by the Solicitors' Board and upon completing a period of 10 years' service in one or more of the offices previously stipulated. However the Bill will provide that a public servant who has already commenced at a university to pursue a degree in law will be required to complete only five years' service as at present.

The barristers admission rules and the solicitors admission rules have both recently been amended—firstly, to give recognition to the law degree at the Queensland Institute of Technology for admission purposes and, secondly, to delete the requirement that a person seeking admission is to be aged 21 years or more.

As it is unlikely that a person would be under 21 years of age when the required course of study is completed, the Bill will provide that it will no longer be a requirement for a public servant seeking admission as a solicitor to be aged 21 years or more.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (12.51 a.m.): The Minister has gone to some pains to explain the problems that exist under the Legal Practitioners Act Amendment Act 1968–1974, under which a person who obtains a degree in law at the university has to do only five years' practice before being admitted to practise as a solicitor of the Supreme Court of Queensland.

It might be said that by changing this to a 10-year period for both the University of Queensland and the Institute of Technology we are being consistent. When I first knew that this legislation was coming on, I thought, "That is fair enough. We need to be consistent." However, having given some more thought to it, I am wondering why we ought to make it 10 years. If a five-year period was satisfactory before for a university degree—even taking into account that many public servants may not spend a lot of time in legal offices—why suddenly the 10 years, simply because we now have a B.A. Law course at the Queensland Institute of Technology?

Members will be aware that concern has been expressed for some time by the colleges of advanced education and the institutes of technology that their degree will be considered to be a lesser degree than that of the universities. I think it needs to be pointed out very quickly that there is little or no difference between the studies carried out at the Q.I.T. and those at the University of Queensland.

The only difference really is that at the Q.I.T. a student is only required to obtain 20 credit points in the Arts faculty, whereas at the University of Queensland he must obtain 20 credit points in Arts in the first year and 20 credit points in the second year. However, the Q.I.T. student still goes on to do his introduction to law, contract, torts, criminal law, constitutional law, land, commercial and so on. So the law content is the same. I checked this out with lecturers at both institutions, and I have been assured that the standard of examination in the law subjects is equal. In fact, I was told that the course at the Q.I.T. is based on the 1972 law syllabus used by the University of Queensland.

Maybe members ought to consider this very carefully. I know that we are going to deal with this Bill tonight, as the agreement was for it to go through all stages; but the Minister should now explain whether we are making this 10 years because of a feeling among some people that the degree obtained at the Q.I.T. is not equal to the university degree and that, therefore, rather than be inconsistent, the five-year period for those who obtain an LL.B ought to be extended to 10 years.

The Minister has made provision for exemption for those who have already commenced their law studies. Also he has made a point of no longer requiring the 21-year provision. However, increasing the period from five years to 10 years is important. No

doubt it will affect many public servants. It is not good enough simply to say that the five-year period is no longer sufficient. We need further explanation. Once this is made known to colleges of advanced education, they will think about the reason. In this instance, only at the Q.I.T. is the full law course being studied. At Townsville there is only a first-year law course. It does not have a four-year course or a six-year part-time course, as does the Q.I.T.

It would seem that a question of relativity arises as to whether or not the Q.I.T. course is equal to that at the university. This will no doubt concern the students and the lecturers. We do not want the idea that the colleges of advanced education or the institutes of technology are second rate or second class in the degrees that they confer. I accept that the Minister is being consistent and that he has made the required provision for exemptions. But I do believe that an explanation is required as to why the extension is being made from five to 10 years when it could have been done just as easily by making the Q.I.T. course five years, the same as the university.

Mr. GYGAR (Stafford) (12.56 a.m.): As a member of the Minister's committee, I heartily endorse the concept being put forward. I will not bother to take up the points raised by the honourable member for Rockhampton. They have already been considered in some detail and no doubt the Minister will explain them in his reply.

The points I should like to raise concern the legal profession in general terms. Basically the Bill is a very small pinprick, looking at the readjustment of the training of the legal profession in Queensland which has been brought about by the institution of the Q.I.T. course. This must be considered as a very small first step towards some much-needed and far-reaching reforms to which I hope this Government will turn its mind.

In short, the whole legal framework in Queensland needs to be looked at very closely and to be drastically restructured. The time has come for us to take the bold move of recognising that the present structure of barristers and solicitors is an anachronism; one that, at its inception back in the dim mists of time, was very fair and reasonable. When one looks at the history of the legal profession, one can see how this came about, how solicitors developed and how barristers developed each in their own separate streams. But the time for that need is past.

Whilst I admit to being a conservative in my political thought and I do not believe in change for the sake of change, I think change is necessary. Evolutionary change must come and the time for that evolution has now arrived for the legal profession. Unfortunately, the present structuring of our legal fraternity in Queensland simply does not suit the needs of 20th Century society and the needs of the community in its legal practitioners. The law has become far too complex. Its administration has become more streamlined and modernised. Now we need a total practitioner in law. We do not need solicitors to brief barristers who still wear capes with pockets in the back of them for people to drop pouches of gold into.

Mr. Wright: Regardless of what you do, you will still need the specialist, the same as Victoria.

Mr. GYGAR: I agree. We will get the specialists but we will have true specialists. We will have the man in the large law firm who can take the complicated law problem or the complicated criminal law problem from the person coming in with the brief, right through to trial and if necessary to appeal.

Also what upsets me at the moment is the way that barristers must practise in sole practices. I see no real need for this any more. Solicitors are allowed to form companies while barristers are not. The method and legal arrangement of their fees, the way they are briefed and paid and the weird fabrication which is foisted upon us about barristers not being able to sue for their fees are crazy. The more level-headed members of the fraternity are prepared to recognise this. The time has come for us to so restructure the system of legal administration that it takes modern society into account and, while respecting the past, does not persist with it beyond its years.

I hope that the Minister will follow on the ground already broken by his predecessor, who is now Deputy Premier and Treasurer. In his time as Minister for Justice and Attorney-General, we saw a large number of far-reaching reforms in many aspects of the law. To sum them up, they were consumer law. The former Minister moved strongly in that field. We saw the introduction of the Small Claims Tribunal and the law being taken out to the people in a series of advertisements. We saw in the community an awakening to what the law should be and how it can serve them. These things have now been done and I think that that phase has reached its conclusion. Whilst there might be other areas in which some members feel that things could still be done, I think the broad thrust of that type of legislation has reached its logical conclusion.

If we wish to continue the process of legal reform in Queensland and continue to be known as the State in the forefront of legal innovation and movement with the times, we have to change our direction slightly. I suggest that the most likely target for our new direction would be the restructuring of the legal fraternity. I hope the Minister will grasp this problem with both hands. Unfortunately, in years past previous Ministers, not only in this Government but all over Australia, shied away from the problem.

Victoria came partly to grips with it but did not really solve it. It went half way and ended up in a nebulous middle ground.

I suggest that we should look around and, in particular, that we look to America. In that country there is a system that is more in keeping with modern times and one that would be more in keeping with the proper, smooth administration of justice in Queensland. I hope to hear that in the near future the Minister will be instituting a broad and far-reaching inquiry which could draw from the strength of the legal fraternity, the judiciary, academics, members of the House and all other interested parties in seeking a solution to current problems.

I personally feel that the best solution would be a fusion of the professions, with no differentation between the advocate in court and the adviser in the office; where a person, having been admitted, could practise in both fields without let or hindrance; where there was no problem about corporate arrangements that members of the legal fraternity could enter into. There would then be a far better system of justice than we have at present. We would then see a situation such as that now found in many of the larger law firms in America in which there are specialist advocates, specialists in various forms of non-court work and people who are able to cross the boundaries between the two.

This seemingly stupid division that has been foisted on us by history must go. I think everyone who is tied up with the law recognises that. It is not a matter of "if" it will happen; it is "when" it will happen. Let us continue to be in the front of legal innovation by letting it happen here and now, when it should happen, rather than wait to be dragged in by the coat-tails of half a dozen other States that have got in before us. That is the first point that I should like to make to the Minister.

In taking my second point, I should like to support my colleague the honourable member for Brisbane in his calls for the institution of a court of appeal. The present system simply does not work. It is like appealing from Caesar to Caesar. When judges who sit on appeals are drawn from serving members of the Supreme Court bench, it is ludicrous to think, no matter how well-meaning the judges are and how strongly they may try to fight their natural tendencies, that there will not be some measure of hesitancy in upholding an appeal against a ruling handed down by a brother judge.

This is one of the strengths of the hierarchical court system. Where there is a division into steps and layers, each layer is prepared to overrule the one beneath it because it sees that that is its job. If those in one layer think that an error has been made in fact, law or procedure by one in a lower layer, they are prepared to overrule him. If we are realistic we must admit that at the moment there is a strong tendency for judges not to rule against their brother judges.

Appellate work is becoming more and more a specialised task, and the people of Queensland deserve to have a specialised bench of judges turning their full minds to appeals and not to works in original jurisdiction. I think the State and the system of justice would be better served if this new court could be instituted. Looking at the law list, we see how much of the time of the present Supreme Court is clogged up with appeal work, and it should not be. If we could remove this jurisdiction from the Supreme Court of Queensland as it is presently constituted and set up a court of appeal, we would find that our legal system would flow far more smoothly by virtue of the removal of stumbling blocks in the present law calendar. We would have men who would be able to specialise in this task and we would have better and faster justice. I remind the Minister of the old adage that justice delayed is justice denied.

My third and final point relates to the entry of persons into the magistracy and onto the District Court bench. I think the time has come when we should cast our net a little wider. At the moment a person must be a barrister before he can become a District Court judge or a career officer of the Public Service before he can become a magistrate. I can see no point in this, particularly when there are many eminent solicitors who have the training, the knowledge and the experience to sit on the District Court bench and do the job extremely well.

Mr. K. J. Hooper: I will say this without being facetious. How do you feel about the honourable member for Brisbane being on the bench? He is a solicitor.

Mr. GYGAR: I will not take up the obviously facetious point the honourable member for Archerfield makes. I have not had the necessity to consult the honourable member for Brisbane in his capacity as a legal practitioner and therefore it would be presumptuous of me to say one thing or another. However, having watched his performance in this Assembly, I have no doubt that he is more than competent in his professional field.

Honourable Members: Hear, hear!

Mr. GYGAR: I am glad to hear I am supported by honourable members on both sides in that contention.

But the point is that because of this artificial division in the profession we find that experienced men who are practising as solicitors cannot be appointed to the District Court bench. I think the State suffers, the legal system suffers and the quality of our courts may very well suffer because in the past we have, by some strange convention, been denied the abilities of these men. One

could go on at great length about the apparent inadequacies in the present system of appointing magistrates. Here again we could well draw on the members of the practising profession to obtain fine men—experienced, practised and able—who would be more than competent to fulfil these duties and, I am sure, more than willing. We are locking out of our legal system this pool of talent for which I would hope the Minister would open the gates so that the law, our courts and all the citizens of Queensland might benefit. I shall be interested in hearing the Minister's intentions in this regard.

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (1.9 a.m.), in reply: I thank both honourable members for their contributions. Whilst I was very interested in what my colleague the honourable member for Stafford had to say, a lot of what he said was, of course, well outside the scope of the Bill before the Committee. I am sure he would realise that. Nevertheless, what he had to say was quite interesting.

The honourable member for Rockhampton raised the period of 10 years which a public servant desirous of qualifying as a solicitor must serve prior to his admission as a solicitor. A public servant who completes the Solicitors' Board examinations has to serve 10 years in the various Crown legal offices, not five years as is the case for articled clerks in private practice. The 10-year requirement will be uniform under these circumstances whether the course of law is pursued at the university, the Queensland Institute of Technology or through the Solicitors' Board. I think that is basically the reason why we adopted the figure of 10 years.

In answer to some of the matters raised by the honourable member for Stafford, I say to him that I think he knows I am not averse to change and that I am open to suggestions in matters that could improve the system that comes within my ministerial portfolio. I am willing at all times to hear suggestions and to deliberate upon them. I, too, cannot see any reason why a qualified solicitor from outside the Public Service could not be appointed as a magistrate. I would have to be convinced that there is something I cannot see which would necessitate a person coming from within the service.

The Bill is a short and simple measure that amends the Legal Practitioners Acts Amendment Act 1968-1974 in the three respects that I have mentioned. Firstly, it provides for a public servant to be admitted as a solicitor upon obtaining a degree in law at the Queensland Institute of Technology and upon serving the normal period of 10 years in one or more of the stipulated legal offices of the Crown, as I explained earlier.

Mr. Wright: Is it also going to involve the James Cook University? I am told that the course there will eventually be extended from a one-year course to a full law course.

Mr. LICKISS: We will cross that barrier when we come to it. It certainly would not qualify at the moment.

Secondly, it increases from five years to 10 years the period to be served in one or more of the stipulated legal offices of the Crown by a public servant who obtains a degree in law at a university. Consequently, the period of service by a public servant for admission as a solicitor will be uniform whatever examinations are undertaken, except that a public servant who has already commenced at a university to pursue a law degree will be required to complete only five years' service as at present. We are not breaking faith with those who have already begun.

Thirdly, it will no longer be a requirement for a public servant seeking admission as a solicitor to be aged 21 years or more. I commend the motion to the Committee.

Motion (Mr. Lickiss) agreed to.

Resolution reported.

First Reading

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

Second Reading

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (1.13 a.m.), by leave: I move—

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

In winding up the debate on the motion for the introduction of the Bill, I answered the questions that were put to me by both the honourable member for Rockhampton and the honourable member for Stafford. I now commend the Bill to the House.

Mr. WRIGHT (Rockhampton) (1.14 a.m.): The Bill as presented to honourable members is exactly as the Minister outlined. It is only a short and simple Bill. However, I would ask the Minister to give some thought to the fact that the James Cook University does have a law course. Although it is only in the infant stages, it would seem to me to have been wise to insert a reference to any other institute of learning in Queensland, thereby saving amendment at a later time. As the Minister said, no doubt that difficulty can be overcome when it arises; but we should be looking ahead and trying to save the time of this Assembly.

I accept the Minister's explanation about the 10-year requirement.

As for the points made by the honourable member for Stafford, I was pleased to note that the three major points he made were the three important planks in the A.L.P. platform on law reform. I refer specifically to the removal of the duality of the legal

profession, the establishment of a separate and special court of appeal and the appointment of a private solicitor as a magistrate. Now that we have heard the Minister's approval of those points, perhaps we will see some changes in this State.

Motion (Mr. Lickiss) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Clauses 1 to 3, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

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

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Clause 1—Short title—

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

"On page 1, line 6, omit the expression—

'1976'

and insert in lieu thereof the expression—

'1977'."

Amendment agreed to.

Clause 1, as amended, agreed to.

Clauses 2 and 3, as read, agreed to.

Mr. K. J. Hooper: Clause 4.

Clause 4—Meaning of terms—

The TEMPORARY CHAIRMAN (Mr. Miller): Order! The honourable member for Brisbane.

Mr. K. J. HOOPER: I rise to a point of order. I called clause 4 earlier.

The TEMPORARY CHAIRMAN: Order! Will the honourable member for Archerfield please indicate which line he wishes to amend in clause 4?

Mr. K. J. HOOPER: I wish to speak to the clause.

The TEMPORARY CHAIRMAN: Order! The honourable member can speak later on to the clause. The first amendment I have to this clause is one to be moved by the honourable member for Brisbane. I now call him.

Mr. LOWES (Brisbane) (1.19 a.m.): I move the following amendment:—

"On page 2, line 37, after the words 'any building work' insert the words—

'within the curtilage of the allotment upon which the dwelling is erected'."

I move this amendment because I believe that a large section of building that is undertaken does not come within the meaning of the present definition. I refer particularly to swimming-pools. I understand that in the building industry the construction of swimming-pools in the Brisbane city area and in fact throughout the State is causing trouble. Whilst it would be possible to include in the definitions the term "swimming-pool", that in itself would be restrictive so I believe that there should be a general meaning to include works of all kind—the construction of swimming-pools, cellars or some building that is not an appurtenance to another building. I believe that amending the section as proposed will overcome the present shortcoming in the Bill. I invite the Minister to consider the amendment and accept it.

Amendment (Mr. Lowes) negatived.

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

"On page 2, lines 42, 43 and 44, omit the words—

'the provision of lighting, heating, cooling, ventilation, air-conditioning, water supply, drainage, sewerage and other appurtenances of a dwelling-house and'."

Amendment agreed to.

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

"On page 2, after line 46, insert the words—

' "building work" includes the provision of lighting, heating, cooling, ventilation, air-conditioning, water supply, drainage, sewerage and other appurtenances of a dwelling-house;'."

Amendment agreed to.

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

"On page 3, after line 23, insert the words—

' "house-builder" means an individual who or a firm or body corporate that is engaged in building construction (including the provision of labour only) for a fixed sum, percentage, valuable consideration or reward other than wages;'."

Amendment agreed to.

The TEMPORARY CHAIRMAN (Mr. Miller): I draw attention to the fact that the second part of the next proposed amendment circulated will have to be taken after the succeeding amendment.

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

"On page 3 omit all words comprising lines 37 and 38."

Amendment agreed to.

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

"On page 4, line 3, insert after the expression 'section 58 (1)' the words—

'performed by a registered house-builder'."

Amendment agreed to.

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

"On page 4, after line 6, insert the words—

' "Register" means the Register of House-builders kept pursuant to section 32;'."

Amendment agreed to.

Mr. LOWES (Brisbane) (1.24 a.m.): Clause 4 (2) has a mixture of terms which, I believe, make that subsection quite unintelligible. The subclause reads:—

"Where the maximum quantum of insurance cover provided by a house-purchaser's agreement under this Act is expressed by reference to a value of building construction such value—

(a) in the case of a house-purchaser's agreement that is concerned with a contract to perform building construction . . ."

Here we have "a house-purchaser's agreement" mentioned in the first instance. Then we come to "a contract to perform building". Paragraph (a) again refers to moneys "payable under the contract". In (b) there is a reference to "a contract for the sale of land". All in all, the mixture of terms makes that subclause quite unintelligible and the purport of the Bill is not clear. I would suggest to the Minister that the clause be amended and reframed so as to make the intention of the Bill quite clear.

Mr. Houston: Do you think a barrister would understand it better?

Mr. LOWES: I do not think anybody could understand it in its present form. It is quite unintelligible, and certainly confusing.

The clause goes on to talk about the value of improvements. I might ask the Minister whether it is intended, whenever there is the conveyance of a property with a home building on it, that a notice of change of ownership is to be given by the vendor and the purchaser to the department—to the board—and whether that notice of change of ownership is required to set out not only the date of the sale and the description of the property but also the apportionment of the consideration between the land tax and the improvements on the land, as well as any chattels that may pass with the sale. If it is not intended that notice of change of ownership should be given, then with this information I can see that the board will have a constant job that I imagine will be beyond its capacity. The board the Minister has in mind setting up is not intended to be large. The board will have a constant job assessing the value of improvements. Otherwise, in many cases notices of change of ownership will be lodged and will not show the apportionment. It will not show the value of improvements erected on the land. As I see it, that is going to make the whole of the Bill of no effect whatsoever. I ask the Minister to give consideration to redrafting that clause so as to make it clear, and also to give some consideration to what the requirements are on the vendors and the purchasers. On a change of ownership, what notice are they required to give and what apportionment to the consideration are they required to make?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.28 a.m.): Unfortunately, I do not have an amendment to cover the matters raised by the honourable member on clause 4. We do not see any problems. However, if any do arise, they will be cured by a later amendment.

I move the following further amendment:—

"On page 4, omit all words comprising lines 25 to 28, both inclusive, and insert in lieu thereof the following words:—

'(ii) if such an amount is not so specified, the amount that is determined by the Board or by a person appointed or approved by the Board to be the value of the land to which the contract relates as at the date of the contract;'."

This provides for a proper valuation on the land instead of taking a valuation made previously under the Valuation Act. Therefore a more realistic valuation can be obtained. I consider that it is a very good amendment.

Amendment (Mr. Lee) agreed to.

Mr. K. J. HOOPER (Archerfield) (1.30 a.m.): The Opposition considers that an additional subclause should be inserted in the clause to read as follows:—

"Proceed with any building construction of any dwelling-house when instructed by order of the Board or authorised officers of the Board to cease building operations and engage a registered house builder."

I think the Minister would agree that that is one of the problems we have had in the past. Many builders have not been registered and some have been fly-by-night jerry-builders. They have caused a lot of trouble in the industry and even the Builders' Registration Board has complained about them.

My suggested amendment continues—

"The order shall state that a daily penalty of $250 shall apply for each day the order is not obeyed. This penalty would apply in addition to the penalty of $1,000."

I emphasise that this subclause is very necessary. People will proceed as $1,000 can easily be added to the sale price. As a matter of fact this clause should also have been in the previous legislation providing for the registration of builders.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.31 a.m.): I have discussed this. It has been discussed in the party room. We certainly do not believe that at this stage we should be as definite as the honourable member for Archerfield suggests, particularly in relation to penalties. That is why I am not prepared to accept the amendment.

Mr. Houston: You are not in a co-operative mood.

Mr. LEE: I am always in a co-operative mood.

Clause 4, as amended, agreed to.

Clause 5, as read, agreed to.

Clause 6—Functions of Board—

Mr. K. J. HOOPER (Archerfield) (1.32 a.m.): This clause should be strengthened. There is a definite need for the insurance scheme to be covered by this clause. This could be lessened if more was done to check workmanship before purchase. At the introductory and second-reading stages, members on both sides of the Chamber mentioned shoddy workmanship and the need for an adequate insurance scheme to be included in the Bill. At the moment people pay up to $500 to check the title to their property. Some people pay about $50 for a land survey to make certain that what they bought was what they got.

Through you, Mr. Miller, I ask the Minister to listen to me and not talk to the Minister for Primary Industries. I should like to point out that the New South Wales Government introduced a Bill to provide that for a fee of $50 the purchaser of a new home could have a building inspector check that home thoroughly before purchase. That is commendable legislation that the Minister could very well emulate and introduce in this State.

In relation to the insurance scheme—as the Minister knows, very few people would be willing to pay an additional $50 for a structural check to ensure that the place would not fall down around them. Part of the reason is that people are not aware that such a service is available, and there is very little Government initiative. The State Government should operate a pre-purchase home inspection somewhat similar to the R.A.C.Q. check on motor vehicles for a nominal fee, and the buyer should be able to obtain a comprehensive report on the condition of the house somewhat along the lines of the scheme introduced in New South Wales. The legislation introduced there is far more progressive than could be introduced by this reactionary National-Liberal coalition Government in Queensland. Whilst most people have a car checked for mechanical defects before buying it, they do not bother to have a house, which in most cases would cost about 10 times as much as a car, checked for structural or other defects. I ask the Minister to give consideration to that point.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.35 a.m.): I believe the clause is quite broad enough to cover most of the matters raised. I do not think we should have teams of inspectors running around, as New South Wales does. There are literally hundreds of inspectors in that State. We certainly do not want that here.

Mr. K. J. Hooper: Why not?

Mr. LEE: For the simple reason that we want to let builders get on with the job. If a complaint is made to the board, the work will be inspected. We are not going to have a team of inspectors running around willy-nilly looking into everything.

Mr. K. J. HOOPER (Archerfield) (1.36 a.m.): That is not quite correct. I think the Minister was talking from the top of his hat when he said that there would be an army of building inspectors running around. Does he not think that that would be desirable if they were protecting people from being caught and touched by unscrupulous builders? Take, for example, an average member of this Committee, particularly one of the mental calibre of the honourable member for Murrumba. If he inspected a house, how would he know if it was structurally sound? Certainly he would not, and the honourable member for Maryborough would not have a clue, either. As for the honourable member for Landsborough, all he knows about is termites. This is all quite over his head. I know there is not much between the Minister's ears, but I think he should afford me the courtesy of listening when I am on my feet.

Mr. TOMKINS: I rise to a point of order. I take exception to that remark.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! Is the Minister taking a point of order?

Mr. TOMKINS: Yes. I take exception to that remark and ask the honourable member to withdraw it. He referred to me in very disparaging terms.

Mr. K. J. HOOPER: I did not.

The TEMPORARY CHAIRMAN: Order! I ask the Committee to come to order. Again I ask the Minister if he is taking a point of order.

Mr. TOMKINS: Yes. The honourable member referred to me in very disparaging terms.

Mr. K. J. HOOPER: What did I say?

The TEMPORARY CHAIRMAN: Order! I do not believe that the honourable member for Archerfield referred to the Minister for Lands in disparaging terms.

Mr. K. J. HOOPER: Thank you, Mr. Miller. In conclusion—I feel that these inspectors would certainly afford young home owners a lot of protection that they do not get now under the Act. I ask the Minister to give some consideration to this point.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.37 a.m.): They have ample protection under the Bill.

Clause 6, as read, agreed to.

Clause 7, as read, agreed to.

Clause 8—Membership of Board—

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

"On page 5, omit all words comprising lines 32 to 42, both inclusive, and insert in lieu thereof the following words—

'8. Membership of Board. (1) The Board shall consist of five members, nominated by the Minister, of whom—

(a) one shall be the representative of the Government of Queensland;

(b) two, being qualified as prescribed by section 9, shall be the representatives of the building industry in Queensland;

(c) one shall be the representative of purchasers;

(d) one shall be the representative of the insurance industry in Queensland.'"

Amendment agreed to.

Mr. K. J. HOOPER (Archerfield) (1.39 a.m.): I refer to clause 8 (1) (c). I feel that this should be amended to provide that the purchasers' representative shall be elected from the ranks of building surveyors and nominated by their association.

Mr. Lee interjected.

Mr. K. J. HOOPER: It would be a very desirable innovation. Three names shall be submitted for the Minister's consideration. I would point out to the Minister, if he is listening, that these people are skilled local government officers and have no pecuniary interest in the building industry. I think they would perform this task admirably and I ask the Minister to consider my suggestion.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.40 a.m.): I shall give it some consideration.

Clause 8, as amended, agreed to.

Clause 9—Qualification of Housing Industry nominees—

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

"On page 6, omit all words comprising lines 1 to 3, both inclusive, and insert in lieu thereof the following words:—

'9. Qualification of building industry representatives. Of the persons referred to in provision (b) of section 8 (1)—'."

Amendment agreed to.

Mr. K. J. HOOPER (Archerfield) (1.42 a.m.): There are about 11,000 registered builders in Queensland——

Mr. Frawley: Get off your perch, will you.

Mr. K. J. HOOPER: Look at the perch the honourable member is going to sleep on. As I was saying, there are about 11,000 registered builders in Queensland, and of these only a small percentage belong to the Australian Institute of Building (Queensland Branch). The same thing can also be said of the Queensland Master Builders' Association, which appears to have had great influence on Government members and the Minister in delaying the passage of this Bill through the Parliament.

Mr. Lee: That's untrue, of course, and you know it.

Mr. K. J. HOOPER: I do not think it is. I stand by what I have said; I do think they have an undue influence.

Mr. Lee: That is untrue.

Mr. K. J. HOOPER: I am not going to call the Minister a liar, but if he wants me to put it quite bluntly, I say it is true.

Mr. Frawley: Would you say that of Government members?

Mr. K. J. HOOPER: I would say that, and I said it during the debate on the second reading.

Mr. FRAWLEY: I rise to a point of order. I take exception to the remark that Government members delayed this Bill. I find the remark offensive and I would like it withdrawn.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! There is no point of order.

Mr. K. J. HOOPER: As I was saying, the Queensland Master Builders' Association represents only a very small percentage of builders and there seems to have been a wrong impression created that it represents a cross-section of the building industry. I do not think it does. I say it is reasonable that builders who are not members of the Housing Industry Association of Australia (Queensland Branch) should be able to nominate for membership of the board as set out in sections 9 (a) and 9 (b). What does the Minister say to that?

Mr. Hales: Do you want Hughie Hamilton on the board?

Mr. K. J. HOOPER: Why not?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.43 a.m.): I think we have given due consideration to the membership of the board. We have not tied it particularly to any one industry. I think its members will represent a pretty good cross-section of the industry, including the Master Builders' Association, which the honourable member said delayed the Bill. If the honourable member noticed, one of the amendments referred to master builders. If they had caused so much delay, why would I now be deleting the expression from the Bill? What the honourable member has been saying is incorrect.

Clause 9, as amended, agreed to.

Clause 10—Chairman of Board—

Mr. K. J. HOOPER (Archerfield) (1.44 a.m.): Very briefly, would the Minister give consideration to having a qualified solicitor or barrister appointed as chairman of the board? I am serious when I say this because I think it would be an ideal appointment. At least such a person would have a knowledge of the law and would make an admirable chairman of the board.

Mr. Frawley: The honourable member for Brisbane.

Mr. K. J. HOOPER: Well, he is being appointed to the District Court bench, so why not?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.45 a.m.): I prefer it the way it is, with a qualified builder being appointed by the Government. He would be a far better appointment than a solicitor, because it is the building industry that we have to worry about, not a legal matter.

Clause 10, as read, agreed to.

Clauses 11 to 25, both inclusive, as read, agreed to.

Clause 26—Financial statement—

Hon. N. E. LEE (Yeronga—Minister for Works and Housing): I oppose the clause.

Clause 26, as read, negatived.

Insertion of new clause—

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

"On page 10, insert as clause 26 the following clause:—

'**26. Audit and financial statement.** (1) The accounts of the Board shall be audited at least once in each year by the person or persons appointed pursuant to this section.

(2) The Auditor-General may appoint a person who holds or persons each of whom holds a certificate of registration as a public accountant under the Public Accountants Registration Act 1946–1975 or an officer or officers of the Department of the Auditor-General to be the auditor or auditors for the Board.

Remuneration payable by the Board in respect of each audit shall be as fixed by the Auditor-General.

(3) An auditor appointed under this section—

(a) shall examine the books and accounts of the Board and forthwith upon completion of the audit shall report to the Auditor-General the result thereof;

(b) may require the Board and any person employed by the Board to produce to him for his examination such books, papers, writings, vouchers and records of the Board as in the auditor's opinion are relevant to the audit of the Board's accounts.

The Auditor-General shall in respect of an audit of the Board's accounts have the powers conferred on him by the Audit Act 1874–1968 or any Act passed in substitution therefor.

(4) The Board and any other person to whom a requisition is directed pursuant to subsection (3) shall forthwith comply with the requisition so directed to it or him.

(5) The Board shall, as soon as practicable after 30 June in each year, publish in the Gazette a statement made up to that date showing the receipts and disbursements of the Board during the preceding 12 months certified—

(a) in the case where the Board's accounts are audited in relation to that 12 months by an officer or officers of the Department of the Auditor-General, by the Auditor-General;

(b) in any other case, by the person or persons, as the case may be, appointed pursuant to subsection (2) who performed the audit,

as exhibiting in the opinion of the person or persons so certifying a true and

fair view of the financial transactions of the Board for the period to which the statement relates.'."

Amendment agreed to.

New clause 26, as read, agreed to.

Clause 27—Persons who may be registered—

Mr. LOWES (Brisbane) (1.48 a.m.): I believe that clause 27 is repugnant to most people and, I should hope, to most honourable members. It is giving to the board a power that I believe is excessive. It is creating a variety of types of builders, in that the board is given power to impose conditions and restrictions, and throughout the Bill we find frequent references to the conditions and restrictions that the board may place upon builders. If builders are to be registered, then they should be registered. Although there is provision in the Bill for appeal, I believe that it is not proper that such power should be given to the board. I seriously ask the Minister to consider the removal of all reference to this power throughout the Bill—that is, the removal of the words "such conditions and restrictions relating to the carrying on of that business (housebuilding) as the board may impose on his registration" wherever they appear.

In clause 27 (1) (c) there is reference to the board being satisfied that the applicant builder has sufficient financial resources. Again, I believe that gives too much power and it is insufficiently spelt out in the Bill for the guidance of the members of the board. If the board is to have these powers, I believe that both the powers and the guide-lines for these powers should be set out in the Bill. It is not good enough for the board to take unto itself these powers and impose conditions and restrictions and seek information about the financial resources of a builder and satisfy itself on a day-to-day basis as to the sufficiency of such financial resources. What may be sufficient in the minds of members of the board on one day may well not be sufficient the next day. There is nothing laid down in the Bill. If the board is to have this power—and I do not think it should have it—to decide what are sufficient financial resources, then the necessary guide-lines should be included in the Bill.

That part is bad enough, but I believe that the power of the board to impose these conditions and restrictions is excessive and should not be included. I would ask the Minister whether he would be prepared to amend this clause by deleting from subclause (1) (c) all the words after "house-builder" where it appears in the second line of that paragraph down to "registration". That would do away entirely with the conditions and restrictions. The other clauses that refer to conditions and restrictions that may be imposed could be deleted as we come to them.

I seriously believe that it is not reasonable to give to the board the power to impose conditions and restrictions without having guide-lines laid down in the Bill. We should not be asked to pass such a provision. I ask the Minister to give consideration to the deletion of the words that I have referred to.

Mr. K. J. HOOPER (Archerfield) (1.51 a.m.): I disagree with the honourable member for Brisbane. I regard subclause (1) (c) as a very necessary one. The honourable member for Brisbane takes umbrage at the fact that the board will require that the builder erecting the home has sufficient financial resources. Such a requirement is long overdue. With your knowledge of the building industry, Mr. Miller, you would probably agree that some builders have contracted to build homes, have gone broke half way through as the result of lack of finance and have left the poor old home owner lamenting. As I say, I disagree with the member for Brisbane.

Mr. Jones: Do you agree with the Minister?

Mr. K. J. HOOPER: It's not too often that I agree with him, but I do on this occasion.

Dr. LOCKWOOD (Toowoomba North) (1.52 a.m.): I seek clarification of clause 27 (1) (c). Does this mean that a builder could be required to lodge something like a statutory reserve deposit, as is required elsewhere in the building industry, before he can commence the construction of homes?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.53 a.m.): Certainly not. We are not asking him to put in a statutory sum of money or anything like that. This is a considerable relaxation of the provisions that were applied under the old Builders' Registration Board. It is done specifically because I believe every person has the right to start, no matter how small he may be and no matter whether he has served an apprenticeship. Quite often people can have what I would term a D.P.E.—a Diploma of Practical Experience—which is as good as, if not better than, an apprenticeship if the holder has had a long career in the buildng trade. A person who is in the building trade for many years can become quite competent as a builder. That is one thing.

The other thing is that it is not much use his claiming to be competent as a builder if he has not got any money at all. After all, he is being insured against default or going broke. Something must be known about him. Certainly we are not going to ask him to lay out great balance sheets everywhere. All the board would be looking for is sufficient money to finance his creditors, which is a reasonable thing, and to finish the job. It is a relaxation of the old provisions.

Mr. LINDSAY (Everton) (1.54 a.m.): In relation to the persons who may be registered, I accept those set out in paragraphs (a) to (d)—that is, a person of good fame and character, a person who is sufficiently competent, a person who has sufficient financial resources and a person who is not disqualified. I fail to see, however, why paragraph (e) is included to provide that he meets such other requirements as are prescribed for registration as a house-builder in respect of individuals generally or of a class of individual to which he belongs. What type of snobbery are we involved in? What is the need for paragraph (e)? What is meant by that? If he is qualified, is of good fame and character, is competent, has the money and is not disqualified from holding a certificate, surely to God it should not be a matter of how he squints or which old school tie he wears! I should like the Minister to dispense with paragraph (e).

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.56 a.m.): This provision is specific to the subclause. It is designed to allow a small builder to start. If the board thinks he has not a lot of experience this will give him a start. We are trying to give him a start, not to keep him out. The other registration board kept such people out completely. It was almost a cartel. Under this provision he will be able to get a registration for one house, two houses or 10 houses. It gives him a chance to prove himself over the years. It is very important that this provision be included so that the very small builder, the person in whom this Government believes, can get a start. That is one reason why that provision is inserted.

Dr. LOCKWOOD (Toowoomba North) (1.57 a.m.): There is still a problem in the words, "a class of individual to which he belongs". Does that mean that we will fall foul of Al Grassby's race relations board? Will people say it is one thing for the rich fellow and a different thing for the poor fellow? What is meant by the words, "class of individual"? I think we will run foul of people by using that term. Are we to talk about dirty builders and gentlemen builders?

An Opposition Member: Bowler hat builders.

Dr. LOCKWOOD: It could even come to that.

I seek clarification on this. If possible I would like the words, "generally or of a class of individual to which he belongs" deleted, unless there is some specific reason for retaining them. Can we have a full explanation from the Minister concerning that?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.58 a.m.): I have explained why it was inserted. Firstly, the Bill is under the control of the Minister.

Mr. Houston: Yes, that is so; but why use those words?

Mr. LEE: It certainly would not be much of a recommendation if the honourable member were a Minister. That is one part that worries me.

Mr. Lane: It covers different classes of trades such as plumbers and bricklayers.

Mr. LEE: It does, so that they can all come in. It is not class snobbery. The provision is there specifically to let the small man in. That is why it is there. Surely it is the philosophy of this Government to let the small man grow bigger. If that is not Liberal philosophy, I am afraid I am not a Liberal.

Dr. LOCKWOOD (Toowoomba North) (1.59 a.m.): I wonder if the Minister would consider deleting the word "individual" and putting in the word "trade".

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (1.59 a.m.): No. I think this covers the position exactly the way I intended it to be covered. I believe the provision is all right. I see no reason to alter it. I honestly believe that the honourable member is worrying about nothing.

Mr. LOWES (Brisbane) (2 a.m.): I am quite satisified that the Minister is well intentioned in introducing this Bill. Unfortunately the good intentions are not being borne out by the legislation put before us. It is lamentable legislation. That is borne out by the number of amendments that the Minister has introduced.

The Bill is couched in vague terms. Obviously it is intended throughout that the vagueness will be overcome by the powers that are given to the board. No doubt, one of the powers the board will take unto itself is that contained in clause 27 (1) (e), of which the honourable members for Everton and Toowoomba North complained. The vagueness is there. There is nothing clear about it. Too much discretion is being given to the board. There is not sufficient in the Bill for us as members of Parliament and legislators to be able to spell out to the board the direction in which it should go.

As I have had no reply from the Minister to the questions I posed about clause 27 (1) (c) for the deletion of conditions and restrictions, I can only assume that he is not prepared to accept that.

Mr. Lee: I told you why.

Mr. LOWES: The Minister still wants the board to be able to impose conditions and restrictions?

Mr. Lee: If you take that power away, you have taken everything away.

Mr. LOWES: If the Minister is not prepared to make that amendment and allows the conditions and restrictions to

remain, then for the sake of the board and for the sake of the applicant builders would the Minister spell out to us here and now what sorts of conditions and restrictions he has in mind as the type which the board could impose?

Mr. Houston: It's impossible for him.

Mr. LOWES: The Deputy Leader of the Opposition says that it is an impossible question.

Mr. Houston: It's impossible for the Minister to answer; that's what I said. He doesn't know.

Mr. LOWES: I do not put it on that basis at all. I think it is fair and proper for the public at large—and particularly the person who wishes to become a registered builder under this proposed legislation—to know the sorts of conditions and restrictions that could be imposed. If such conditions and restrictions are imposed on him, he ought to be able to know whether those are impediments which can be removed by appeal under a later section. Would the Minister indicate to us just what conditions and restrictions he has in mind?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.2 a.m.): This is a clause which gives blanket discretion to the board, irrespective of class or calling.

Mr. Houston: What about creed?

Mr. LEE: If the honourable member wants to talk about creed, I do not. We are not getting to sectarianism, creed, religion or anything like that. The honourable member is making a mockery of the whole thing at the moment.

I believe that the honourable members are worrying when they have no need to worry. I have gone to a lot of trouble to prevent the board from having such extensive powers that it interferes with a person's livelihood to the point where he is unable to carry on. I think this blanket clause will fulfil that function. If it does not, it will be amended at a later date.

Mr. LINDSAY (Everton) (2.4 a.m.): I would like to take the Minister up on that. His statement is fine for as long as we have a man like him who is familiar with the building industry and is a genuine person. However, as I see it paragraph (e) is designed not to let the little man in but to allow the bureaucracy to keep the little man out. I know that within 12 months of this Bill becoming law I will be making representations on behalf of some little guy who is of good fame and character, is sufficiently competent, has sufficent financial resources and is not disqualified, but for some funny reason he has not been registered, he is considered a person who may not be registered—and why? The answer that the bureaucrats will attempt to give us will be that he does not meet "such other requirements as are prescribed", he is not "of a class of individual to which he belongs", or some other damned thing like that. I again ask that this be withdrawn.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.5 a.m.): If all of the honourable member's worries come true, I can assure him that I have the right of veto so I suggest that he make representations to me. I give him the assurance that if this happens continually I will amend the provision. I cannot be fairer than that.

Clause 27, as read, agreed to.

Clause 28—Applications for registration—

Mr. HALES (Ipswich West) (2.6 a.m.): I refer the Minister to subclause (3) and ask him what is the "fee as is prescribed"?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.6 a.m.): This matter will be covered by regulations. In my introductory speech I said that it would be the same as applies to the registration board now. So the builder gets his money back if he is knocked back.

Mr. HALES (Ipswich West) (2.7 a.m.): That is not what the clause says. It says that part of the fee shall be refunded and I want to know why all of the fee will not be refunded?

Mr. Lane: Application fee, not registration fee.

Mr. K. J. Hooper: He is speaking to the butcher, not the block.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.7 a.m.): The honourable member for Merthyr has a great knowledge of the building industry because his electorate covers a vast area of building. I appreciate any comment that he makes and what he said is quite correct.

Clause 28, as read, agreed to.

Clause 29—Restricted registration—

Mr. LOWES (Brisbane) (2.8 a.m.): This clause outlines some of the conditions and restrictions that I asked the Minister to tell us about when we were considering clause 27. The restrictions in this clause deal with the number of homes to be built and the value of them. The restrictions are not exhaustive. The clause includes restrictions on the number or value of the homes that can be constructed by a builder. They are only two of the restrictions that may be imposed upon builders.

This is quite an iniquitous clause which will have the effect of controlling the income of builders. If a builder has erected a house a month for the past 12 months and wants to build more, the board will have the authority, no doubt subject to appeal, to tell

the builder that he cannot build any more houses or that he cannot build a house above a certain value.

When is the matter of value to be taken into consideration—at the time of application or at the time of the completion of the work? If the restriction is imposed that a builder cannot build a house worth $30,000 and, during the course of construction, he discovers it will cost in excess of $30,000, will he commit an offence under the Bill if he completes construction and therefore be liable to a penalty of $1,000?

All the restrictions are quite wrong. The builder should be registered as a builder and, having been registered, that is it. We should not place restrictions on him telling him how many houses he can build, thereby limiting his income, or the value of a house he can build, again limiting his income. If the board takes these sort of powers unto itself there is no end to how far it can go.

When the Minister was replying on clause 27 I was interested to hear him say that he did not wish to give unlimited powers to the board. I will remind the Minister of that when clauses 51 and 79 are being discussed. I ask the Minister to consider the deletion of clause 29.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.10 a.m.): A similar clause is working well in Victoria. It gives flexibility to the whole proposal. Builders can extend to 1,000 houses if they wish. The clause is to provide flexibility and to give the small builder a start. He may start with one house and a month later he may ask for 50 houses. If he has shown that he has the necessary capacity, he can extend the number to 50 houses and he can make his request one month after he has made the first. The clause is to give flexibility to allow the small builder in and to let him grow.

Mr. GYGAR (Stafford) (2.11 a.m.): I suggest to the Minister that he take a few of his advisers into a quiet corner and deliver a few swift kicks to their posteriors because he has been snowed.

Until now I have supported the Minister because he is one of the free-enterprise advocates who are so rare in politics today. But this would be the most restrictive, anti-free-enterprise legislation that I have seen in a long time. It plainly gives to some anonymous little bureaucrat who does not answer to anyone the right to tell a builder what he is allowed to do. The clause contains the words, ". . . such as restrict by reference to number or value the extent of the building construction that the registered house-builder may commence . . ." In other words, he has to front up cap in hand to some little bureaucrat behind a desk and say, "Please sir, can I build another three homes?" That is not free enterprise and I hope the Minister will take out this provision.

Dr. LOCKWOOD (Toowoomba North) (2.12 a.m.): Elsewhere in the Bill there is reference to restrictions as the board sees fit. After three months have passed, a builder can apply for review of the restriction by submitting an application with the prescribed fee. A house can certainly be built in six weeks, even four weeks if the builder works swiftly and has a large well-organised team. But what happens if a restriction is placed on a builder for some reason and he takes longer than three months to build and then applies for review and gets out of it? I seek an explanation on that point.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.13 a.m.): This provision is not anti-free-enterprise. After all, a builder has to be covered by insurance. He cannot be allowed to build houses willy-nilly. He would have to have an insurance policy to cover them. Let us be honest about things. There is no-one more in favour of free enterprise than I am and I believe this to be a fair and reasonable clause. This is part and parcel of the whole purpose of the Bill. If any members are so worried about the restriction, I remind them that it is still subject to the Minister's approval. Members have said in their own words that I . . .

Mr. Moore: You mightn't be there.

Mr. LEE: I mightn't be here but——

Honourable Members interjected.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I remind the Committee that the Minister is on his feet.

Mr. LEE: Some members seem to think that this provision is restrictive. I allowed the Bill to lie on the table of the House in order to get the feelings of the industry. I have done that. Some members want me to restrict membership of the board to the Housing Industry Association. I said, "No, I will not have it restricted to H.I.A. I want it wider than that." That is why it withdrew. So the honourable members should not blame me for something that it decided to send a telegram about. Let us be fair about the whole thing. If the honourable member is able to demonstrate to me that it turns out to be restrictive, I will amend it.

Mr. Houston: The skids are under you.

Mr. LEE: There are no skids under me.

Dr. LOCKWOOD (Toowoomba North) (2.15 a.m.): I am only seeking further clarification. If a builder has a restriction imposed on him at the commencement of a building, does the Minister see himself likely to allow an alteration of this restriction before he has completed the particular building?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.16 a.m.): I think I have explained it fully.

Mr. LOWES (Brisbane) (2.17 a.m.): The Minister said in reply to me on clause 29 that it is all subject to the Minister, but I have reread clause 29 and there is nothing in it to say that the board is subject to the Minister.

Mr. Lee: You are a lawyer and you well know it starts off "subject to the Minister".

Mr. LOWES: If that is the understanding the Minister has of clause 29, I can understand why we have so many of these amendments and why the Bill is such a disaster. I will ask him again during the course of the evening—in fact I will ask him now: Would he please consider withdrawing the Bill?

Mr. LANE (Merthyr) (2.18 a.m.): I think what is intended by clause 29, or at least the explanation we were given by technical officers during the time this Bill was going through the Government party system, is that the restrictive registration referred to in this way would probably be akin to an interim registration, a registration which was given in a restricted way to a builder who was perhaps starting off in business in a small way. He will be given a three-month opportunity to prove himself and then, of course, he will graduate to full registration as a house builder. That is the spirit of these sections as they have been explained to us recently by technical officers. That may be helpful to the Committee.

Clause 29, as read, agreed to.

Clause 30—Modification of restricted registration—

Mr. LOWES (Brisbane) (2.19 a.m.): If the hope of this Bill is to prevent people losing their money through house-building, I am afraid we will have the same experience with it as we have had with the Builders' Registration Act. As I understand it, that Act was introduced to stop people burning their fingers on building undertakings, and yet since that Act has been in existence we have had just as many building company failures as there were before, and the companies which have failed have been those which have even been contracting with our Government. So I do not think there is anything to be gained by introducing legislation such as this for the protection of the consumer.

Clause 30 is only an extension of clause 29. The fact that the restrictions and the conditions may be removed is no more than a sop, but the builder has to wait for some three months before he can go to the board again to ask that the restrictions imposed be removed. If he gets an adverse result from the board, he is again faced with the prospect of going to appeal. So all this legislation is going to do is cause a great deal of traffic in and out of the new board's office, and also a great deal of litigation by way of appeal to have the conditions and restrictions imposed by the board removed. I therefore recommend to the Minister that he consider the deletion of clause 30.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.20 a.m.): This was explained in detail by the honourable member for Merthyr, who said that it was a type of interim registration. The Builders' Registration Act provides for six months; in this Bill we have brought it back to three months. If we are trying to remove restrictions, at least we are going in the right direction. As the honourable member for Windsor said, it is a type of probation. The house builder is covered by insurance. We cannot let him go willy-nilly, or the insurance company will say that it cannot cover him.

Clause 30, as read, agreed to.

Clause 31—Registration rights and obligations of body corporate or firm—

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

"On page 12, omit all words comprising lines 12 and 13 and insert in lieu thereof the following words—

'(1) Subject to subsection (2), the entitlement of a body corporate or firm to be registered as a house-builder under this Act shall'."

Amendment agreed to.

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

"On page 12, line 32, after the words 'shall not terminate the' insert the words—

'entitlement to'."

Amendment agreed to.

Clause 31, as amended, agreed to.

Clauses 32 to 35, both inclusive, as read, agreed to.

Clause 36—Roll fee—

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

"On page 14, line 48, omit the word—

'September'

and insert in lieu thereof the word—

'October'."

Mr. Houston: Why?

Mr. LEE: It gives builders a better chance of registering. It allows them to keep their registration up to date, and it also makes publication in the Gazette much easier. The amendment is helpful, not a hindrance like the honourable member.

Amendment (Mr. Lee) agreed to.

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

"On page 15, omit all words comprising lines 8 to 29, both inclusive, and insert in lieu thereof the following words:—

'If a registered house-builder fails to pay to the Registrar the prescribed roll fee on or before the date stipulated in the notification, the Board may remove his name from the Register.

Such removal shall take effect as from 1 January next following the date of removal and notice thereof shall be published in the Gazette as soon as practicable thereafter.

(5) Where a person whose name is removed from the Register pursuant to subsection (4) is an individual who is a director or member of the board of management of a body corporate or is a member of a firm or is an employed person referred to in paragraph (c) of section 27 (2) whose registration is necessary to the registration of the body corporate or firm, then, upon removal of his name from the Register, the name of the body corporate or firm shall also be removed from the Register.' "

Amendment agreed to.

Clause 36, as amended, agreed to.

Clause 37, as read, agreed to.

Clause 38—Suspension and cancellation by Board—

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

"On page 15, line 35, omit the word—

'The'

and insert in lieu thereof the words—

'Subject to section 39, the'."

Amendment agreed to.

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

"On page 16, line 8, omit the expression—

'27 (2)'

and insert in lieu thereof the expression—

'31 (1)'."

Amendment agreed to.

Mr. LOWES (Brisbane) (2.26 a.m.): I move the following amendment:—

"On page 16, after line 19, insert the following words:—

'(3) The Board shall make no order under this section without giving to the house-builder previous notice in writing of its intention to so cancel or suspend the registration of the house-builder and allowing the house-builder to show cause why such order should not be made.' "

I am aware of the unnecessary cost that could well be incurred by failing to give to the builder an opportunity to make good any defective work. If the builder were to be given notice of the complaint received by the board, the builder would, in most cases, without any further ado and without any costly inquiries make good any such shortcomings. I have had this experience with builders who have sold homes and, after possession had been given and taken, have been called upon in writing to make good some defects that have been found. In most cases—admittedly not all—the builders come back and make good the defects. It would be wise to include in the Bill a provision giving the builder reasonable notice so that before any inquiry is commenced he has an opportunity to make good any defect. I therefore commend the amendment to the Committee.

Mr. MOORE (Windsor) (2.27 a.m.): The amendment has a lot to commend it. Under this clause, which deals with suspension and cancellation by the board, a builder could come from another State, where he has committed an offence that in that State is not an indictable offence but in Queensland is an indictable offence, and could therefore lose his licence. In the circumstances it is only reasonable that the builder be given some notice in writing so that he can prepare a case.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.28 a.m.): I believe that the amendment I moved covered that specific point, so I do not see any real point in making further amendments to the clause.

Amendment (Mr. Lowes) negatived.

Clause 38, as amended, agreed to.

Clause 39—Procedure for disciplinary action by Board—

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

"On page 16, omit all words comprising lines 30 to 38, both inclusive, and insert in lieu thereof the following words:—

'(2) After the inquiry referred to in subsection (1) the Board may—

(a) determine to take no further action in relation to the complaint;

(b) reprimand or caution the registered house-builder;

(c) by its order, subject the registration of the house-builder to such conditions and restrictions as it thinks fit;

(d) by its order, suspend for a period determined by it the registration of the house-builder upon a ground specified in section 38 (1) and proved in the inquiry; or

(e) by its order, cancel the registration of the house-builder upon a ground specified in section 38 (1) and proved in the inquiry.' "

Mr. LINDSAY (Everton) (2.31 a.m.): As it reads, clause 39 indicates that, whether the consumer's complaint is large or small, the board, upon receipt of a complaint against a registered house builder has no alternative to sending to the registered house builder a notice of the complaint made against him and give the house builder an opportunity to show cause why his registration under the Act should not be cancelled or suspended. It could be just a minor complaint. When I had alterations done recently there were a couple of minor problems like a sticking door and a knob falling off a closet. But under this provision there will be no out, no way of dealing with a minor complaint. It also appears that, irrespective of the materials used, a builder who acts in good faith could be in trouble. The man who did my renovations in good faith supplied a closet with a faulty knob. That was not his fault but that of the closet maker. As it stands, the clause has two weaknesses. Firstly, it does not cater for the handling of minor defects which, presumably, could be fixed quite easily by negotiation. Secondly, it does not take into account faulty materials for which the blame cannot be placed on the builder. Bricks would be one item that fall into this category.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.33 a.m.): Apparently the honourable member has been speaking to the H.I.A.

Mr. LINDSAY: I rise to a point of order. I have not done that.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! There is no point of order.

Mr. LEE: I accept the honourable member's explanation.

The board will take action upon complaint against a registered builder. That is better than an inspector thundering in and saying, "Listen, buddy, your work is so-and-so." It is far better to do it in that way. At least it is upon complaint to the board, whereupon the board has to send notice to the registered house builder. That gives the builder protection. Under the insurance scheme, persons who make frivolous complaints will have to pay $100.

If a brickie lays bricks with faulty mortar he is responsible but if the bricks fail, I believe that is where the insurance company should come in. The insurance company cannot cop all the cream without having to put something out. If the bricks are bad it is the fault of the brick maker not the builder. The insurance company would have a direct claim on the brick maker, not the builder. That is how the protection for the builder and the home owner is provided.

Mr. LOWES (Brisbane) (2.34 a.m.): I hope that the Minister will take into consideration the type of complaints that will be made. In many instances they will be quite frivolous. The board needs discretion. We have already talked about many of its powers and there are more to come, but there is nothing here to say that the board can exercise discretion if it finds that there is some cause for complaint but it is of a frivolous nature. I would hope that the board would be given that discretion, and I believe it should be included in the Bill. I would think an amendment is required to the effect that, if a complaint is made, only upon proof of the cause of the complaint to the satisfaction of the board will the registered home builder be given a notice to show cause. In other words, the board will not be bound to give notice to show cause merely because a complaint has been lodged about some mere trifling, piffling defect in a building.

Mr. HALES (Ipswich West) (2.36 a.m.): I am of the same opinion as the member for Brisbane. As I read the clause, it says—

"(a) send to the registered house-builder a notice in writing of the complaint made against him and particulars thereof; and

"(b) conduct its inquiry into the matter of the complaint, giving to the registered house-builder an opportunity to show cause why his registration under this Act should not be cancelled".

Surely there is no need for that if it is only a minor complaint. There should not be any reason for him to show cause. As the Minister is shaking his head, apparently I misunderstand the Bill.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.37 a.m.): As far as I am concerned, the honourable member does. If people continue to lodge frivolous complaints about a builder, a surcharge of $100 will be imposed on the premium. A reasonable amount of protection is afforded to him. The board members should be competent and reasonable persons. They will bear in mind the very thing the honourable member is saying and give the builder that protection. I believe that clause 39 (2) gives the board sufficient discretion. I am sure that in the event of a frivolous complaint the board will not deregister the builder.

Amendment (Mr. Lee) agreed to.

Clause 39, as amended, agreed to.

Clause 40, as read, agreed to.

Clause 41—Annulment of cancellation, etc., of registration—

Mr. LOWES (Brisbane) (2.38 a.m.): My remarks about clause 41 (2) and (3) are similar to those I made about clause 27,

which dealt with restrictions and conditions imposed, and the following clauses 29 and 30, under which the restrictions can be modified or removed. I ask the Minister again, as I asked him before, to consider removing these clauses which enable the board to impose conditions or restrictions.

I refer to the last few words of clause 41 (2) that "a condition or restriction" may be "of less effect at any time and for such reason as the Board thinks fit." Here we come back to the board's wide discretion. There is nothing to say that the board will exercise its discretion judiciously. I ask the Minister to consider the removal of all sorts of restrictions and conditions which may be imposed by the board.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.39 a.m.): Surely the honourable member does not want a builder who has gone broke to start up again. Surely he does not want a builder to continue doing faulty work or defying the board. Surely, in an extreme case where the builder is not doing the right thing, the board has to have a right to cancel his registration. That is what I believe. The board has a discretion and I have a discretion. The board should have the right to cancel the registration of a fly-by-night jerry-builder, the bloke who is taking down the widow. That is why the board should have this discretion.

Clause 41, as read, agreed to.

Clauses 42 and 43, as read, agreed to.

Clause 44—Nature of appeal—

Mr. GYGAR (Stafford) (2.41 a.m.): Following on my last suggestion to the Minister about what he should do to some of his officers, I think he should shoot his draftsman.

The provisions contained in clause 44 are totally and absolutely inconsistent with those contained in clause 53.

Clause 44 concludes with the sentence—

> "The decision of the court on an appeal shall be final and conclusive and the Board shall give effect thereto."

Clause 53 (4) provides that no matter what the court says, the board can do as it likes. It reads—

> "The making of an order . . . shall not affect the power of the Board to take disciplinary action under section 39 . . . irrespective of—
>
> (b) if such an appeal is made, the outcome of that appeal."

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.42 a.m.): First of all, it is an appeal to a court of law. That is what it means—an appeal to the Magistrates Court. After the board has made a decision, if the builder does not like it he can appeal to the Magistrates Court. The appeal provision has worked so far. It has been loosened up greatly because of some of the experiences with the right of people giving evidence. The honourable member for Landsborough has experienced this problem. We have made the provision much looser so that a person can go into the court or into the board and represent a builder whereas before, unless he paid a solicitor, he had no right to be represented by anybody else. This has worked for five years under the Act and I am sure it will again.

Mr. GYGAR (Stafford) (2.43 a.m.): The Minister fails to see my point. Clause 44 says—

> "The decision of the court on an appeal shall be final and conclusive and the Board shall give effect thereto."

Clause 53 says—

> "The making of an order under subsection (1) . . . shall not affect the power of the Board to take disciplinary action under section 39 . . . irrespective of . . . the outcome of that appeal."

Maybe I am stupid or something.

Mr. K. J. Hooper: You said it.

Mr. GYGAR: The honourable member for Archerfield is willing to support me there.

The Minister just cannot do things like that. Either the court's decision is final or it is not. The Minister cannot have one clause saying it is final and another clause providing that regardless of what the court says, the board can do what it likes.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.44 a.m.): I believe that it will work. The board must have the right to stop a builder. Once a builder has been stopped, he has the right of appeal. What the honourable member is saying is that the board can deregister a builder whilst he still has the right of appeal.

Mr. Gygar: What I am saying is that under clause 53 the board can still make an order irrespective of the outcome of the appeal.

Mr. LEE: Clauses 44 and 53 deal with different things. I am sure the honourable member is worrying unnecessarily.

Clause 44, as read, agreed to.

Clause 45—Building construction by body corporate or firm—

Mr. K. J. HOOPER (Archerfield) (2.45 a.m.): As well as providing for supervision of building, this legislation should also provide a mechanism to ensure that adequate tradesmen are available in the building industry. This is one of the problems of the industry. Many master builders have not lived up to their obligation to engage their quota of apprentices. Consequently the building industry at the moment is in a very parlous state because of a lack of skilled tradesmen. The position has been exacerbated by the fact that since the Fraser Government took office hundreds of skilled

workers have left the industry. Their skills and training have been lost because they have been forced to seek more stable occupations.

Mr. Gygar: Your reading has improved.

Mr. K. J. HOOPER: The honourable member for Stafford has not improved. He is still bone between the ears.

The building industry has special problems that should be dealt with by a specialised board such as the House-builders' Registration Board. If action is not taken by the State Government to ensure that sufficient skilled tradesmen are available, building costs will skyrocket, particularly when young couples are again able to afford to buy their own homes with the advent of a Labor Government in the Federal sphere in 1977. Of course, with a shortage of tradesmen any skilled worker will be able to command a handsome wage. I do not think the Minister heard what I said.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.47 a.m.): I heard what the honourable member said. If he would tell Hughie Hamilton to get his carpenters back to work and have fewer strikes, building would be a lot cheaper.

Mr. HALES (Ipswich West) (2.48 a.m.): The provision in this clause concerning signs worries me a little. I shall probably be rubbished by the Opposition in a few minutes. I well remember some time ago some of us in the real estate business erecting signs around the district, particularly on houses, but they did not stay there very long. A few larrikins decided that they looked better at Redland Bay. What worries me is that signs can be taken from sites by larrikins and, if an inspector comes around and finds them missing, the builder concerned could be in trouble.

I have a second point on which I should like clarification from the Minister. Under the old legislation, a registered builder had to be on the site virtually at all times. If a builder was erecting a dozen homes and employing a number of carpenters, he clearly could not be on the 12 sites at the same time. Will the Minister explain this situation?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.49 a.m.): I should like to ask the honourable member if he has ever been fined because he has not had signs in the right place. I think discretion was exercised under the previous legislation and there will be a similar exercise of discretion under the proposed provision. I have forgotten the honourable member's second point.

Mr. Hales: Under the original legislation a registered builder had to be on each site even though he may be erecting 12 houses in the one area.

Mr. LEE: If the honourable member wants to read it literally right down to the last detail, I suppose it almost says that, but let us be honest. If a builder has a supervisor looking after up to 100 homes, that is quite reasonable. The clause will be applied in a practical way. The honourable member knows that that is not the intent of the clause. If anybody is fined for doing what the honourable member has said, I will use my discretion.

Clause 45, as read, agreed to.

Clause 46, as read, agreed to.

Clause 47—Offences by persons not registered as house-builders or concerned with building construction by persons not so registered—

Mr. LANE (Merthyr) (2.51 a.m.): I move the following amendment:—

"On page 20, after line 17, add the words—

'Performance of building construction in relation to a building that is to comprise two separate residences shall be taken not to contravene paragraph (a) or (b) aforesaid if—

at the time of such performance one of such residences is used or intended for occupation by the person performing the building construction.'."

The amendment I have moved is consistent with the intention I outlined during the second-reading debate and seeks to cater for the construction of what is called a granny flat, the adding of a second residential unit to the private home by an owner-builder to accommodate perhaps an aged relative or someone like that in those additional premises. The owner-builder is precluded from doing so by the Bill in its present form, but the simple amendment will allow two residences to be constructed by an owner-builder provided that it is intended that one be kept for the occupancy of the person performing the work, that is the owner-builder. He is, of course, prevented from selling or otherwise disposing of the premises, as is any other owner-builder who constructs a single unit dwelling.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.53 a.m.): The amendment moved by the honourable member for Merthyr stems from his study of the Bill while it was lying on the table for some six months. After he read the Bill he came to me and mentioned this point. I could see the wisdom in it and I said to him that if he wished to do so he could move such an amendment from the floor of the Chamber. He has since supplied me with a copy of his amendment. It has been read and I certainly accept it because I believe that a person has every right to construct a second residence for

the purpose of accommodating, say, his parents or grandparents. I accept the amendment.

Mr. K. J. HOOPER (Archerfield) 2.54 a.m.): The Opposition supports the amendment moved by the honourable member for Merthyr, but it is passing strange that the Minister should rise and give us a lot of flimflam about a conversation that took place between him and the honourable member for Merthyr. I recall taking the Minister to task in my speech at the second-reading stage because in his introductory speech he had referred to the construction of granny flats.

Mr. Lee: Who did?

Mr. K. J. HOOPER: The Minister did. He made reference to them in his introductory speech. I suggest that he reads his speech again. When I perused the Bill, and no doubt when the honourable member for Merthyr perused the Bill—it is quite obvious that he knows more about the Bill than the Minister does—it became obvious that there was no reference in it to granny flats. I say to the Minister that he has his wires crossed.

Amendment (Mr. Lane) agreed to.

Mr. LOWES (Brisbane) (2.56 a.m.): I move the following amendment:—

"On page 20, omit all words comprising lines 18 to 36, both inclusive."

I move the amendment because I believe that the words in those lines would have the effect of deflating in value all houses that have been built and exist at the date on which the provisions of the Bill come into operation. I hear a member of the Opposition saying that I just want to encourage fly-by-night builders. I am more concerned with the protection of people who already have homes built and who are going to suffer a loss of value with the introduction of this legislation. The words that I propose should be omitted require a vendor, whenever he sells a house not covered by the Act, to give notice to the purchaser that the house is not covered by the House-builders' Registration and Home-owners' Protection Act. That can only deflate the value of every existing home, and I do not think that is a fair and reasonable proposition for the present owners.

Most of the houses would have been built quite faithfully and would be quite sound; but because they happen to be built before a certain date they do not come under the provisions of the Bill and the owners are being penalised, no matter how sound the houses may be. Their homes will be regarded as second-rate homes and homes of a lower standard than homes that may come under the provisions of the Bill. Whether they are in fact any better because they are under the Bill remains to be seen. The evidence we have seen so far of buildings built under the Builders' Registration Act shows that they are no better than those built before the Act came into force.

This clause will have a detrimental effect on all values, and I would ask the Minister to consider the thousands and thousands of home owners existing in the State now rather than those who may come in the future should the Bill become law.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (2.57 a.m.): The amendment moved by the honourable member for Brisbane would eliminate an area of consumer protection that I consider is absolutely essential. After all, the name of the Bill is the House-builders' Registration and Home-owners' Protection Bill, and the proposed amendment would eliminate the protection. We might as well not have a Bill if we take that out.

Mr. K. J. HOOPER (Archerfield) (2.58 a.m.): Clause 47 makes no provision for protection for pensioners and low-income earners with families. It also allows any person to undertake constructions to the value of $1,000. Is that correct?

Mr. Lee: Yes.

Mr. K. J. HOOPER: Naturally, any work that costs less than $1,000 is of the extension and repair type. We all know that many unlicensed builders and jerry-builders operate in this field.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I point out to the honourable member that we are dealing with the amendment as moved by the honourable member for Brisbane.

Mr. K. J. HOOPER: I thought it had been dealt with.

Dr. LOCKWOOD (Toowoomba North) (3 a.m.): Mr. Miller,——

Mr. Marginson: Since when are you a builder?

Dr. LOCKWOOD: I will tell the honourable member the difference between a crippled beam and a crippled stud and show him how to fix it.

The TEMPORARY CHAIRMAN: Order! I ask the honourable member to speak to the amendment before the Committee.

Dr. LOCKWOOD: Clause 47 (3) will necessitate very complicated conveyancing in the sale of a house. There will need to be produced mortgages, plans, specifications, approvals, inspection reports, certificates of registration of the builder, certificates as to the age of the building and the date of completion, details as to cost and details of extensions made to the building. I ask the Minister to explain if any pro forma will be produced to make the conveyancing simpler.

Amendment (Mr. Lowes) negatived.

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

"On page 20, line 37, after the word 'deemed' insert the words—

'in respect of a person who immediately before the commencement of this Part was a registered builder within the meaning of the Builders' Registration Act 1971–1973'."

Mr. LINDSAY (Everton) (3.2 a.m.): The Minister has already indicated his strong support for the retention of the clause as it stands. As he is so keen on its retention I am surprised to see that a person who contravenes this provision is liable to a penalty of only $250. Other penalties prescribed are $1,000. It would seem that in connection with sales of dwelling-houses worth $30,000 to $35,000 a penalty of only $250——

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I point out that the honourable member is talking to subclause (3). The Committee has already passed that subclause.

Amendment (Mr. Lee) agreed to.

Mr. K. J. HOOPER (Archerfield) (3.3 a.m.): As I was saying before, pensioners and low-income earners with families are not protected by the Bill.

Mr. Frawley: They are so.

Mr. K. J. HOOPER: They are not. It is quite obvious that the honourable member has not read the Bill. Clause 47 allows any person to undertake construction to the value of $1,000.

Mr. Casey: Even service station owners.

Mr. K. J. HOOPER: Even service station owners. The only work that would cost less than $1,000 is work of the extension and repair type and, as we all know, many unlicensed jerry-builders operate in this field.

In its 1976 report the Builders' Registration Board stated that a large number of unregistered builders operate in the alteration and extension area of the building industry. This is a specialised field requiring substantial expertise. Unfortunately, pensioners and low-income earners form a considerable section of the market for this type of work and they are normally not in a position to pay the cost of having faults rectified when they are discovered.

The board's efforts to prosecute these builders in the past have often been thwarted by the fact that they induced the old owners to build as home owners. This legislation extends the amount of work that an unregistered builder can undertake from $500 to $1,000. Under the Victorian legislation it is an offence for any builder to enter into any building contract unless he is registered. I will deal with both aspects.

Contrary to the opinion expressed by Government members, I think the Minister is competent enough to handle two things at once. I just gave the Minister a bouquet. I said that contrary to the opinion of Government members I think he can handle two things at once.

I am of the opinion that "A person" should be defined differently—I hope the honourable member for Brisbane agrees with me—to include a firm or body corporate and any group of persons.

Mr. WRIGHT (Rockhampton) (3.6 a.m.): I raise the point with the Minister that there is some conflict between this legislation and the Builders' Registration Act. If a person has his house repaired or extended, the limit under the Builders' Registration Act is $500. The conflict arises in that restumping or cementing under a house does not appear to come under the Builders' Registration Act.

Mr. Lee: Yes, it does, in an earlier provision.

Mr. WRIGHT: I question that because in one instance it is $500 and in the other it is $1,000. We should have consistency. How can we state specifically that restumping and other things come within the terms of the legislation?

Mr. Lee: That is covered in one of the earlier clauses.

Mr. WRIGHT: That is stated clearly?

Mr. Lee: Yes.

Mr. WRIGHT: When we were debating the Builders' Registration Act we were told that all aspects were covered but after complaints from our area we found that they were not covered.

I make the further point that, because the penalty is limited to $1,000, people may not get the redress that they deserve. A problem may involve $3,000 or $4,000, but the builder could say, "I will cop the penalty of $1,000 and not carry out the board's request. I will ignore the order and pay the penalty." I see some difficulties. It seems to me that we should impose a minimum penalty of $1,000 and give the board discretionary power to make sure that a householder gets full redress if defects involve $2,500. A further problem will arise when we are debating clause 53. I should like the Minister's comments on this matter. I do not think this provision goes far enough. I have heard comments by Government members who want creampuff legislation with all consumer protection removed, but I take the stand that we are not going far enough.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.7 a.m.): When the other Act was introduced some years ago, the maximum penalty was $500. In the light of inflation, that provision needs amending. This legislation provides a penalty of $1,000, which I think is a reasonable figure.

Mr. Moore: You get nothing for $1,000.

Mr. LEE: I accept that interjection from the honourable member for Windsor.

As to saying that the penalty will be $1,000 or $2,500, it will be up to $1,000 and, so far as I am concerned, that is what it will be. A maximum is provided but the penalty imposed can be lower.

Mr. WRIGHT (Rockhampton) (3.8 a.m.): What will the homeowner do if the problem involves $3,000 or $4,000? He complains to the board. The person I have in mind did not advise in writing that the house was built by an unregistered person. That is the provision in subclause (3) that the Minister stuck by, and I agreed with him. But what happens if the problem involves $6,000, as it could with some of the repairs that are effected? Today, it costs $5,000 or $6,000 to add a room. What can a person do when there is a penalty of only $1,000 to fall back on?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.9 a.m.): This is where insurance comes in. That will look after it.

Clause 47, as amended, agreed to.

Clause 48—Procedure to allow building construction on own dwelling-house—

Mr. AKERS (Pine Rivers) (3.10 a.m.): As probably the only registered builder in the Parliament, I think I have some right to speak on this Bill. Several times I have tried to get the call, Mr. Miller, and you have passed the clause I was hoping to discuss.

Honourable Members interjected.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! The Committee will come to order.

Mr. AKERS: Several parts of this Bill contain the expression "Penalty: $1,000." In this clause we see—

> "Penalty: $50 for a first offence; $100 for a second offence: $200 for a third offence; $400 for a fourth or subsequent offence."

I would like to know from the Minister whether that is a set penalty or whether those amounts relate to the maximum penalty.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.11 a.m.): For the first offence, yes, it is a maximum penalty. As far as I am concerned, on this occasion it would be a set penalty.

Mr. Akers: You had better clarify it, then, because no distinction is shown.

Mr. Burns: If a man built a home and was not registered, would the penalty for the first house be $50?

Mr. LEE: Yes.

Mr. Burns: It is $10 cheaper than the insurance. It is $10 cheaper to be fined as an illegal builder than to pay the insurance premium.

Mr. LEE: No, it is not.

Mr. BURNS (Lytton—Leader of the Opposition) (3.12 a.m.): If the Minister is right in saying that the penalty for the first offence is a maximum of $50 and a home is built by a firm known as ABC Builders, which is not registered, it pays a fine of $50. On the other hand, if the firm registers, it has to pay its registration fee and the insurance premium of $60. It seems to me that the minimum penalty ought to be greater than $50; if it is not, it is cheaper for a smart operator to get fined $50 on every house he builds. He is in front.

Mr. Lee: Each one is a breach.

Mr. AKERS (Pine Rivers) (3.12 a.m.): The point that the Leader of the Opposition has raised is not relevant. In several places in this Bill we see the wording "Penalty: $1,000." In one place there is a penalty of $250. This clause provides for a penalty of $50 for the first offence, $100 for the second offence, $200 for the third offence and $400 for the fourth or subsequent offence. Is it a set $1,000 penalty or is it a maximum penalty of $1,000? Is it a set penalty of $50 for a first offence and a set $100 for a second offence or not? I think we should have that clarified.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.13 a.m.): All penalties are the maximums. The fine could in fact be anything under those amounts. We do not have such things as maximums in the Liberal or National Parties.

Opposition Members interjected.

Mr. LEE: I had better correct that. I meant "minimums".

Clause 48, as read, agreed to.

Clauses 49 and 50, as read, agreed to.

Clause 51—Board's power to exempt—

Mr. LOWES (Brisbane) (3.14 a.m.): Clause 51 makes all our deliberations so far tonight quite farcical.

Mr. Marginson: It has been farcical all night.

Mr. LOWES: We have been asked to consider this Bill and all the amendments to it, lengthy as they are, yet we find a clause giving the board all the power to undo everything we have done so far, which I am sure comes as news to the honourable member for Wolston.

The Minister said that he was not inclined to give to the board unlimited powers. That is exactly what he has done here. The clause reads—

> "51. Board's power to exempt. (1) The Board may, with the Minister's approval, by its order published in the Gazette,

exempt a person or class of person or building construction or class of building construction from the operation of all or any of the provisions of this Act either absolutely or subject to such conditions as the Board specifies in its order."

What are we doing here? Why do we bother passing legislation if we insert a clause which can undo and fly in the face of everything that we decide here? We do not come here to legislate and to insert clauses to allow a board to act in any fashion at all, capricious though it may be. We do not come here to legislate to give a board, which is not elected and has no responsibility to answer to the people, powers that we do not have. We do not want to pass legislation giving with the one hand and taking away with the other. I cannot understand how such a clause was ever drafted. It is a negation of the whole Bill. We are asked to decide the clauses, to give our attention to these matters and decide what we believe should be the law for home builders in Queensland. Having done all of that, we insert clause 51 which provides that, irrespective of what we do, the board can do what it likes. Whatever we decide here is of no consequence. Surely the Minister would have regard to such a clause. Its deletion would not affect the remainder of the Bill and I implore the Minister to consider deleting clause 51 in its entirety.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.16 a.m.): There is really nothing new in that clause. It is already in the Builders' Registration Act. It is a completely normal provision to take care of extreme and unforeseen circumstances. After all, it is with the Minister's approval.

Mr. WRIGHT (Rockhampton) (3.17 a.m.): I support the honourable member for Brisbane. While the Minister says that we are looking at extreme circumstances, we are dealing with an everyday problem in home-building. I cannot think of any exemption that would arise. This is one area in which there should be no exemptions.

The Leader of the Opposition called it a crony clause and that is the best description it could be given. There is no suggestion of the circumstances under which exemptions will be given. No prerequisites are set.

Are we going to reach the situation we have in employment where some independent schools and church groups can pay shockingly low wages because of an exemption granted a long time ago that no-one has been able to do anything about, although the honourable member for Archerfield has raised the matter on a number of occasions on behalf of the workers who are suffering under it? We do not want to perpetrate that type of exemption here. I do not believe anyone should be exempted. Surely it is a basic requirement that everybody should stand by these rules. It seems to me that this is a discretionary power that should be given to neither the board nor the Minister.

Mr. Burns interjected.

Mr. WRIGHT: The Leader of the Opposition mentioned the secrecy in these matters.

We should support the honourable member for Brisbane in this matter and press for the deletion of clause 51.

Dr. LOCKWOOD (Toowoomba North) (3.19 a.m.): I seek some clarification. Perhaps this might apply to the erectors of such mundane things as garden sheds, prefabricated carports and the larger prefabricated buildings. Would that be correct? Is that the sort of thing that the clause refers to?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.20 a.m.): Clause 4 includes an explanation of what is a building. It certainly is not a tin garden shed or a carport.

Clause 51, as read, agreed to.

Clause 52, as read, agreed to.

Clause 53—Remedy for unsatisfactory work—

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

"On pages 22 and 23, omit all words comprising line 44 on page 22 to line 2 on page 23, both inclusive, and insert in lieu thereof the following words:—

'or caused by such a person to be performed has not been performed in a proper and workmanlike manner the Board, in writing served on that person—

(c) may order him to remedy the building work that is faulty or unsatisfactory; or

(d) may order him to demolish the building work that is faulty or unsatisfactory and to perform that work again,

in either case subject to the condition that the person concerned may perform the building work lawfully under this Act or in so far as such condition is not satisfied—

(e) may order him to cause the building work that is faulty or unsatisfactory to be remedied; or

(f) may order him to demolish the building work that is faulty or unsatisfactory and to cause that work to be performed again,

in either case by a person who may perform the building work lawfully under this Act,'."

Amendment agreed to.

Mr. LOWES (Brisbane) (3.22 a.m.): I move the following amendment:—

"On page 23, omit all words comprising lines 13 to 20, both inclusive."

This subclause sets up two different types of justice. Even though a house builder may have appealed successfully against a decision of the board, the board may still penalise him by imposing conditions or restrictions on him. Surely if we make allowance for appeals and they are upheld, they should be allowed. Surely if the board is defeated on appeal it is not to be allowed to impose some other penalty of its own making. This would mean double standards and two brands of law for two jurisdictions. My amendment is to delete subclause (4) as it stands.

Mr. BURNS (Lytton—Leader of the Opposition) (3.23 a.m.): The honourable member for Brisbane is suggesting that we should remove from clause 53 the subsection that allows the board to discipline a builder who has failed to do a job properly and who has been asked to remedy it. As I see it, this means that if a builder does a bad job and is asked to repair it, the board should do nothing more about it. The honourable member for Brisbane suggests that nothing should be done about disciplining the builder.

I support the Bill and I am ashamed of the actions being taken here tonight in favour of shoddy builders against the consumers.

Mr. Lee: They have every right to do it.

Mr. BURNS: They can do what they like, but it has to be made clear that what they are saying is that shoddy builders should be protected and consumers should not be protected. The facts of life are that people come to members saying, "I paid this man $3,000 to do a job and when I asked him to come back and repair it he would not turn up." This clause provides that the board will give him reasonable time and, if he does not come within that time, it will be extended to give him the opportunity to come back again.

If a person pays money for a job to be done by a registered builder, he ought to be required to return within a certain time to complete the work. On too many occasions workers have been conned into paying $4,000 and $5,000 of a $6,000 job and the builder has thrown a few bricks or some pieces of timber in the front yard and failed to turn up to do the work. If contacted the Builders' Registration Board will send out an inspector. He will get on to the builder, who then puts a couple of subcontractors onto the job for a couple of days. As soon as the inspector goes away, the customer is once again left alone. I know many jobs that have been left for six months. In fact, I have an extension in progress at the rear of my house that the builder promised would be finished before Christmas but which is not finished yet. I have not been to the Builders' Registration Board, but that clause will not help.

Mr. Frawley interjected.

Mr. BURNS: We have paid him. My wife paid two-thirds or three-quarters of the money involved.

Mr. Akers: I hope you didn't do the electrical work.

Mr. BURNS: No, I did not, but I could have done a better job than Frawley if I had had the opportunity.

The fact is that women are approached by the builder who says, "Give me a sub. Give me some money. I put some timber on the job and I need the money to pay for it." But people often find that where two-thirds or three-quarters of the money for the job has been paid to the builder he just does not want to come back, and small penalties without threat of some disciplinary action being taken against him by the board just means he will not come back.

Dr. Lockwood interjected.

Mr. BURNS: That is what this is all about. The honourable member for Brisbane is saying that because he has been told to remedy the job we should not then discipline him, that even though he has appealed against the decision of the board because he has been told to repair the job, the board should not take any other disciplinary action and registration should not be taken off him. I do not think this clause is strong enough. I think the trouble we have in this community is that far too many subcontractors who go on to a job have no intention of completing it if they can get out of it. One sees it all over the place. The Opposition has large lists of jobs like this. We have a large list of complaints to the Builders' Registration Board. The honourable member for Stafford and others can stand up to protect the builder who does not complete the job and rips off the consumer, but I support this clause. I think it should be even more powerful.

Regarding the proposal of the honourable member for Stafford earlier on the nature of the appeals from clause 44 as against clause 53, one was against deregistration and the other one was that if the builder was appealing against his deregistration he would still be required to remedy the fault. Does the honourable member mean to tell me that if a builder's registration has been threatened and he has appealed, the board should not be able to tell him to fix up the job he made a mess of?

Mr. Gygar: It is the other way round. Sit down and let me tell you all about it.

Mr. BURNS: We will give the honourable member the opportunity, but I say to him that after the way he argued about clauses 44 and 53 if he was defending me on a charge of drunken driving I would end up being charged with stealing.

Mr. GYGAR (Stafford) (3.28 a.m.): If the Leader of the Opposition was ever charged with drunken driving I would be on the sidelines cheering that they had caught him at last. There is something dreadfully wrong being perpetrated here. What we have to decide is: are we going to trust the courts or are we going to trust the arbitrary decisions of bureaucrats? Unfortunately, the way the Bill is framed we are placing the arbitrary decisions of bureaucrats on a higher plane than those of the courts of appeal.

Let us just follow through a case that could happen. A person does unsatisfactory work. Under clause 53 the board has the power to make an order that he remedy that situation. The board issues an order and says, "Fix it up." Under clause 54 the person can then appeal to the Magistrates Court. So the order is out against him. He appeals against the order under the terms of clause 54. Now, if we go back to clause 43 it states—

"Every Magistrates Court has jurisdiction to hear and determine an appeal made to it or remitted to it pursuant to this Act."

Clause 44 carries on with that and says that the decision of the court on an appeal shall be final and conclusive and the board shall give effect thereto.

Let us recap. The board has made an order saying, "Fix up the job". The bloke has decided that the board is wrong. He has appealed to the court, as he has the right to. His appeal has succeeded. The Bill says that under clause 44 the decision of the court shall be final and conclusive, but under clause 53 (4) it says that, notwithstanding the fact that the courts have said that the board shall not make this order because it is a wrong order, the board can then go out and take disciplinary action against him and take his registration away from him irrespective of the outcome of the appeal. So what the Minister is attempting to perpetrate here is that the board tries to fix a fellow one way and takes out an order against him; the courts throw it out and then the board says that, irrespective of what the courts say, it can still deregister him. That is madness. I would suggest it is probably just a drafting error on the part of the Minister's little bureaucrats who have gone off on a tangent somewhere along the line to allow this situation to arise. But we simply cannot have a situation (if the Minister has finished joking with the Minister for Survey and Valuation) where a court can decide that a man has been subjected to a wrong penalty and then let the bureaucrats have their revenge by striking him off the register, irrespective of what the courts say. It is not good enough. Either the courts win or the bureaucrats win, and I was under the strange impression that, under the present legal system, the courts were supposed to win each time.

So there are two clauses that do not fall together. Clause 44 says the court's decision shall be final and conclusive; but clause 53 (4) says that, irrespective of what the court decides on appeal—it may say that the man is not guilty of any workmanship that requires him to restore any building or even to work on it—the board can still take his licence away from him. Where is the sense in that?

Mr. LOWES (Brisbane) (3.31 a.m.): The Leader of the Opposition is either begging the question or he has not read the whole of the clause. The words to which I was referring particularly are in subclause (4)—"irrespective of . . . the outcome of that appeal", the board may take disciplinary action.

Mr. Burns interjected.

Mr. LOWES: The Leader of the Opposition says that I have moved that the whole clause be deleted. If he puts forward another amendment, I might be prepared to listen to it. Because of the conflict, two brands of justice are being administered. I think that conflict should be resolved by taking out of the Bill the whole of the clause. I do not think that the board should be entitled to take any disciplinary action irrespective of the outcome of the appeal. If the appeal has been successful, why should the board be entitled to fly in the face of the decision on appeal? The board might say, "Maybe we lost the appeal, but we will do what we want to do. We will put some conditions and restrictions on the builder." Surely it is a contradiction.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.32 a.m.): The board has discretion only if there is faulty workmanship, and I do not believe that the clause says what is worrying honourable members. I do not agree entirely with the Leader of the Opposition, but he certainly was on the right track.

Mr. Houston: He was helping you.

Mr. LEE: I do not say that he was not. I do not believe that the provision will cause problems. If the workmanship is really faulty, surely the board has the right to cancel the builder's registration. There is then an appeal to a Magistrates Court. As I see it, there is nothing wrong with that. In my opinion, this will not take it any further.

Mr. GYGAR (Stafford) (3.34 a.m.): The objection here is that if the board makes an order against a builder for faulty workmanship and he takes the matter to court and wins, and the court says to the board, "Your order was wrong", the Minister is saying that, in spite of that, the board still has the power to overrule effectively the court's decision by deregistering the builder.

I suggest to the Minister that the way around this is to delete in line 18 all words after "work". This will delete all reference

to the provision that says "irrespective of whether an appeal is made", or, if it is made, the outcome of the appeal. In that case, common law would surely prevail. If a man takes his case on appeal and obtains a satisfactory solution in the courts, the board will be bound by the court's decision. That is what I am seeking to achieve—that if a man goes to a court and goes through the legal process of arbitration, the finding shall be binding on both parties.

This provision in fact puts the tradesman in a double bind. An order is made to restore the work, the court says the order is an unjust one and the board bounces back and says, "Sorry about that, but we are not going to take the court's verdict. We will deregister you anyway, because we are given the power under line 18, irrespective of the decision of the court."

Surely the solution to this problem is to make the order of the court binding upon the board as it is upon everyone else and not allow this slimy little back door that it can get out by. It makes an initial order saying that he will repair the work, and if it cannot get away with that one surely it should not be able to deregister him on the same grounds. The court says it does not have a case to order the work to be repaired. One way or the other, it has to go. No-one is saying that if an order is made and the court upholds that order he should not be deregistered as well. The Minister should not take it that way. What we are saying is that if an order is made and the court throws it out he should not be deregistered.

Mr. WRIGHT (Rockhampton) (3.36 a.m.): I rise to speak to the specific question that has been raised by the member for Stafford. If he is going to cut this off at the word "work", that is not going to resolve anything. In fact, it makes it so open-ended as to give the board total discretionary power. At least in this instance we have set down two specifics. But I would agree that part (b) of subclause (4) seems to create some problems. I think this clause should be related back to clause 39. Regardless of the outcome of the appeal, disciplinary action can still be taken. No-one would object to that, except possibly for clause 39 (2) (e), by which the board may cancel the registration of the house builder. That is the only one that really arises for argument here. I think all of us would agree that the board needs to have the power to send a registered home builder a notice in writing, to conduct its inquiry, to determine not to take further action and to do all the things that are set out there, other than the final cancellation of registration.

I agree with the Leader of the Opposition that we cannot pull the clause out, as the member for Brisbane wants to do. However, we will not achieve much by doing what the member for Stafford wants to do. It seems to me that there is a legal problem here in that, regardless of the outcome of this final appeal, the cancellation will still take place. Surely that is wrong. So the Minister should look at the removal of the final part, that is (b). Either that is to be removed or alternatively we throw open clause 39 again and remove part (e).

Mr. Gygar: We have to keep that cancellation going.

Mr. WRIGHT: That is part of the disciplinary action. So really our choice finally is not what the member for Stafford is saying—not to take away (a) and (b)—but to remove (b). If we do that we might overcome the problem.

Mr. AKERS (Pine Rivers) (3.38 a.m.): I see the problem that is raised here. It worries me that whether or not there is an appeal this action can still be taken. I suggest that the Minister report lack of progress and ask leave to sit again.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.38 a.m.): I am certainly not going to report progress and ask leave to sit again. First of all, the board does not have the power to overrule the court's decision. It cannot deregister for faulty work, but it must first establish the negligence or the incompetence of the builder. These are two different things. If the court finds that the board's order is unfounded, it does not mean that the court finds the tradesman to be a competent builder. They are basically two different things.

Amendment (Mr. Lowes) negatived.

Mr. GYGAR (Stafford) (3.39 a.m.): We are back to square 1. I still think the Minister does not appreciate the point we are trying to make. He has said that if the order is thrown out by the court the board should have another go at the builder. But that is not the way it is. The Minister is giving the board two bites at the apple. That is not the way our legal system works. If action is taken and it fails, a new set of circumstances must be produced to justify the same thing. Under this provision we are putting a man in double jeopardy. When an order is made, the man can appeal to the court and it can determine that the order was not based on firm grounds. But under this provision, despite the court's determining that the grounds are not firm, the board will still have an opportunity to take disciplinary action based on the same grounds. It is a double jeopardy situation that has always been rejected in our law and always should be. We are giving the board an arbitrary power to override the court of appeal and that cannot be done.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (3.41 a.m.): I think the Bill encompasses two completely different things. In the first place clause 39 (1) provides that the board has to listen to a complaint, whether it be trivial

or otherwise. Having listened to the complaint, the board may take certain disciplinary action. For argument's sake, let us say that it is a relatively trivial matter. If we turn to clause 53 (4) we see that by no stretch of the imagination does it deal with trivial complaints. It refers straight back to clause 53 (1), under which there are two possibilities. One relates to the rectification of work and the other to the wholesale demolition of the work. Clause 53 (1) really deals with the most serious possible aspects of bad work that could be done by a builder. The board is allowed to make such orders. After the board has made an order for demolition, a builder can go to the Magistrates Court, which may take a completely different view from that of the board. It may say, "This work is bad but it is certainly not bad enough to be demolished and completely rebuilt." So the builder has a win and does not have to demolish and rebuild. But that does not mean that the board should not be able to exercise its rights under clause 39 (1) and order that relatively trivial things should be corrected. That is why I say we are dealing with two different areas of remedy. On the reasons put forward I do not believe that we should deprive the public of one area of remedy.

Mr. WRIGHT (Rockhampton) (3.43 a.m.): I listened attentively to what the Minister for Survey and Valuation said, but I have also changed my view on this after having had a discussion with the Leader of the Opposition. I have thought of the possibility that while a person is registered he can continue to build other things. I think that subclause 39 (e) should be kept so that the cancellation can take place. A complaint might be against building "A" while there are 10 or 12 buildings that are just as bad. If this person is not stopped somewhere he will continue this form of building. Believing that the whole provision should be retained, I withdraw any objection I had.

Mr. GYGAR (Stafford) (3.44 a.m.): I will not attempt to dispute in legal terms the opinion of the Minister for Survey and Valuation, but I think he has his wires crossed in thinking that clause 39 allows remedies. It is not a remedies clause but a disciplinary clause. The sort of things it relates to are reprimands, deregistration, suspension of registration for a time and making a registration subject to such terms and conditions as it sees fit. It is not a remedies clause like this one which concerns remedying the building work or demolishing it. If it were a remedies clause I would agree whole-heartedly with the Minister's line of reasoning. As it is a punitive clause, the same situation does not apply. We are saying that the court has thrown out the remedy but the board may still impose the punitive measures. That does not lie well. If the courts have determined that there shall not be a remedy, surely there shall not be a punishment.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (3.45 a.m.): I agree with what the honourable member has said, but that does not alter my point of view. I did not have the Bill before me when I was speaking before—I accept that it is a disciplinary clause. I simply rephrase what I said. Just because a building has not been built badly enough to justify its being demolished and rebuilt at enormous cost to the builder, it does not follow that under clause 39 (1) the board should not reprimand him and tell him that it is not good enough; that it is not of a sufficiently high standard.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.46 a.m.): I agree completely with what the Minister for Survey and Valuation has said. I have asked my advisers and the Parliamentary Counsel, and their advice to me is exactly parallel with what the Minister for Survey and Valuation has said. Because two different things are dealt with, I believe that the clause should stand.

Clause 53, as amended, agreed to.

Clauses 54 to 56, both inclusive, as read, agreed to.

Clause 57—Offence to disobey order under s.53—

Mr. WRIGHT (Rockhampton) (3.47 a.m.): I raised a point before, when we were talking about clause 46 and the penalties involved. We have referred to remedies in clause 53, to appeals against board orders in clause 54 and to the powers of the court on appeal in clause 55. Clause 57 deals with the position of a registered person or builder who disobeys an order under clause 53. This brings us, as I see it, to the problem we have had with the Builders' Registration Board. After a tremendous amount of time elapses, the Builders' Registration Board simply says, "There is nothing much else that can be done about it." In this legislation the person can be fined $500.

When I previously raised the quantum of penalty—and I think in this instance it is extremely low—the Minister said that a person can claim under insurance. I would like to know the maximum amount a home-builder is able to claim under his insurance. I see the problem arising of the builder copping the penalty all the time. If the problem relates to a home construction and is worth a couple of thousand dollars, the builder will hold out. He will not obey the board. He will not carry out the remedies. He will not repair, replace, recompense, or refund (or whatever the case might be) all moneys expended. He will simply hold out and say, "I am not going to obey you."

In clause 53 we have the term "reasonable time specified by the Board in its order." We do not know what that is going to be, but we know that it is a legal term. "Reasonable time" is what the reasonable man will say is fair. However, I ask the Minister

exactly what redress is available. If he pays the $500 and cops that, but still will not go back and remedy the situation and demolish it and replace it, as the Minister for Survey and Valuation has said, what happens then? How long will it take to get redress?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.49 a.m.): The insurance takes over. The insurance company cannot sit back and do nothing. It has a part to play in this. Where a builder defies every order made on him and he is fined, the insurance company then has to employ another builder and pay the costs. That is the general idea of it.

Mr. Wright: Pay the costs of the dispute?

Mr. LEE: According to the insurance premiums, whatever they are. They are yet to be made by regulation. The figure is up to $25,000, which is a fair and goodly portion of a home. The premium alters when it gets up to $50,000. It is not as much because of the 10 per cent that applies above $25,000. Insurance has to play its part.

Mr. Wright: You do not see any delays here at all?

Mr. LEE: No. I think there must be reasonable time.

Mr. Frawley: The insurance companies will duck and weave for three months.

Mr. LEE: On this occasion it is the board and not the insurance company that is the insurer. A different set of circumstances applies. It is different from bringing the insurance company in. The chairman can make the inspection straight away or the claim can be made on the board. It is not an insurance company but the board that is the insurer.

Clause 57, as read, agreed to.

Clause 58—Board to be given notice of contracts and to be paid insurance premiums—

Mr. K. J. HOOPER (Archerfield) (3.51 a.m.): Under all legislation covering building companies, the workers' wages are never guaranteed if the company collapses. That is a cold hard fact of life.

Mr. Frawley: You are wrong there. You are misleading the Committee. The Pine Rivers Shire Council paid all the back wages.

Mr. K. J. HOOPER: The Pine Rivers Shire Council is not a building company. It is to be commended on paying these people. Because the Pine Rivers Shire Council is not a building company, I have not misled the Committee. The honourable member has his wires crossed again.

As I was saying before I was so rudely interrupted by that inane interjection, the building industry is often the victim of Government policies. Companies face boom-and-bust situations. I think that the Minister, as an old builder, would agree with that. The policies of the present State and Federal Governments of high interest rates for home-ownership have led to the collapse of hundreds of large and small builders. Every time a builder is bankrupted or a company is wound up, the workers lose thousands of dollars in holiday pay, sick pay and wages.

Some of the bigger people like Kratzmann are white-collar crooks. They go bankrupt, but they do not go broke. We read in the Press about Kratzmann going broke but he owns a big penthouse in Torbreck and a flash home on the Gold Coast. I have said on previous occasions that every time people like Kratzmann float a new company they simultaneously book a hearing with the Bankruptcy Court.

Mr. Frawley: They have gold-plated taps.

Mr. K. J. HOOPER: I have said before that the bathroom and toilet fittings in the Kratzmann flat at Torbreck are gold-plated for the white-collar crooks' pale bottoms.

If the Bill is to provide full protection for all concerned in the building industry, I am of the opinion that a fund should be established to guarantee wages in the industry when companies collapse. On this basis clause 58 should be extended.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.53 a.m.): This matter has been discussed at length with my committee and in the joint party room. Therefore I feel I cannot amend it.

Clause 58, as read, agreed to.

Clauses 59 to 61, both inclusive, as read, agreed to.

Clause 62—Presumed house-purchaser's agreement on insurance—

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

> "On pages 25 and 26, omit all words comprising line 28 on page 25 to line 32 on page 26, both inclusive, and insert in lieu thereof the following words:—
>
> '62. **Presumed house-purchaser's agreement on insurance.** (1) Whether or not section 58, 59 or 60 is complied with, the Board shall be deemed to have entered into an agreement (called a house-purchaser's agreement) with every purchaser and to have thereby assumed an insurance risk provided for in the following subsections and the prescribed form of house-purchaser's agreement.
>
> (2) Every house-purchaser's agreement shall be deemed to be in the prescribed form and to contain provisions—
>
> A. for or with respect to insuring the purchaser against—
>
> (a) loss or damage suffered by him by reason of breach of the warranty

referred to in section 69 (2), where such breach is due to the bankruptcy of the individual, the winding-up of the body corporate or the dissolution of the firm by whom the building construction referred to in provision (a) of section 58 (1) was or was to be performed;

(b) loss or damage suffered by him by reason of breach of the warranty referred to in section 69 (2), where such breach consists of a failure to complete the building construction referred to in provision (a) of section 58 (1) due to a cause other than an event referred to in the preceding provision (a);

(c) loss or damage suffered by him by reason of a breach of the warranty referred to in section 69 (2), where such breach consists of defects in the dwelling-house that comprises or contains the building construction, which defects first become apparent after the completion of the building construction;

(d) loss or damage suffered by him by reason of subsidence or settlement (other than by earthquake) of the foundations of the dwelling-house and by reason of defects arising from such subsidence or settlement in the dwelling-house, whether or not such subsidence or settlement is due to a breach of the warranty referred to in section 69 (2); and

(e) such other risks as are specified in the prescribed form of agreement, subject to such conditions as are specified therein;

B. providing the insurance cover specified in paragraph A subject to the following qualifications:—

(a) in relation to the loss or damage referred to in provision (a) or (b) thereof, only if notice in writing of the breach of warranty is received by the Board from the purchaser within two years from the date of the contract for performance of the building construction;

(b) in relation to the loss or damage referred to in provision (c) thereof—

(i) where the loss or damage is suffered by reason of a defect in the dwelling-house to which the cover relates that is a major defect other than a defect of which the purchaser should, on reasonable grounds, have become aware before the expiration of six months from the date of completion of the building construction, only if the defect becomes apparent to the purchaser before the expiration of six years from the date of completion of the building construction and if notice in writing of the defect is received by the Board from the purchaser within three months after he becomes aware of the defect;

(ii) where the loss or damage is suffered by reason of a defect in the dwelling-house to which the cover relates that is other than a major defect or that is a major defect of which the purchaser should, on reasonable grounds, have become aware before the expiration of six months from the date of completion of the building construction, only if the defect becomes apparent to the purchaser before the expiration of six months from the date of completion of the building construction and if the notice in writing of the defect is received by the Board from the purchaser within one month after he becomes aware of the defect; and

C. with respect to reference to arbitration of any dispute between the Board and a purchaser arising out of the agreement.' "

Amendment agreed to.

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

"On page 26, omit all words comprising lines 46 to 50, both inclusive, and insert in lieu thereof the following words:—

'(4) A reference "defects" in subsection (2) includes a reference to defects in the provision made in a dwelling-house for lighting, heating, cooling, ventilation, air-conditioning, water supply, drainage, sewerage and other appurtenances of a dwelling-house.' "

Mr. LOWES (Brisbane) (3.56 a.m.): Do I understand that the references to faulty or unsatisfactory work and defects as a result of subsidence and settlement remain in the Bill?

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.56 a.m.): No. They are being removed.

Amendment (Mr. Lee) agreed to.

Clause 62, as amended, agreed to.

Clause 63—Recovery of payments made under house-purchaser's agreement—

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

"On page 27, line 3, after the word 'agreement' insert the words—

'on account of a breach of the warranty referred to in section 69 (2)'."

Amendment agreed to.

Clause 63, as amended, agreed to.

Clauses 64 to 67, both inclusive, as read, agreed to.

Clause 68—Building contracts to be in writing—

Mr. LOWES (Brisbane) (3.58 a.m.): I move the following amendment:—

"On page 28, line 50, insert after the words 'to which it relates' the words—

'and has annexed thereto a copy of the plan of and the specifications for the said building constructions.' "

I feel that without such documents being made an annexure to a contract, if a complaint is made within six years the parties will be at a great disadvantage. I believe that the annexure of plans and specifications to building contracts would overcome such problems.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (3.59 a.m.): I feel that this is unnecessary. After all, there are many builders in the West who do not necessarily have plans and specifications for their work. We are not trying to regulate the activities of the small builder who gets a pad and draws a plan and says, "That's what I will build for you." It is not necessary to engage an architect or draughtsman to have work done by small builders. Even if there is only a simple plan on a piece of paper, if there is faulty workmanship the builder is liable to correct the defects. What the amendment proposes would merely place a burden on the whole system. It is read into it, anyway.

Amendment (Mr. Lowes) negatived.

Clause 68, as read, agreed to.

Clause 69—Presumed warranty in building contracts—

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

"On page 29, line 39, omit the word—'and'."

Amendment agreed to.

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

"On page 29, after line 39, insert the words—

'(c) shall be deemed to relate to the provision of lighting, heating, cooling, ventilation, air-conditioning, water supply, drainage, sewerage and other appurtenances of a dwelling-house in association with the performance of building constuction; and'."

Amendment agreed to.

Mr. LOWES (Brisbane) (4.1 a.m.): I move the following amendment:—

"On page 30, after line 8, insert the words—

'(6) Nothing in this Act shall make the house builder liable for any damage which may occur to any building work as a result of subsidence or settlement of land.' "

I believe that if this clause is included in the Bill in its present form, there will be a great increase in building costs because no builder in his right senses would undertake the building of a home in any area where there is any record of soil movement, and that includes large areas of Queensland and certainly all of the black-soil country of Queensland west of the Dividing Range. No builder is going to build a home in those areas without doing ground tests and even the smallest and simplest test would cost something like several hundred dollars. He will then not be prepared to build until he has an engineer's report, which will cost another $100 or $200 so a person is looking at an expenditure of $300 to $500 on the simplest of jobs. The cost of a $20,000 home would just keep building up.

I heard the honourable member for Rockhampton say earlier that this Bill contained insufficient protection for the consumer. I do not believe there is very much in the Bill to protect the consumer. In fact, although perhaps unintentional, quite the reverse will happen because this Bill will greatly increase the cost of building. Who is going to pay for that in the long run? The consumer! All the inspections which will be necessary under the Bill will do nothing more than increase the cost of building. The requirements that a builder shall accept responsibility for subsidence and settlement are quite unreasonable. If that is included in the Bill, it will merely increase the cost of building because a builder will have to protect himself by over-insuring and doing other things which would not ordinarily be done by a builder. It is proposed that a builder should be liable for any damage caused by subsidence or settlement and I believe a provision to the contrary should be inserted to exclude any liability which may result from subsidence or settlement.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.4 p.m.): If I accepted the amendment it would, in my opinion, allow a house-builder to escape the consequences of his own faulty work. Provided he carries out his work in a proper, workmanlike fashion clause 62 looks after him. It defines "subsidence". Surely a builder building in black soil would know what precautions he should take to prevent a building shifting.

Mr. Moore: He would need the Almighty on his side, I'm telling you.

Mr. LEE: He is supposed to know what good and reasonable building practices are. If he is in doubt and he is in a gully or a hollow which he thinks a subdivider may have filled with bushes and it may subside, subject to his taking precautions and receiving a certificate——

Mr. Lowes: Why not let the common law prevail?

Mr. LEE: It has been taken care of in clause 63, and he is in the clear if he has a certificate. If he has taken reasonable precautions, the matter will be covered by clause 62 (2) A and clause 62 (3), and so on.

Amendment (Mr. Lowes) negatived.

Mr. K. J. HOOPER (Archerfield) (4.6 a.m.): As to section 69 (4) (a) and (b)—I am of the opinion that an additional subsection should be added to read as follows:—

"Notwithstanding (a) and (b), where it is proved that the building is not in accordance with approved plans and specifications and/or the requirements prescribed under any Act controlled by the local authority, the local authority certificate shall be considered null and void as the present Building Act by-law 8 gives council approval for the inspection trenches, footings and drains."

This is being interpreted wrongly, and some councils have now stopped inspection of timber framing and brickwork generally. Therefore, one cannot rely on the council certificates for dwelling-houses, which they are not strictly bound to issue for class 1 occupants. I think the Minister will agree that I am correct on that point.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.7 a.m.): The Act stands completely on its own without the Local Authorities Act, and I am sure that the matter raised by the honourable member is covered completely.

Clause 69, as amended, agreed to.

Clauses 70 to 77, both inclusive, as read, agreed to.

Clause 78—Application of Act to bodies corporate and firms—

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

"On page 31, omit all words comprising lines 22 to 25, both inclusive, and insert in lieu thereof the following words:—

'(2) Where by this Act an obligation is imposed on a body corporate or a firm it shall be deemed that a like obligation is thereby imposed on every director or member of the board of management of the body corporate or, as the case may be, on every member of the firm:

Provided that where the obligation is to perform building work or to do any other thing such that the person on whom a like obligation is deemed to be imposed is not authorized under this Act to perform or do, the obligation deemed to be imposed on such person shall be to cause the building work to be performed or other thing to be done by a person who is authorized under this Act to perform that building work or, as the case may be, do that thing.

(3) Where the person who commits an offence against this Act is a firm a prosecution may be brought against the firm in the name in which its business is carried on, service of process being effected by service on one or more of the partners in the firm or, if the firm has a registered business name, on a person at the principal place of business of the firm, and the firm may be convicted in that name and ordered to pay a penalty for its offence.

Where a firm is convicted and ordered to pay a penalty pursuant to this subsection each member of the firm shall be liable to pay that penalty and the same may be recovered from such member:

Provided that the amount of any penalty shall not be recovered more than once.'"

Amendment agreed to.

Clause 78, as amended, agreed to.

Clause 79—Right of entry and inspection by Board's agents—

Mr. LOWES (Brisbane) (4.9 a.m.): The clause says—

"A member of the board and any person authorized in writing in that behalf by the Chairman of the Board may at any time enter upon land and premises on which building work in relation to a dwelling-house is being performed and therein make such inspections and inquiries as he considers necessary. . ."

The dwelling-house may be occupied by the owner at the time, and I believed that we, as a Government, were wholly opposed to entry without warrant and entry without notice. This clause gives any person who may be authorised by a member of the board power to enter at any time without a warrant. In my opinion, we, as a Government, just will not accept such a clause as that, and if necessary I think we will have to look at the numbers in the Committee.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.10 a.m.): I agree with the honourable member for Brisbane that it was never my intention nor that of the Government under this clause to give the board the right to enter. Having spoken to the honourable member for Brisbane and

having sought advice from the Parliamentary Counsel and my officers, I now move the following amendment:—

"On page 31, line 26, omit the words—

'A member'

and insert in lieu thereof the words—

'Upon receipt of a complaint by the Board and for the purpose of investigating that complaint a member'."

Mr. LOWES (Brisbane) (4.11 a.m.): I remember the occasion when the Minister for Aboriginal and Islanders Advancement and Fisheries came into the Chamber with a bad brief and was decent enough to take it back to his committee for review. When it came back to Parliament the Bill was in a far better state and was acceptable to us. In the beginning it contained all the offensive types of clause, and it was only after review by the Minister and his committee that they were removed. It is a great pity that the Minister in charge of this legislation has not seen fit to take it back to his committee and have it properly ironed out.

Right through the Bill we have seen excessive use of power by the board. We have seen the function of Parliament abrogated by the board; we have seen the function of magistrates on appeals abrogated by the board; and now, on top of that and despite the fact that the Minister said in a debate on one of the earlier clauses that he did not wish to give to the board unreasonable powers, here we find a right of entry at any time without warrant. I do not believe that we are in favour of that. The amendment moved by the Minister does not solve the problem one scrap. It is a solution that has been prepared for him on short notice and inadequate time has been allowed for its consideration.

This is an important princple and one that has been debated in the party room so often. I would have thought that the Minister and the Parliamentary Counsel would know that a provision of this type is not one that this Government will accept. We do not believe in the right of entry into a person's home at any time without notice. I don't know how many times we have to spell this out. The frequency with which clauses such as this bob up is sickening. I don't know whether someone is drafting them on an old set of precedents or how these offensive clauses are getting into legislation. The amendment moved by the Minister is not acceptable to me. I would ask him, even at this late stage, to take it back and have a look at it and bring the Bill back here when it is in a form that is acceptable to us.

Mr. K. J. HOOPER (Archerfield) (4.14 a.m.): I disagree with the honourable member for Brisbane. Whilst I agree that no builder should be unduly harassed by a building inspector, surely an inspector has the right——

Mr. Moore: This could be in your own home.

Mr. Lowes: We are talking about a home owner sitting in his house.

Mr. Moore: This is any building.

Mr. K. J. HOOPER: This deals with the right of entry and inspection by the board's agents.

Mr. Moore: Yes, to any building.

Mr. K. J. HOOPER: I still feel an inspector should have the right to enter provided the builder or homeowner is not unduly harassed. I cannot see anything wrong with that. I know that some inspectors employed by the State Government and various local governments tend to be a little bureaucratic at times. Nevertheless, provided they are courteous and give the homeowner or builder some notification I see nothing terribly wrong with it.

Mr. Gygar: It is usually called a warrant.

Mr. K. J. HOOPER: The honourable member may call it what he likes. Quite frankly I see nothing wrong with it.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.16 a.m.): I believe that the amendment takes it back to the clause which says, "Upon complaint". How can one get a warrant when there is no alleged offence? The honourable member knows my views. I believe that the amendment cures the situation in that an inspector cannot enter without a warrant. We can only accept the advice of the Parliamentary Counsel.

Mr. Moore interjected.

Mr. LEE: I ask the honourable member to be reasonable. The Parliamentary Counsel works under instructions. If somebody instructs him wrongly, why should he take all the blame? I have taken some of the blame and I have already told the honourable member for Brisbane that I will amend the provision in the way that the Parliamentary Counsel believes will overcome the problem. I have said a dozen times that it is not my wish to have a person enter under a warrant without complying with everything that we believe in as members of the Liberal and National Parties. I believe that everything is covered. If that is not so I shall be the first to suggest an amendment, but I believe the amendment is completely effective.

Mr. AKERS (Pine Rivers) (4.17 a.m.): The amendment proposed by the Minister does not say that entry shall be at a reasonable time. An inspector can move in at any time. I hope the right of entry will not be abused, but it could be. The word "reasonable" must be included. I also believe that the provision limits inspectors to some extent (although that was not intended) because it says, "enter upon land and premises on which building work in relation to a dwelling-house is being performed." That means the work must

be under way. When the job is finished the inspector cannot enter. He must have some right of entry.

Mr. Lowes: It could be an extension to an existing home.

Mr. AKERS: I agree.

We must fix up the time that inspectors are allowed to enter. If the Minister's amendment means that the complaint is from the owner or occupier, it is reasonable. If the complaint is made by the owner or occupier an inspector should be able to enter after receiving the complaint, and I do not think he would need a warrant. It is not relevant at that stage. An inspector must have some sort of complaint and I think the amendment covers that. The Minister must now cover the time he is allowed to enter and the fact that he will be allowed to come in later.

Mr. GYGAR (Stafford) (4.19 p.m.): With due deference to the Minister's advisers, the amendment he has moved either absolutely gutted this provision and made it completely irrelevant or it does not help. The Minister cannot have it both ways. The Minister said that upon receipt of complaint by the board and for the purpose of investigating that complaint an inspector may enter. Placing the best light on this, that will be construed as meaning a complaint by the owner of the dwelling-house. If the Minister is saying that after a person complains to the board the inspector can enter on that invitation, why is he inserting that provision? If a person is going to complain and say, "Look, come in here and see what a terrible job I have", he has a common law right. They can go in there. We do not need a massive clause about the whole thing; so, if that is the intention, why not scrub the whole lot? The same purpose will be achieved.

What the Minister originally said was that this will now provide that a person who invites them to come in can let them in. That is stupid. If that is the purpose, we don't need it. However, if a construction is to be put on the word "complaint" as relating to a person other than the willing occupier of that dwelling-house, I suggest it is just the same as it was before. It is the right of entry into an unwilling occupant's dwelling-house without a warrant.

Therefore, one way or another, that amendment just doesn't wash. Either it makes the whole clause irrelevant or it does not achieve the purpose for which it is stated to be intended. I have heard two stories about what this clause is supposed to achieve. The story that the Minister just put up was that this would allow inspectors to enter dwelling-houses of people who complain. I reiterate that if that is so, we do not need the clause. If the people complain and say, "Come on in.", the inspector can come in, anyway. The other explanation that was put to me in the lobbies a few minutes ago was that this was intended to give the board's agents a roving commission to raid houses and places where construction was proceeding—to tear on in and say, "Are you a registered builder?" and make other interesting inquiries. The clause says that an authorised person may enter premises "on which building work in relation to a dwelling-house is being performed and therein make such inspections and inquiries as he considers necessary for the proper administration of this Act." Are they to get a roving licence? Is it the intention that these raiders should descend upon any building work, tear in and make such inquiries as they intend? If that is the case, this clause has just got to go. They have to get warrants if they want to pull that sort of nonsense. We don't live in a police State yet, thank heavens.

If we are to go back to the original proposition put by the Minister—and the one that I hope is extant—I still find objection to the clause as it is written, because it states that once he gets into a place he can make "such inspections and inquiries as he considers necessary for the proper administration of the Act." It is just a little bit wide for my liking. What does it mean? Does it mean that once a person opens the door the inspector can tear the place apart? If I open the door to an inspector and he starts to get obnoxious and stroppy about various things, I will throw him out. If he wants to go in there and do specific things, then it is fair enough for him to specify those things to a magistrate and to obtain a warrant to do so.

I have long lost the starry-eyed idealism that I came into this place with two and a quarter years ago; but I did think that we had established certain principles—only about three victories, maybe. One of them was that no-one got into a dwelling-house without a warrant. This clause just does not fit the bill.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (4.23 a.m.): I think that we are all at one—on this side of the Committee, at least—in insisting that in every Act an owner of a house is protected against bureaucrats and strangers walking in and invading his privacy. Let us start off with the acknowledgement that we are all agreed on that. Now let us look at just precisely what this Bill means. What we are talking about in this clause is a house that is under construction.

Mr. Moore: No, it isn't.

Mr. Gygar: Not necessarily.

Mr. Moore: "Any work".

Mr. GREENWOOD: A house that is under construction, or a house in which building work is being carried on.

Let us take the two situations and consider what happens, because the owner—the man who lives there if the house is finished, or the man who might not have possession (and remember that) if the house is under construction—makes a complaint because the owner is not satisfied with the way the builder is doing the job. When the owner makes a complaint, under clause 39 the board has a duty to investigate that complaint made by the owner, who is either the resident or, because the thing is still being built and he does not have possession, that owner might not be the resident and might in fact have no right to be on the property himself if the builder has possession. Anyhow, the owner makes a complaint and he wants the board to do something.

So what rights has the board under the clause as it is proposed to be amended by the Minister? The right that the board has is that, upon receipt of complaint by the board and for the purpose of investigating that complaint, it can send not an irresponsible person but either a member of the board or somebody authorised by the board in writing along to the house at the request of the owner and there investigate the owner's complaint.

How anybody can suggest that that is an interference with the rights of the owner or is an intrusion of his privacy baffles my comprehension.

So that once the Bill is read as a whole and once a study is made of what clause 39 says about complaints from the owners of buildings and then a study is made of clause 79, it becomes obvious that this is a remedial clause designed to protcet house-owners and not to interfere with their privacy.

Mr. GYGAR (Stafford) (4.26 a.m.): I thank the Minister for Survey and Valuation for his learned exposition, which proved only one thing—that the clause is irrelevant, if one accepts the basis on which he rested his argument. If a willing owner wants people to come onto his property, there is no need for legislative provision for him to enter the place. The owner can say, "Please come in" and he can go in. If one accepts that approach to the problem, we can scrub the whole clause because it is completely irrelevant.

The Minister did raise one interesting situation—where the owner is in fact a landlord with a tenant in possession. What happens then? The owner lodges a complaint and the owner, perhaps in conjunction with this Gestapo force we are about to form, tears up to the front door and says to the tenant, "To one side, brother, we are coming in." He can do that at any time, entering upon the dwelling house to inspect the job that was done on the kitchen ceiling, which he does not like and for which he has to give 48 hours' notice to inspect under the Residential Tenancies Act. Having inspected it, he does not like it, so he calls the board and appears at the front door at any time, as stated in the Bill, enters the property, conducts his inspection, pulls down the ceiling and does whatever he likes. That is not what we are here to provide and that is not something that I will accept.

This needs a lot more thought than the hasty scribblings of the draftsman in the lobby, trying to get out of the bind he has got himself into. The Bill can be reintroduced later. This clause will not be agreed to tonight if I have anything to do with it.

Mr. LOWES (Brisbane) (4.28 a.m.).: It is obvious that the Minister for Survey and Valuation has undergone some sort of ministerial metamorphosis to stand here tonight and say that this is just a machinery clause when in fact it is a right of entry at any time. To suggest that the person who would go along to the house seeking entry would be a member of the board defeats my comprehension.

Mr. Greenwood: That is what it says.

Mr. LOWES: Of course it says that and it says that the Minister can do things. But it is most unlikely that any member of the board will be doing it. The board will issue authorities and the inspectors will visit the premises. The Minister was trying to confuse the issue or to mislead the Committee by saying those inappropriate things. I do not think that anybody fell for that story. No member of the board that I know of would be likely to be an inspector. A member of the board would do the authorising and an inspector would enter the house with the authority of the board.

Taking only the case of a house being built was again misleading. That may be the case. There are cases in which houses are being extended and only minimal alterations are being made. Alterations have only to cost $1,000 before the provisions of the Bill take over. For that sum, practically nothing can be done. I am informed that the estimated cost of building is $2,000 a square. So what sort of improvement need it be before the provisions of the Bill have effect?

The Minister said that the owner may not be resident in the house. In fact, the resident may not be the owner. That is the proposition put up by the honourable member for Stafford when he speaks about tenants. The owner may have made a complaint to the board about some aspect of the building, but he may not be the occupier of it. The building may be rented. An inspector authorised by the board can appear at any time, day or night, without notice and without warrant, and demand, on pointing to the relevant section of the legislation, that he be given access to the property.

That is not what we believe should happen. I do not think that any Minister is likely to introduce such legislation. Now that I

have heard from the Minister for Survey and Valuation, I am wondering if he has similar action in mind on some of the legislation that he will bring in this morning. If he has, I shall have to oppose that, too.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.31 a.m.): I really do not believe that this clause is as bad as some members think it is. It is certainly not my wish to have it that way. I have always believed that a person's home is his castle. Action taken will be on complaint only, which makes the matter clear and precise.

Mr. Moore: There could still be a tenant in the house.

Mr. LEE: Yes, there is no doubt about that. So strongly do I feel about entry to a house without a warrant that I shall not take the Bill immediately to the third reading. Instead, I shall consider the matter and, if necessary, bring the Bill back later today for the third reading. I do not want anybody having the right to enter a person's house and on that I feel very strongly. I cannot be fairer than that. I have had advice from people who are expert in drafting Bills. After all, I am not the expert behind the whole thing.

Mr. Houston: That's obvious.

Mr. LEE: I have to seek advice, and it's a pity that the honourable member would not do the same. If people cannot accept advice, it is time they took a look at themselves in the mirror.

I will not take the Bill right through to the third reading. My colleague the Minister for Survey and Valuation is to do exactly what I am saying I could do; he will be recommitting a Bill prior to the third reading. I hope honourable members will accept the assurance that I have given the Committee.

Mr. GYGAR (Stafford) (4.34 a.m.): My interpretation of what the Minister has just said is that he will not proceed to the third reading this morning. He will enter into consultation with certain members in an endeavour to reach a mutually agreeable solution and, if he reaches such a solution, the Bill will again be brought forward. I have never had any cause to regard the Minister as other than a man of his word and I am therefore prepared to accept that course of action. However, I think the Minister should understand that such are the feelings of certain members, including myself, that if no satisfactory conclusion can be reached and he must proceed to the third reading, we will be forced to divide the Committee.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! Is it the Minister's intention to proceed with the amendment before the Committee.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.35 a.m.): Yes, I intend to proceed with the amendment as is, but I will not proceed with the third reading of the Bill.

Amendment (Mr. Lee) agreed to.

Clause 79, as amended, agreed to.

Clause 80—Board's power to compel disclosure—

Mr. LOWES (Brisbane) (4.36 a.m.): I move the following amendment:—

"On page 31, line 42, omit the word—
'person'
and insert the words—
'a party to a Building Contract'."

I think it is fair and reasonable that a party to a building contract should be compelled to disclose documents, but I think it is quite improper that any person other than a party to the contract could find himself in a situation where he could be compelled to disclose and furnish documents, documents which could perhaps belong to his client. Under this clause there would be a breach of the privilege that exists between a solicitor and his client. Not only would the party to a building contract be compelled to disclose records, but so too would his lawyers and his agent. So I believe that the only people who could be compellable would be the parties themselves. To do otherwise would lead to a situation which is quite contrary to the rules of privilege as they have existed for centuries so far as the lawyer and his client are concerned, so I believe for that reason the amendment should be accepted.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.37 a.m.): I feel that the honourable member is worrying quite unnecessarily about a lot of things.

Amendment (Mr. Lowes) negatived.

Clause 80, as read, agreed to.

Clause 81, as read, agreed to.

Clause 82—Obstruction of Board's inquiry, etc.—

Mr. LOWES (Brisbane) (4.38 a.m.): I move the following amendment:—

"On page 32, line 44, after the words 'against this Act' insert the words—
'provided however that no person shall be required to answer any question that may in the opinion of that person be likely to incriminate'."

Without those words, I submit there is an obligation on a person to incriminate himself if he is required to answer a question, and I think it is only natural justice that that should not be the case.

Amendment (Mr. Lowes) negatived.

Clause 82, as read, agreed to.

Clause 83—Procedural and evidentiary matters affecting Board's hearings and other proceedings—

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

"On page 33, after line 28, insert the following words:—

'(4) A certificate purporting to be under the hand of the Registrar to the effect that the Board has not received a notice required to be given under section 48 (1) or 58 (1), (2) or (3) shall be admissible in all proceedings as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.' "

Amendment agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 87, both inclusive, as read, agreed to.

Clause 88—Cessation of application of Builders' Registration Act—

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

"On page 35, omit all words comprising lines 8 and 9 and insert in lieu thereof the following words:—

'(b) to have ceased to apply in respect of building construction or in respect of building work in relation to dwelling-houses save such construction or work that was commenced before the commencement of this Part; and'."

Amendment agreed to.

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

"On page 35, line 12, omit the words—

'pertains to a matter dealt with'

and insert in lieu thereof the words—

'is provided for'."

Amendment agreed to.

Clause 88, as amended, agreed to.

Clause 89, as read, agreed to.

Clause 90—Parity of contract deemed—

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

"On page 35, line 29, omit the word—

'Parity'

and insert in lieu thereof the word—

'Privity'."

Amendment agreed to.

Clause 90, as amended, agreed to.

Clause 91—Securing property to Board—

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

"On page 35, line 36, after the words 'Registration Board' insert the words—

'of Queensland'."

Amendment agreed to.

Clause 91, as amended, agreed to.

Clauses 92 to 96, both inclusive, as read, agreed to.

Clause 97—Prescribed enactments inapplicable to dealings under this Part—

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

"On page 37, line 30, omit the expression—

'(1)'."

Amendment agreed to.

Hon. N. E. LEE (Yeronga—Minister for Works and Housing) (4.44 a.m.): I move the following further amendment:—

"On page 37, omit all words comprising lines 39 to 41, both inclusive."

Mr. Houston: Why are you doing that?

Mr. LEE: To deal with gift duty. We have eliminated gift duty in this State.

Amendment (Mr. Lee) agreed to.

Clause 97, as amended, agreed to.

Clauses 98 to 102, both inclusive, as read, agreed to.

Bill reported, with amendments.

SURVEYORS BILL

RECOMMITTAL

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

Order for third reading discharged and Bill recommitted for the purpose of reconsidering clause 68—Interference with survey marks—

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (4.46 a.m.): At present, clause 68 (7) provides—

"No person, other than a surveyor, shall reinstate or attempt to reinstate a survey mark which has been interfered with."

In that clause, "surveyor" means registered surveyor. Yet "survey mark" has a very wide definition and would include marks that were put in by people who are not registered surveyors.

It seems that if the clause was left as it is the following problem could arise:—

An engineering surveyor, that is, a man who is not a registered surveyor, could put in one of his pegs, for example, marking the

centre of a proposed roadway and then a roller or a bulldozer could accidentally knock it out or displace it in the following week. Yet the engineering surveyor could not replace it because under the clause at present only a registered surveyor is allowed to replace it.

The amendment that I shall be moving overcomes the problem. Regulations will be made authorising various types of surveyors, registered or unregistered, to replace certain types of survey marks.

I therefore move the following amendment:—

"On page 21, omit all words comprising lines 16 and 17 and insert in lieu thereof the following words:—

'(7) A person, other than a surveyor, shall not reinstate or attempt to reinstate a survey mark that has been interfered with unless he is a member of a class specified in subsection (2) (b) of section 47 authorized by the regulations to reinstate a survey mark of the same description as the survey mark that has been interfered with.'"

Mr. K. J. HOOPER (Archerfield) (4.47 a.m.): The only point on which I would take issue with the Minister is that this Bill was introduced in great haste and, like everything that is done in haste, has caused problems. The Minister is recognised as being a legal eagle in this House, yet he has to amend his own Bill.

Mr. Houston: Would you say he is incompetent?

Mr. K. J. HOOPER: No, I wouldn't say that at all; I am charitable.

The amendment put forward by the Minister is technical in nature and the Opposition has no objection to it.

Amendment (Mr. Greenwood) agreed to.

Clause 68, as amended, agreed to.

Bill reported, with a further amendment.

THIRD READING

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

VALUATION OF LAND ACT AMENDMENT BILL

SECOND READING

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (4.50 a.m.): I move—

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

During the introductory stage of the Bill I mentioned that it was proposed to amend three sections of the Valuation of Land Act. Honourable members will recall that one of the proposals was to give the Valuer-General more flexible powers, subject to my approval, in relation to delegating authorities to his senior officers. The proposal is to amend subsection (1) of section 9. Paragraph (vii) of subsection (1) of section 11 is another section proposed to be amended. The Valuer-General when considering potential is to regard land which is already surveyed into more than one lot as one lot only.

The other section affected is 20 subsection (3). This deals with the period within which the Valuer-General must give notice of his decision to the owner on an objection. In respect of notices of decision on interim or split valuations the proposal is now to amend the Act in such a way that the Valuer-General is required to give his notice of decision to the owner within six months from the date of issue shown on the notice of valuation.

Honourable members will recall that I mentioned the Valuer-General has about 800,000 parcels of land on his valuation rolls which must be valued at periodic intervals. The amendments that I propose have as their aim features which will assist the Valuer-General in performing this task.

I would like to refer to some matters raised by honourable members at the introductory stage. I refer first to some of the problems that confront elderly people and pensioners. Under subsection (4) of section 27 of the Local Government Act a local authority council may remit or compound rates in respect of pensioners. The power is there and some councils have exercised it.

The Minister for Local Government and Main Roads and I are involved in a general review of the Local Government Act and the Valuation of Land Act. Problems of elderly and retired members of the community have a top priority. However, as I have said, this is a problem which must be solved in conjunction with local authorities. One problem faced by many elderly people can be solved within the four corners of this Act. It can be solved now. I refer to those people who, in order to supplement their pensions, have converted part of their houses into a flat or have let a furnished room. As the law now stands the owner of a house in residential B zone who converts part of his house into a flat would be ruined by rates. Instead of a valuation of, say, $6,000, his land might be valued at $30,000, on the same basis as a site for, say, 20 home units. What is the result? Many large houses in the residential B zone that would be suitable for division into a house and small flat have not been converted. Those that have been converted present their owners with insurmountable rate problems.

The honourable member for Salisbury has circulated an amendment which will solve the problem. At this stage I would like to pay a tribute to her as a very hard-working

member of my committee. The contribution which all members of my committee have made is invaluable.

Another proposal in the Bill which I have already mentioned relates to a householder who has bought two allotments or more and finds that he is paying double rates even though he obtains only one set of services for his family. Under the proposed amendment the land owned by such a person will be valued as one large parcel.

Amendments to the Act usually take effect on the next area valuation. There are enormous administrative difficulties backtracking over valuations that have been made already. However, in this case, I believe that it is desirable to implement them as soon as possible, even at some considerable cost, inconvenience and disruption within the department. The Valuer-General has been able to devise a method of applying most of these reforms to most of Queensland fairly quickly, and I propose to introduce an amendment in the Committee stage to allow people who believe that they are entitled to a reduction in valuation as a result of the reforms being brought in by this amending Bill to write to the Valuer-General before 31 May.

Mr. K. J. HOOPER (Archerfield) (4.56 a.m.): It is quite obvious that this Bill has been designed to make simple machinery amendments to provide for a clearer interpretation of certain ambiguous sections existing in the Valuation of Land Act. As I mentioned at the introductory stage, members of the Opposition welcome its introduction. However, it was crystal clear that the Minister did not have a clue about the contents of the Bill when he introduced it. He gave the impression of not knowing what was involved in the Bill, which was introduced in great haste.

Mrs. Kyburz: Garbage!

Mr. K. J. HOOPER: I do not want to take an interjection from the honourable member for Salisbury. She is rather a nice person and I do not want to be nasty to her, particularly in the morning when I know she is tired. I do not want to upset her at this hour of the day.

I said at the introductory stage that the Bill was introduced in great haste. The Minister gave notice of the Bill at 11 o'clock and then introduced it the same afternoon. When I chided the Minister for this, all I got was a bucket from the Minister in his summing-up. It really hurt my feelings.

Mr. Marginson: Did he do that to you?

Mr. K. J. HOOPER: He did. He upset me, too. However, it was the Minister's first Bill, so I suppose we can bear with him a little. I might add that it is the first Bill he has introduced since he was appointed to Cabinet in August 1976.

Mr. Casey: What's he been doing for his money?

Mr. K. J. HOOPER: He has been doing very little, apparently.

Mr. Casey: Perhaps he may be able to take more briefs.

Mr. K. J. HOOPER: I am not coming into that one. That has already been dealt with.

It is apparent, though, that there is no great need for a separate ministry on Survey and Valuation. Indeed, it is superfluous. In any responsible Government, this ministry would be attached to the Justice portfolio.

In a long, rambling summary the Minister showed his complete ignorance of the portfolio by bucketing the Opposition. I hope that the Minister's knowledge of land valuation is better than his knowledge of law. Under the iniquitous system of valuation that has existed in Queensland since the horse and buggy days, properties are assessed according to their unimproved value rather than according to land usage. This means that, regardless of the purpose for which land is bought, ratepayers in areas that have just been subdivided are facing an increased slug in rates. It is a well-accepted principle of local government —even the best-run local government; not just those run by the trainee politicians of the National Party such as Councillor Bob Sparkes of the Wambo Shire——

Mr. ACTING SPEAKER: Order! Would the honourable gentleman be kind enough to tell me which part of the Bill he is directing his comments to?

Mr. K. J. HOOPER: The first part, Mr. Acting Speaker, but I hope you will bear with me.

Mr. ACTING SPEAKER: Order! I always rigidly apply the rules of second-reading debate. The honourable member will keep to the principles of the Bill.

Mr. K. J. HOOPER: I will, Mr. Acting Speaker, but I think you will agree—and the House certainly would—that when the valuations are increased in a lot of local shires the increases are passed on to the ratepayers, and the shire usually blames the Valuer-General.

Mr. Frawley: Yes, that's right. Caboolture does that, and one of your mates is the chairman.

Mr. K. J. HOOPER: I do not know who is the chairman of the Caboolture Shire.

The valuing system, as it is presently constituted in Queensland, encourages rip-offs and creates hardships. For example, when the Valuer-General brought out the revaluations for Brisbane under the horse and buggy rules applied by this Government, pensioners who had owned homes in the inner-city areas for many years were forced into financial difficulties if their homes happened to be within cooee of high-rise land development.

Mrs. Kyburz: We are fixing that.

Mr. K. J. HOOPER: I sincerely hope so. I think the honourable member would agree with me that some landlords have been taking advantage of the new valuations in areas mentioned by the Minister in answer to a question from me last week.

Mr. Marginson: You speak with great authority.

Mr. K. J. HOOPER: I thank the honourable member very much.

As I have told the House on previous occasions, landlords use the valuations to increase rents out of all proportion. Instead of adding only the proportion of the rate rise to the weekly rent on each flat in a block, they add a handsome profit as well. If you can bear with me, Mr. Acting Speaker, I will relate to you what does take place.

Mr. ACTING SPEAKER: Order! I have no intention of bearing with the honourable member at all. He will please come back to the Bill.

Mr. K. J. HOOPER: In his summary, the Minister mentioned the speech of the honourable member for Merthyr. He said one of the most important points in the debate was made by the honourable member, who spoke on the effect of the new Brisbane Town Plan on the value of many properties in Brisbane.

Mr. ACTING SPEAKER: Order! I ask the honourable gentleman for the last time to come back to the provisions of the Bill, or I shall be forced to ask him to resume his seat.

Mr. K. J. HOOPER: In the introductory debate the Minister was asked about a re-valuation of properties. The most ominous feature of the Minister's remarks in his introductory speech was his stated intention to recommend to Cabinet that legislation be introduced to provide for a revaluation of Greater Brisbane if the new Town Plan became law. A plaintive plea was made on behalf of the wealthy commercial interests and real estate developers who support this Government financially. I am becoming increasingly concerned at the number of real estate agents and land developers who are entering this House for the Liberal and National Parties. I notice a goodly proportion of the announced Liberal candidates for the next State elections are real estate agents. The last local government elections brought them out in droves. The Liberal aldermen on the Brisbane City Council are a case in point. These people wish to be allowed to develop and build as they please without consideration for the welfare of the city as a whole. The only consideration is their hip-pocket nerve.

Mrs. Kyburz: What about Clem Jones?

Mr. K. J. HOOPER: He has probably done more for Brisbane than anybody else. This is real Liberal Party thinking and philosophy. A classic case of this has been drawn to my attention by a pensioner in the Redland Shire. He is Mr. Harold Pateman, of Beveridge Street, Pinkland. He has sent his rate notices and notice of valuation to me. His 1968 valuation was $490. His 1977 valuation is $22,800. I have those documents with me. This is a shocking situation for a person to be placed in at his time of life. It is cases of this sort that the Minister should be looking at, if he is administering his portfolio correctly. He should not be worrying about the rich factory friends of the honourable member for Merthyr in both Merthyr and Teneriffe. He should be having a good hard look at the valuations in some of the near-Brisbane shires controlled by so-called Independents who are in fact National Party members or stooges.

Motion (Mr. Greenwood) agreed to.

COMMITTEE

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

Clauses 1 and 2, as read, agreed to.

Clause 3—Amendment of s. 11; Valuer-General to make valuation—

Mrs. KYBURZ (Salisbury) (5.4 a.m.): I move the following amendment:—

"On page 1, insert after line 21 the following:—

'(c) omitting the expression "; and" occurring at the end of the meaning of the term "a single dwelling-house" and substituting the words—

"or a dwelling occupied by the resident owner—

(a) part of which stands converted for use as a flat; or

(b) a furnished room of which is used or for use,

for habitation and renting by a person or persons other than the owner's family; and" '."

This amendment is moved on compassionate grounds. As all honourable members know, there are many elderly people who could come under the classification of pensioners, elderly or even deserted persons who have lived in their homes probably for several years and are in straitened financial circumstances. The honourable member for Archerfield mentioned people like these and I am sure that we are all very concerned about them. To make ends meet—that is, to pay council rates—these people either have had their homes converted into two flats, one of which they continue to occupy or have rented a furnished room to a student or lodger. This Parliament should, I believe, offer them some relief. That is my reason for moving the amendment.

I urge this as I understand that the Land Court has on at least two occasions confirmed the Valuer-General's interpretation of the subsisting paragraph (vii) of subsection (1) of section 11 which is now under review before this Committee. A summary of these decisions will be of interest to honourable members. They are—

> Case No. 1—1,619 square metres of land zoned residential B situated at Wooloowin, developed with an old family home, one-third of which has been converted into a small self-contained flat. Valued by Valuer-General at the same rate as multi-unit development sites.

Of course, the people there just could not afford to pay the rates. The Land Court decision was that section 11 (1) (vii) does not apply as it is not being used as a single dwelling-house; the Valuer-General correctly valued at the highest and best use for a multi-unit site. The Valuer-General's value of $28,800 was affirmed.

> Case No. 2—1,153 square metres of land zoned residential B situated at Yeronga, developed with wood-and-iron dwelling divided into two self-contained flats.

The decision of the Land Court was that section 11 (1) (vii) does not apply. Irrespective of the number of units actually built on the land, if it is not used as a single dwelling-house it must be valued at a price that a purchaser buying for unit development would be prepared to pay.

Situations such as I have cited must exist in all electorates. They certainly do in mine, and they will be found particularly in the older inner-city electorates. These people need help and should not be disadvantaged by what seems to me an inordinately harsh rule of law. I am quite sure that in places such as the Gold Coast, the Sunshine Coast and older resorts like Yeppoon there are many examples of such situations.

I ask the Committee not to interpret my remarks as a reflection on the court or the Valuer-General and his staff, who, by the way, have, I think, performed a sterling task in sitting here till 5 o'clock in the morning. I hope they are being paid overtime because it is ridiculous that a House of Parliament should sit this late. However, they are performing the functions which this Legislature expects of them and they have been doing so under Bills passed in the House.

I must say at this point that I commend the honourable member for Brisbane, even though it has nothing to do with my amendment, because he is in fact doing what legislators should do—picking Bills to pieces. If there were more of it, there would not be as many stupid pieces of legislation as there are now in Queensland.

I hasten to point out that there are many necessary and desirable qualifications to my amendment. Firstly, it must be a building initially erected for a single family use and which has been subsequently converted in part into a flat or a furnished room for renting. Secondly, the owner must reside on the premises in one of the flats or the main area of the dwelling. That is an extremely important point and one that could be misinterpreted by absentee landlords. Thirdly, to overcome the problem of temporary vacancies or absence I have used the words "or for use". I think this creates a reasonable intention of what is desirable.

The amendment will, I believe, look after the type of person whom I envisage. For example, consider the old lady over 70 years of age who has neither the financial resources nor the facility for decision-making to sell the present home and seek another dwelling or a flat elsewhere. It is humane, I contend, that she be allowed to continue to reside amongst her life-long friends in a familiar environment where she knows the transport and other services available.

With the qualifications that I have set out, I believe that this legislation will give considerable relief to the people mentioned and will not add significantly to the burden of other more fortunate ratepayers. In fact, the amendment will be particularly beneficial to the many widows in the community. I commend the amendment to the Committee. I trust that the Minister will be prepared to accept it—in fact, I know he is.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (5.10 a.m.): I accept the amendment and repeat my thanks to the honourable member.

Mr. K. J. HOOPER (Archerfield) (5.11 a.m.): After listening to the honourable member for Salisbury it is a shame that in political terms she is known as a "oncer" because I do feel, and I say this quite sincerely, that she is possibly the smallest "1" Liberal on the Government side.

Mr. Frawley: You were touched by her appeal.

Mr. K. J. HOOPER: Yes, but at the same time the amendment she moved is a good one, and the Opposition will support it. We think it goes a long way towards humanising the Valuation Act, but for the life of me I cannot understand why the Minister with all his legal knowledge could not have thought of it himself when the Bill was first drafted. The honourable member for Salisbury got this idea from my speech during the introductory debate. No doubt she pirated some of my remarks and came up with this idea, but nevertheless I do not mind. As long as the people of Queensland get the benefit of my suggestions, it does not matter a great deal where the amendment came from. In conclusion, the Opposition welcomes the amendment and supports it wholeheartedly.

Mr. WRIGHT (Rockhampton) (5.12 a.m.): I support the amendment also and commend the honourable member for Salisbury on bringing it forward. She has obviously done her homework on it. But there are a couple

of points that need to be clarified because the latter part of her amendment, part (b), states—

"a furnished room of which is used or for use, for habitation and renting by a person or persons. . ."

It seems to me that if the resident owner can use only one room then there is no real problem, but if this allows the owner to be renting four or five rooms in the one house then I see some difficulties. It then becomes a rooming house. In her speech the honourable member referred to students or other persons——

Mrs. Kyburz: One.

Mr. WRIGHT: That is not what it says. The honourable member is talking about one person but the amendment does not state that. It refers to a person or persons so I can see difficulties again. Are we going to have three people to one room or three people in three rooms? I think there needs to be some clarification of that point.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (5.13 a.m.): It is one room or one flat. Whether in that flat there is a single person or a married couple it does not really matter.

Mr. Wright: So you are stipulating the one flat?

Mr. GREENWOOD: The one flat or the one room.

Mr. SIMPSON (Cooroora) (5.14 a.m.): I rise to support the amendment moved by the honourable member for Salisbury. In spite of the late hour this is an important piece of legislation that is being amended. A lot of people in my electorate are adversely affected by the rising value of properties which is reflected in the high valuations.

Mr. Houston: They are in a lot of areas.

Mr. SIMPSON: That is correct. One of the ways people can try to provide a hedge against inflation in their old age is to take in lodgers or to attach a flat to their dwelling. It is the honest people who tell the valuer just what they are doing. The dishonest ones do not, and so the valuer does not know what has happened and places a lower valuation on that property. In the past a valuer could not treat such a dwelling as a single dwelling and compare it with sales of comparable single dwellings. With this amendment the Minister has assured us that valuers will look at the valuations of other single dwellings for the purpose of valuing a home which has a flat attached. This is important. It means that in suburbs which combine residential A and B zones the valuer must go to another area which contains only residential A dwellings and get his valuations from that area, and then transfer the valuation in order to reach a fair valuation for the dwelling which has a flat attached to it. That is a big breakthrough. The amendment is very commendable, and it will be of assistance to people who find themselves in such a situation.

Amendment (Mrs. Kyburz) agreed to.

Mr. SIMPSON (Cooroora) (5.16 a.m.): I move the following amendment:—

"On page 1, after line 21, insert the following:—

'(d) inserting at the end of the meaning of the term "the business of primary production" the words ", means production resulting directly from—

(i) the cultivation of land;

(ii) the maintenance of animals or poultry for the purpose of selling them or their bodily produce, including natural increase;

(iii) fishing operations; or

(iv) forest operations,

and includes the manufacture of dairy produce by the person who produced the raw material used in that manufacture;

'Business' includes any profession, trade, employment, vocation or calling." ' "

Section 11 is the most contentious section of the Valuation of Land Act and the one that valuers have most difficulty in interpreting. Courts have given all sorts of interpretations to it, which, in turn, the valuers must follow. It could be said that the responsibility must finally come back to the legislators. If that is true, an amendment such as the one I have now moved is needed to clarify the position. The wording is the same as the wording of the Taxation Act, which gives a definition of a primary producer.

The purpose of the section is to protect primary producers in areas in which development is encroaching on their properties. For example, in recent valuations in the Maroochy and Noosa Shires, valuers have been interpreting decisions of courts and creating anomalous situations that the legislators certainly did not evisage in 1971. People may be on a grazing property the use of which has not changed for 30 years. At the time of the valuation, the valuer finds that there are no stock on the property. That has been so in the past, too, but on other occasions stock were there when the valuer made his valuation. He then considers that it should not be valued for primary production and gives it a higher valuation for a different use. He interprets the Act in such a way that he may revalue it when it again has stock on it. Honourable members are all aware of the situation in which beef producers find themselves at the moment, and it is more prudent to have no stock on a property that is running at a loss.

Another situation arises from valuers interpreting section 11. If a person is in the process of planting an orchard and it has not yet come into production, they have considered that that is not primary production and have said that they will come

and revalue it when the trees come into production. As honourable members are aware, that could take anything up to eight years, depending on the varieties of trees that have been planted.

In considering land being used solely for the purpose of primary production, the courts have given the word "exclusively" two different meanings. On the one hand, "exclusively" means that the owners of the property must be fully engaged in the purpose of producing on their land and must not have some other interest or some other job. On the other hand, according to another interpretation every single part of that property must be in production.

We all know that some people maintain a belt of trees to protect their land from wind or frost. That is a legitimate use of their property. We know, too, that the potential of a property can lie in its use for the rotation of crops. Yet these things are not being considered.

The court has given interpretations to the effect that, where a property has on it irrigation equipment, tractors, farming equipment and so on, because those items were saleable they were no evidence of the fact that the property was used for primary production. What is considered to be legitimate primary production is being valued at higher than normal.

Often comments are made to the effect that the shires must get revenue. The properties in question were previously valued as rural properties or primary producing properties, and under the new valuations their values have increased by from 10 to 1,000 times.

Some members may not realise that in the Maroochy and Noosa Shires as well as in other shires near the coast some very small areas are viable—not that viability is the criterion in the Act or the amendment. For example, 10 acres of bananas, 10 acres of avocados or 10 acres of macadamia nuts, or 3 acres of strawberries, are viable areas. In grazing and beef production, there is the absurd situation at present that the more acres the grazier has, the bigger his mortgage will be. A man could have one animal, a bull standing at A.I., yet he could still be elegible as a primary producer.

It can be shown that this amendment provides a very practical way of meeting the situation. The need for the amendment is obvious. It will overcome the anomaly under which legitimate farmers are being valued off their properties. That is what is taking place now.

There is also the anomaly that a big developer with 1,000 acres next to a town is given a valuation and is eligible for the lower rate given to a primary producer. Under the amendment he will not be eligible.

Mr. Gibbs: Why shouldn't he, if he is farming it legitimately?

Mr. SIMPSON: If a developer buys a property of 1,000 acres that he is not farming legitimately, and at the same time has a history of being a developer, under the criteria in this amendment, which is worded in the same way as a definition tested by the High Court for taxation purposes, he would not be eligible for a low valuation and the property would be valued appropriately. At the moment his valuation is lower than that of a legitimate farmer who is in jeopardy. The valuation provisions work in reverse.

Mr. FRAWLEY (Murrumba) (5.26 a.m.): I support the amendment moved by the honourable member for Cooroora because it is about time common sense was brought into valuations in Queensland. Ever since becoming a member of Parliament I have had problems in the Shire of Caboolture, most of which have been political. Most of the 1971 valuations in Caboolture were carried out by valuers who parked their car at the end of a street and did not know what they were talking about. I have had more trouble with incompetent valuers in this shire than any other honourable member has had in his area. Fortunately, the former Minister in charge of valuation (Mr. Lickiss) went a long way to remove some of the anomalies in the Caboolture Shire. A.P.M. won every appeal lodged against valuation. That proved something was wrong.

The ACTING CHAIRMAN: The honourable member will return to the amendment.

Mr. FRAWLEY: I am speaking to the amendment, Mr. Gunn. I support it because I think it is worthwhile and should be considered seriously.

I can speak about my electorate with authority because I am familiar with it, although, unlike some honourable members, I do not have an area of only two or three square miles that I can walk around between morning tea and lunch-time. On many dairy farms and other primary-producing properties that are not viable, either the husband or wife has to go to work. Because the properties are not used solely for primary production, they are valued at a higher rate. When they are close to towns like Woodford, Caboolture, Wamuran or Dayboro, with adjoining developed properties, a wrong valuation is placed on them. I know that the Act provides that they should not be valued according to potential if they are used for primary production, but that has happened.

An Opposition Member: Why don't you wind it up?

Mr. FRAWLEY: The honourable member can go to hell. He had his turn while I sat here all night. I am now exercising my rights as a member of this Parliament.

Mr. Marginson: You have been asleep all night.

Mr. FRAWLEY: I have not been asleep all night. At least I did not get put off a hospital board.

The ACTING CHAIRMAN: Order! The honourable member will return to the amendment.

Mr. FRAWLEY: I am doing the best I can, Mr. Gunn, but I am being side-tracked by Opposition members who are terrified about what I might expose relative to some of the rackets they have been involved in.

An Opposition Member: You are criticising the Bill?

Mr. FRAWLEY: I am entitled to criticise it because I do not like it.

Mr. Marginson: You will vote against it?

Mr. FRAWLEY: I will do what I want to do. At least I am not dictated to by the Q.C.E. I vote as I want to.

I am not espousing the cause of any real estate developers, most of whom are thieves and robbers. I am opposed to their buying a big property and running a few head of cattle to get a low valuation. I urge the Minister to take this amendment seriously, although I do not believe he will give any thought to it.

Mr. WRIGHT (Rockhampton) (5.29 a.m.): The submissions made by the honourable member for Cooroora have some merit, but I think we should get some more explanatory information from him. If the new definition he has submitted is tied to the taxation definition, are we not opening up a loophole? The criticism I have heard about the taxation definition is that it allows Queen Street farmers to become primary producers as a tax dodge. If we make another loophole, some primary producers will become rate dodgers. That question must be answered before the Opposition considers the amendment further.

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (5.30 a.m.): I cannot accept this amendment. I have looked at it very, very closely. For about half a dozen reasons, I do not think that it is nearly as good as the definition that we presently have in the Bill. I mention only the pasturage provision, the apiculture provision, and the forestry and the poultry-farming provisions, all of which are much wider than the way the proposed amendment is framed.

The only area in which the Commonwealth taxation definition is more comprehensive is in respect of fishing operations. I assure honourable members that, since the Commonwealth Government has deprived the Queensland Government of its authority over the continental shelf, the demands on the Valuer-General for valuing land that could be described as used for fishing operations has been comparatively slight.

Mr. SIMPSON (Cooroora) (5.31 a.m.): I know that we did not get half a dozen reasons, but I am afraid that the ones put forward by the Minister did not really make sense.

Mr. Wright: Well, answer mine.

Mr. SIMPSON: Yes, I will.

In relation to fishing operations, the Minister is apparently not aware of the fish-farming that takes place on the land, as opposed to those fishing activities occurring off the shoreline. Forestry and the others are directly pertinent. Poultry-farming is also pertinent—and recognised by the Minister's department.

In reply to the member for Rockhampton, as to the tax dodges as he calls them——

Mr. Wright: Tax loopholes.

Mr. SIMPSON: It is not a tax loophole. This is one that the Taxation Department tests quite often in the High Court. A person has to be a bona fide primary producer. What the honourable member will say is that they may in fact be on a very small area. That is true. They may be. However, what he should bear in mind is the very few who may be running very close to the wind as tax dodgers under what he calls this anomaly as compared with the large number of legitimate farmers who are being disadvantaged. If the rules that are being applied in the Nambour area at the moment were applied throughout Queensland, not 2 per cent of farmers would be eligible. That will give an indication of how serious it has become. Anyone who has an interest in any other property in fact becomes ineligible under the exclusive term that is used.

The Minister assured me in another place that a direction would be made so that valuers did not take into account that a person had another job. However, as I look at it, unless the provision is in the Bill the Minister cannot direct valuers on what they should or should not do. They operate under the Act itself.

The Premier has assured me that if in fact we do not have a return to what we consider to be the spirit of the Act as amended in 1971, under which legitimate farmers in the face of development do in fact have the right to produce in an area and not be valued off their properties—and do in fact have an opportunity to have their properties valued in line with comparable primary-producing land—this Bill will come back for amendment in the August session.

Mr. Marginson: Did the Premier tell you that?

Mr. SIMPSON: That is right.

Amendment (Mr. Simpson) negatived.

Clause 3, as amended, agreed to.

Clauses 4 and 5, as read, agreed to.

Insertion of new clause—

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation) (5.35 a.m.): I move the following amendment:—

"On page 2, after line 25, insert the following new clause to follow clause 5:—

'6. Retrospective effect of certain amendments. (1) In addition to the provisions of section 3 of this Act applying

to amend section 11 (1) (vii) of the Principal Act on and from the commencement of this Act, those provisions apply to amend the said section 11 (1) (vii) in the circumstances and for the purposes hereinafter in this section provided, and in that respect apply retrospectively accordingly.

(2) Where a valuation has been made by the Valuer-General under the Principal Act and—

(a) it has come into force on 30 June 1976 or on any day thereafter up to the commencement of this Act; or

(b) it comes or is to come into force after such commencement,

and the owner of the land the subject of the valuation desires that a review of the valuation be made by the Valuer-General having regard to the amendments made to section 11 (1) (vii) of the Principal Act by this Act, he may apply in writing to the Valuer-General for such review on or before 31 May 1977 setting out the grounds upon which his application is based.

(3) The Valuer-General shall with all reasonable despatch consider the application, and may determine either that the valuation remain unchanged or that it be reduced to an amount considered by him to be appropriate in the circumstances.

(4) Neither an objection nor an appeal under Part VI of the Principal Act lies against a determination by the Valuer-General under subsection (3).

(5) A valuation that is reduced by the Valuer-General pursuant to this section shall come into force on and from 30 June 1977 or on and from such later day as the valuation of the land in question comes or is to come into force in accordance with the provisions of the Principal Act.

(6) The Valuer-General shall not make his determination with respect to an application under this section in any case where the owner has instituted an appeal under section 21 of the Principal Act or may still do so (having regard to the provisions of that section relating to time for institution of an appeal) until the appeal has been determined or the Valuer-General is satisfied that an appeal has not been instituted, as the case may be, but, subject thereto, the provisions of this section apply to the application and the determination thereon by the Valuer-General.

(7) The determination by the Valuer-General on an application shall be communicated in writing to the applicant'."

This clause is the best that we can do to help as many people as possible in the application of these new reforms. I outlined the reasons earlier.

Mr. K. J. HOOPER (Archerfield) (5.36 a.m.): What the additional clause does is to allow the people a retrospective right of appeal. It is certainly a lot fairer.

Mr. Houston: You would advocate it very strongly?

Mr. K. J. HOOPER: I advocate it very, very strongly, particularly at 5.36 o'clock in the morning. We have no objection to it.

New clause 6, as read, agreed to.

Long title—

Hon. J. W. GREENWOOD (Ashgrove—Minister for Survey and Valuation): I move the following amendment:—

"Omit the words—

'another purpose'

and insert in lieu thereof the words—

'other purposes'."

Amendment agreed to.

Long title, as amended, agreed to.

Bill reported, with amendments and an amended title.

THIRD READING

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

The House adjourned at 5.39 a.m. (Wednesday).