Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 18 AUGUST 1981

Electronic reproduction of original hardcopy

TUESDAY, 18 AUGUST 1981

Mr SPEAKER (Hon. S. J. Muller, Fassifern) read prayers and took the chair at 11 a.m.

APPROPRIATION BILL (No. 1)

Assent

Mr SPEAKER: I have to report that on 7 August 1981 I presented to His Excellency the Governor Appropriation Bill 1981-1982 (No. 1) for the Royal Assent and that His Excellency was pleased, in my presence, to subscribe his assent thereto in the name and on behalf of Her Majesty.

ABSENCE OF THE CLERK

Mr SPEAKER: I wish to inform the House of the temporary absence of The Clerk of the Parliament, who is attending a funeral.

PAPERS

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

Report of the Under Secretary for Mines for the year 1980.

The following papers were laid on the table:—

Orders in Council under—

- Industrial Development Act 1963-1979 and the Local Bodies' Loans Guarantee Act 1923-1979
- Industrial Development Act 1963-1979
- Jury Act 1929-1981
- Firearms and Offensive Weapons Act 1979
- Harbours Act 1955-1980
- Queensland Marine Act 1958-1979
- Explosives Act 1952-1980
- Electricity Act 1976-1980
- Valuation of Land Act 1944-1980
- Metropolitan Transit Authority Act 1976-1979 and the Local Bodies' Loans Guarantee Act 1923-1979

Regulations under—

- Valuers Registration Act 1965-1979
- Valuation of Land Act 1944-1980

By-law under the Railways Act 1914-1978

Annual report of the Queensland Law Reform Commission for the year ended 30 June 1981.

MINISTERIAL STATEMENTS

Air Pollution, Gladstone

Hon. W. D. HEWITT (Greenslopes—Minister for Environment, Valuation and Administrative Services) (11.7 a.m.): On 7 August 1981, with members of the parliamentary committee and officers of the Division of Air Pollution Control, I visited Gladstone to study air pollution and some pollution sources at first hand and to see how industrial pollution was being controlled.

The main purpose of our visit was to examine progress on the new Gladstone Aluminium Limited smelter at Boyne Island. The construction is well advanced and already there is much to be seen in this large modern plant. The first potline is expected to start operation by about the end of this year, although the recent strikes at the site may result in a slightly later date. In all, three more potlines will be installed, making a total production of over 400 000 t of aluminium a year.

The smelter has been asked to meet stringent emission levels, with gaseous fluorides of less than 2 mg per cubic metre of air, which is one-tenth of the current New South Wales regulations for fluorides. Solid fluorides, too, will have to meet the same stringent level. The pots will be hooded to collect a high percentage of the fume emitted, and this will be scrubbed with alumina and passed through bag filters. The design efficiency of these fabric filters exceeds 99.9 per cent. This is accepted as the best and most efficient method available in the world.

Emissions from the anode casting plant will also be cleaned by electrostatic precipitators and wet scrubbers. In addition, a comprehensive program of monitoring the surrounding area will be initiated. This work will be carried out largely by the company's staff, but it will be subject to check and confirmation by staff of the Division of Air Pollution Control. There will be five air monitoring stations running continuously to determine airborne fluorides, and these will be supplemented by 20 other sites where the effect of fluoride on vegetation will be studied at regular intervals. Grazing stock will also be inspected. All in all, the environment will be extensively monitored to ensure that the controls are effective.

I have been most impressed by the spirit of commitment to pollution control evident by officers of Gladstone Aluminium Limited and the spirit of co-operation which exists between these officers and officers of the Division of Air Pollution Control.

I comment briefly on two other air pollution sources in the area. The first of these is the Queensland Alumina Limited Refinery located at Parson's Point to the south-east of Gladstone. This is the largest plant of its type in the world and originally was the only major source of industrial pollution in Gladstone. I understand that it had some teething problems initially, but the company has overcome these and indeed should be commended for its present performance.

Recent tests show particulate emissions to be generally about one-quarter of that allowed, and this includes the performance of the coal-fired boilers, which, like the Gladstone Power Station, burn large quantities of pulverised coal. By contrast, the Gladstone Power Station continues to cause a good deal of adverse public reaction by the very obvious emissions from its chimneys. Currently, five 275 MW units are in operation and another unit will be on stream shortly. In the five years the power-station has been in operation, collectors have generally operated in a less than satisfactory manner. At times emissions have been up to seven times greater than the level set by the Air Pollution Council. Even the larger collector for the recently commissioned fifth unit has not yet reached an acceptable level of performance. In this time, the main effort seems to have been given to overcoming the other troubles experienced at the power-station, and the reduction of emissions has received little priority.

I am informed that the collectors per se have proved to be incapable of meeting specification and need frequent maintenance. Trials some time ago with ammonia conditioning to improve collection efficiency proved unsuccessful, but trials last year with sulphur trioxide conditioning were considered to be successful. Installation on the first four units is expected by the end of this year, and I understand that this should reduce the solids emissions to below the allowable limit. There is marked contrast here between private industry and a Government instrumentality. Much as I regret to say it, there does not seem to be the same spirit of commitment to air pollution control by the authorities responsible for the power-station as there is by the two private companies.

Administration of Rockhampton Prison

Hon. T. A. WHITE (Redcliffe—Minister for Welfare Services) (11.11 a.m.): Having regard to various allegations which have been made in respect of persons at the Rockhampton Prison, Mr R. W. Bougoure, as a visiting justice under the Prisons Act and Regulations, was asked to inquire into and report upon the allegations and make recommendations in respect of the administration of the prison. Mr Bougoure has spent some time in Rockhampton and has interviewed all persons who were willing to give him any information in relation to numerous allegations and, generally, in respect of the administration and operation of the prison.

The report indicates that there was a sharp division between the superintendent and his senior officers, on the one hand, and a particular group of prison officers known as the "concerned prison officers", on the other hand. The composition of the group may have varied from time to time but some prison officers seem to have been constant members. According to the report of the visiting justice, there was a lack of harmony and, indeed, evidence of discord being fostered by certain individuals. There was, however, a great conflict in the material put to the visiting justice by various prison officers and prisoners. Four prisoners were transferred during overall investigations.

In general, the visiting justice has found that the superintendent and the senior officers, although perhaps indiscreet on occasions, were not guilty of any maladministration, and that the actions of the superintendent, in particular, in endeavouring to enforce a proper level of discipline, could have caused a reaction on the part of some officers who endeavoured to undermine his authority with a view to having him removed from his place of authority. The report mentions a number of names and allegations made against them. In some cases, the allegations have been found to be baseless and, in other cases, there was no evidence to support them. However, as names have been used in the course of the report, and as the information in many cases is based on statements by persons whose credibility is suspect, it is not felt that it would be proper to have the report available for widespread scrutiny and comment. Furthermore, much of the information was given in confidence, and I propose to respect the confidence which the visiting justice expressly or impliedly allowed the persons concerned to expect.

The report is basically concerned with the question of administration and possible changes in the composition of the staff. Various combinations of changes have been put forward, and the visiting justice has recommended that a particular course of action be taken with a view to improving the efficiency and morale of the administration. It is proposed to implement this recommendation. As a consequence, the Deputy Comptroller-General of Prisons (Recruitment, Training and Personnel), Mr E. C. Franke, has been sent to Rockhampton to take control of the prison temporarily and to implement certain staff changes in accordance with the recommendations of the visiting justice. Mr Franke will evaluate the position following the changes with a view to recommending further staff transfers in accordance with the visiting justice's report, should this be necessary.

I have determined not to make the report public. It is concerned primarily with administration and recommendations designed to ensure the proper performance of duties at the prison and to improve the morale of officers. The recommendations involve changes. To publish the report in full, containing as it does information which is to some extent confidential, and in many respects inconclusive, could well create considerable mischief and cause undue harm to persons who are, or may well be, completely innocent.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mrs KYBURZ (Salisbury): I seek leave to move a motion without notice.

(Leave granted.)

Mrs KYBURZ: I move—

"That this House places on record its unanimous support of the Queensland Government's . . ."

Mr SPEAKER: Order! I suggest that the honourable member move her motion without notice immediately following question-time.

PETITIONS

The Clerk-Assistant announced the receipt of the following petitions—

Penalties for Cruelty to Animals

From Mr Borbidge (53 signatories) praying that the Parliament of Queensland will increase penalties for cruelty to animals.

[Similar petitions were received from Mr Vaughan (14 signatories), Mr Scassola (716 signatories) and Mr Hansen (251 signatories).]

Widening of Bermuda Street, Moana Park

From Mr Borbidge (136 signatories) praying that the Parliament of Queensland will review the proposed road system calling for the widening of Bermuda Street, Moana Park.

Information Office and Ombudsman for Disabled Persons

From Mr White (16 signatories) praying that the Parliament of Queensland will establish an office to co-ordinate information and provide an ombudsman to protect the interests and welfare of disabled persons and their families.

[A similar petition was received from Mr Powell (128 signatories).]

Storm-water Drainage System, Boondall-Sandgate Rail Corridor

From Mr Warburton (32 signatories) praying that the Parliament of Queensland will ensure that a proper storm-water drainage system is constructed in the railway corridor between Boondall and Sandgate Railway Stations.

Protection of North Queensland Rain Forests

From Mr Kruger (1 079 signatories) praying that the Parliament of Queensland will afford total protection to all rain forests in North Queensland.

Federal Government's Education Funding

From Mr Powell (27 signatories) praying that the Parliament of Queensland will restore education funding to the 1975-76 level and take action to increase the Federal Government's commitment to education.

[A similar petition was received from Mr Frawley (11 signatories).]

Construction of Kraft Wood-pulp Mill

From Mr Ahern (2 838 signatories) praying that the Parliament of Queensland will take action to prevent the construction of a giant kraft wood-pulp mill near Beerburrum or any other site where it could have a detrimental effect in an area recognised as a tourist district.

Petitions read and received.

QUESTIONS UPON NOTICE

Questions submitted on notice by members were answered as follows:—

1. Limited Partnerships under Mercantile Acts

Mr Casey asked the Minister for Justice and Attorney-General—

With reference to my public disclosure on 31 May that thousands of people, mainly from interstate, and many from overseas were using the 114-year-old Queensland law the Mercantile Acts 1876 to 1896 as a vehicle for legal tax avoidance—

(1) How many limited partnerships have been formed in Queensland in each of the five years up to and including 30 June 1981 under sections 53 to 66 of the Mercantile Acts 1867 to 1896?

(2) What are the total number of (a) general partners and (b) special partners, in these limited partnerships for the total period?

(3) What has been the total investment of (a) the general partners and (b) the special partners?

(4) What action has he taken to investigate this unsavoury practice?

(5) Are any measures being taken by the Queensland Government to plug these loop holes whereby wealthy people are using the cover of legitimate business to deliberately avoid the payment of their fair share of the nation's taxes?

(6) As the mantle of the Queensland Government is being used through the necessary condition that in accordance with section 58 of the Act details of limited partnerships must be and are being advertised in the Government Gazette, is there any way in which this can be immediately stopped?

(7) As it is obvious that these limited partnerships are also being used by promoters to avoid the controls of the National Securities Commission, is this a breach of the theme and intent of the recently enacted common legislation on this matter?

(8) As Queensland is the only State that is allowing this unsavoury legislative practice to prevail and is in danger of becoming a Panama-type haven for company promoters, will he take immediate action to ensure that Queensland falls in line with all the other States on company and securities legislation, as this State is also the loser through this major form of tax avoidance?

Answer:—

(1) Limited partnerships have been registered in the Office of the Registrar of Titles as follows:—

1976-1977	1
1977-1978	4
1978-1979	4
1979-1980	25
1980-1981	21

(2) (a) 71
(b) 3 643

(3) (a) $218,342
(b) $35,477,955

(4 to 6) The matter of limited partnerships has been under review since early this year with a view to effecting any necesary changes in the law. Of course, the question of tax evasion would be one for consideration by the Commonwealth Government.

(7) As limited partnerships are subject to their own legislation they do not come within the ambit of the current Companies Act or the National Companies and Securities Scheme.

(8) I have been informed that both Western Australia and Tasmania permit limited partnerships and that New South Wales is examining the need for similar legislation.

2. Freezing Room, Baillie Henderson Hospital

Dr Lockwood asked the Minister for Works and Housing—

(1) Has he received a request from me asking that the Works Department take action to halt work on the construction of the freezing room at the Baillie Henderson Hospital, Toowoomba?

(2) Did the department discover the cost of buying out the contract and, if so, what was the cost at the date of discovery?

Answer:—

(1) Yes.

(2) A review of the project on 24 July 1981 indicated that value of work completed on site, materials prepared and ordered for job would have resulted in a payment of some $35,000 to contractor to cancel the job. This was considered not to be practical and Cabinet decided to proceed with the project to enable the Baillie Henderson Hospital to be included in the distribution of frozen food.

3. Frozen Meals, Royal Brisbane Hospital

Dr Lockwood asked the Minister for Health—

(1) Has the Department of Health investigated the complaints about frozen meals in Royal Brisbane Hospital about the time of the change-over from freshly cooked meals to frozen meals as contained in a statutory declaration I have forwarded to him?

(2) If so, will he comment on the findings of that investigation, particularly as they relate to the quality of some items on the menu and the serving of food that was still frozen?

Answer:—

(1 & 2) The department has been unable to ascertain from hospital personnel that the complaints referred to in the statutory declaration were in fact received. Neither the dietetic nor the catering departments at the Royal Brisbane Hospital know of any such complaints.

The honourable member, however, would fully realise that any new concept is open to resistance, and it could well be that the opponents of the new system could deliberately attempt to cause its failure and perhaps without management being made aware of such happenings.

4. Bus Contract, Brisbane-Toowoomba Co-ordinated Service

Mr Fitzgerald asked the Minister for Transport—

With reference to the co-ordinated rail/bus service from Brisbane to Toowoomba—

(1) When does the present bus contract expire?

(2) Were tenders called for the present contract and, if so, how many tenders were received?

Answer:—

(1) The present contract for the road portion of the Brisbane to Toowoomba co-ordinated rail/road passenger service will expire on 30 June 1986. This expiry date is common to all co-ordinated rail/road passenger services.

(2) The present contract is a renewal of the previous contract, which expired on 30 June 1981. The invitation to existing contractors to renew their contracts has followed a procedure which was first established in 1953 and has been followed since on each occasion that the contracts have expired.

Discussions are taking place at present with the traditional operators, McCafferty's, Toowoomba, with a view to determining the best arrangement for conveying passengers between Brisbane and Toowoomba. I will inform Parliament in due course of any decision which is reached.

5. New Rail Route, Toowoomba Range

Mr Fitzgerald asked the Minister for Transport—

(1) With reference to the concern of landholders in the Flagstone Creek, Ballard and Murphy's Creek areas, are they likely to be affected by a new rail link up the Toowoomba Range from Gatton to the Downs?

(2) When is the final report of the consulting engineers Gutteridge, Haskins and Davey on design and estimated cost of this route likely to be made public?

Answer:—

(1) I am informed by the Commissioner for Railways that one of the alternative schemes being investigated by Gutteridge, Haskins and Davey would, if adopted, affect landholders in the areas mentioned.

(2) The final report of the consultants is expected to be received within the next month, whereafter it will require to be evaluated by the Commissioner for Railways and his officers. This review will be carried out as expeditiously as practicable, bearing in mind, of course, that a major design exercise is involved.

As I indicated in response to a similar question asked of me on 7 May 1981, I shall keep the House informed of developments.

6. Use of Parkland under Brisbane Town Plan

Mr Innes asked the Minister for Local Government, Main Roads and Police—

With reference to the proposed amendments to the City of Brisbane Town Plan—

(1) Is it true that, on the pretext of providing for scout dens and guide huts in public parks, there is proposed a formula of words which embraces clubs for social, literary, political, sporting, athletic and other like purposes as being uses to which the council can give consent in contrast to the present situation wherein they are prohibited?

(2) Does another provision permit the erection of fences to less than two metres in height as of right?

(3) Does he believe that local parks should be alienated either partially or wholly for such above general purposes, and does he believe that they should subsequently be fenced without notification to local residents and without giving them an opportunity to object and to appeal to the Local Government Court?

(4) Would it not be easy to nominate guide huts and scout dens as "specific consent" uses if that were thought desirable?

(5) Is there also a proposal to make shopping centres a use of land to which the council can consent in a residential "A" or residential "B" area and that this would represent a radical change from the present situation in which such use in such areas is prohibited?

Answer:—

(1 to 5) The proposed amendments to the town plan for the city of Brisbane have not, as yet, been submitted to me for consideration as required by the City of Brisbane Town Planning Act. Accordingly, I am unable to offer any comments on the matters raised by the honourable member at this time. The final decision on each of the proposed amendments is, of course, a matter for the Governor in Council.

7. Delays in Full Court and Supreme Court Hearings

Mr Innes asked the Minister for Justice and Attorney-General—

With reference to the operation of the Supreme Court of Queensland—

(1) Is it a fact that at the present sittings of the Full Court of Queensland (a) the two cases set down for 21 July (which include private, local authority and corporate parties), (b) the four cases listed for 22 July, (c) the three cases listed for 23 July, (d) the three cases listed for 3 August, (e) the two cases listed for 4 August and (f) in fact, all the civil cases set down for appeal and fixed for hearing at that sittings, were not reached and on 5 August the parties advised that they would all be stood over to the next sittings of the court?

(2) Is it also true that there are presently three Brisbane-based Supreme Court Judges assisting the Northern Supreme Court Judge with the workload in North Queensland?

(3) Was one of those judges sent on very short notice to North Queensland, leaving the civil sittings listed for hearing in Brisbane reduced from three judges to two, a sittings for which cases were already set down on the basis of three available judges?

(4) Has a consequence been that there has been a daily attendance, in some cases for four successive days, of parties, their witnesses and local advisers for hearings that did not take place and had to be adjourned?

(5) If the above situation is correct, and in view of our population increase and burgeoning commercial activity, does it not suggest that the proposal for reform of the procedures of the Supreme Court by members of all parties in this House, and by the practising profession, and for a permanent court of appeal, are urgent?

Answer:—

(1) Yes. This occurred due to the volume of criminal appeals listed for this particular sittings. Criminal appeals are dealt with first, and the entire sittings was occupied by the Court of Criminal Appeal.

(2) As at 6 August 1981 there were four Brisbane-based Supreme Court judges assisting the Northern Supreme Court judge with the work-load in North Queensland.

(3) No. Arrangements for the judge in question to go to North Queensland were made well in advance of the call-over for the civil sittings referred to. Unfortunately, some cases were wrongly listed before that judge.

(4) I am advised that it is the practice for members of the profession to check with the list clerk on the preceding afternoon to ascertain whether a matter will be listed for hearing on the following day. In fact, these cases are listed in the Law List published in "The Courier-Mail" each morning.

(5) The current program of the Law Reform Commission includes a revision of the rules and procedure regulating civil proceedings in the Supreme Court and other jurisdictions with a view to expediting the flow of work. As part of this revision, a working paper is being prepared for consideration.

8. Deletion from Legislation of Terms Distressing to Intellectually Handicapped Persons

Mrs Nelson asked the Minister for Justice and Attorney-General—

(1) What action is being taken by his department and other relevant departments to remove words such as "idiot" and "imbecile" from all legislation affecting people who are intellectually handicapped?

(2) Is he aware of the deep distress these terms cause disabled people and their families, and will he assure such families that his officers will act promptly to alleviate this distress?

Answer:—

(1 & 2) The question of removing these words from legislation has been considered jointly by my colleague the Honourable the Minister for Health and myself and action is being taken to amend the Criminal Code accordingly.

9. Inquiry into Electricity Industry

Mrs Nelson asked the Minister for Mines and Energy—

(1) Will his inquiry into the electricity industry in Queensland be wide-ranging and encompass all complaints made against unnecessary expansion and marked inefficiency in the industry throughout Queensland?

(2) Will members of the public and interested professions have access to discussions with the committee of inquiry before any amendments to the Act are presented to the House?

Answer:—

(1 & 2) The inquiry into the electricity supply industry is not a public inquiry but one at officer level. However, I shall ensure that any specific and documented complaints referred to me will be fully investigated.

10. Leasehold Land, Aboriginal and Islander Communities

Mr Wilson asked the Premier—

(1) As there is obvious conflict between his personal views on Aboriginal Land Rights and those of the Minister for Water Resources and Aboriginal and Island Affairs, Mr Tomkins, and as the concept of perpetual leases has the support of some of the Aboriginal Community Councils, the churches and other public groups, will he, in the interests of justice for Aboriginal and Islander people, now support the proposal as a basis of negotiations for land rights?

(2) Will he explain to this House why he opposes perpetual leases?

Answer:—

(1 & 2) There is no conflict, publicly or otherwise, between myself and the Minister for Water Resources and Aboriginal and Island Affairs. Every Minister has the right, just as every member of the House and every citizen of this nation has the right, to express personal attitudes. I, too, have that right and I exercise it.

However, my Government will not support proposals for land rights under any circumstances. That is a promise to the people of Queensland. The honourable member, this House and all Queenslanders may be assured that this question will be dealt with after proper consultation with the duly elected representatives of the people concerned.

11. Election Promises, Townsville South Electorate

Mr Wilson asked the Premier—

As Premier and leader of the National Party in Queensland, will he have the promises made to the people of Townsville South by the National Party candidate in the last election for the construction of roads, traffic lights, a pedestrian overpass for school children and pre-schools, etc. implemented during the term of this Parliament?

Answer:—

The people of Townsville South may rest assured that, despite the poor representation which they have in this House, their needs will continue to be attended to by my Government.

12. Oonoonba State School Site

Mr Wilson asked the Minister for Works and Housing—

In the interest of safety for the children attending the Oonoonba State School and having to negotiate the busy export road and railway, will he have the school shifted to the residential side of both the roadway and railway?

Answer:—

The Department of Education has recently advised that it has no plans to remove the Oonoonba State School from its present location on reserve R.311.

13. Motor Vehicle Registration Concessions for Pensioners

Mr Gygar asked the Minister for Local Government, Main Roads and Police—

With reference to recent reported statements by him to the effect that all pensioners aged 70 and over will receive concessional rates for motor vehicle registration, and in view of conflicting advice being given by some of his officers, will he clarify the exact position regarding these concessions and reassure those pensioners who have been told they do not qualify?

Answer:—

As from 15 August 1981, any person who is 70 years of age or over and who is in receipt of a pension (age, invalid, widows, war widows, service, blind, TB or combined Australian/United Kingdom reciprocal) from either the Department of

Social Security or Department of Veterans' Affairs will be eligible for a concessional motor vehicle registration provided an application form is completed and the applicant can comply with the conditions thereon. The concessional registration applies to motor vehicle fee only. Driving fee, nominal defendant fee and compulsory third-party insurance are payable in full.

14. Advertisements by Jojoba International Pty Ltd

Mr Gygar asked the Minister for Primary Industries—

(1) Has his attention been drawn to recent advertisements similar to those in the "Sunday Sun" of 21 June by a group called Jojoba International Pty Ltd?

(2) Has he investigated the claims made in these advertisements regarding the cultivation and returns on jojoba crops and the alleged development of the largest jojoba plantation in the southern hemisphere at Raglan?

(3) Are the claims made in these advertisements correct?

Answer:—

(1) Yes.

(2) Officers of my department have examined the projections of costs and return contained in a report distributed by Jojoba International Pty Ltd.

(3) Commercial experience with jojoba commenced in the United States in the mid-1970s and the majority of plantations (totalling up to 15 000 acres in 1980) have been established since 1977. Research experience is longer, with limited production data available from small plantings as early as 1973. It is generally considered that mature plantations and maximum yields will not be achieved under 10 years.

Genetic variation in the species is wide and published production data refers to yields from individual plants rather than plantation yields of genetically uniform and superior stocks. The climatic adaptations and husbandry requirements are still being resolved.

For these reasons, per-acre yield projections must be speculative and it is not possible to state whether yield estimates for the Raglan plantation are likely to be correct or not. It is considered significant that D. M. Yermanos, an American authority, cited 350 pounds per acre as the estimated fifth-year yield if his best strains had comprised the whole plantation—the Raglan estimate is 2 160 pounds per acre—and that his best plant yielded 6.6 pounds in its tenth year, compared with 10 pounds in the Raglan estimates. It is also significant that N. Gene Wright (Jojoba Happenings, December 1980) based his analysis of costs of production on 360 pounds per acre (fifth year) and 1 584 in the tenth year. The latter figure compares with Raglan estimates of 7 200 pounds per acre.

Australian experience is very limited. The oldest bearing bushes in Australia—two seven-year-old female plants at the Charleville Pastoral Laboratory—averaged 3.1 pounds per plant in 1980 under irrigation. An estimated 2 000 acres (K. Rotman, 4th International Jojoba Conference) were established in Australia up to 1980. All of these plantations are now under four years old. There is no producing plantation experience in the Raglan environment.

The Raglan estimates are based on a price of $4.00 per pound of seed for oil extraction. The actual market price quoted by Wright (1980) for the United States was US$6-8. This was largely hand-harvested seed from naturally-occurring plants in Arizona and Southern California. Price forecasts must be speculative because price is a function of availability relative to a wide range of specific uses, many of which have alternative sources; and some of which may be developed exclusively for jojoba. It is not impossible that high-price uses for jojoba will be expanded, but again it is considered significant that Wright concluded that substitution of jojoba for known alternatives may require production at less than US$0.50 per pound.

In conclusion, I would point out that Jojoba International have presented data, which can be evaluated by the potential investor in relation to other published information. The advertisements do not indicate the financial obligations of the

investor with regard to annual costs of production. In any agricultural enterprise natural disasters can occur, and I would advise any potential investor to obtain full clarification of any obligations that may arise therefrom or otherwise routinely. I consider the matter to be a question of caveat emptor.

15. Jojoba International Pty Ltd and Red Champ Research Station Pty Ltd

Mr Gygar asked the Minister for Justice and Attorney-General—

(1) When were the companies called Jojoba International Pty Ltd and Red Champ Research Station Pty Ltd registered?

(2) What is the general structure and paid up capital of each of these companies?

(3) Who are the principals of these companies?

Answer:—

According to the records held in the Office of the Commissioner for Corporate Affairs in Brisbane—

(1) Jojoba International Pty Ltd was originally incorporated under the name of Batiscan Pty Ltd on 10 November 1980, following which the name was changed to the current title as from 12 January 1981.

Red Champ Research Station Pty Ltd was originally incorporated under the name of Barrancos Pty Ltd on 10 November 1980, following which the name was changed to the current title as from 19 January 1981.

(2) Jojoba International Pty Ltd is a proprietary company limited by shares. Its nominal capital is $100,000, made up of $1 shares. Its paid-up capital is $2.

Red Champ Research Station Pty Ltd is a proprietary company limited by shares. Its nominal capital is $100,000 made up of $1 shares. Its paid-up capital is $2.

(3) The common directors of Jojoba International Pty Ltd and Red Champ Research Station Pty Ltd are—

Fritz Heinrich Mader, 24 Avanti Street, Mermaid Waters.
Stewart Elms, Busby Park, Palmerston, New Zealand.
Arn Nilsson, 70 Prince Henry Drive, Toowoomba.
Densley Malcolm Mills, Chalk Place, Torrens Park, South Australia.
Paula Broughton Stafford, P.O. Box 256, Surfers Paradise.

The common secretary of the companies is—

Tanyia Margaret Mader, 24 Avanti Street, Mermaid Waters.

16. Legislation for Protection of Aborigines and Islanders

Mr Row asked the Premier—

With reference to the controversy which is being whipped up in relation to proposals to repeal the current Queensland Aboriginal and Islander legislation, mainly by people who only a short time ago wanted the same legislation abolished, claiming that it was racist and repressive, what is the value of appropriate legislation for the protection and advancement of Queensland's indigenous people and of the good work which has been done by the Director and staff of the Queensland Department of Aboriginal and Islander Advancement, who are genuinely concerned with and dedicated to the welfare of these people?

Answer:—

In recent times it has become popular for radicals and militants to use problems confronting Aboriginal people for political purposes aimed at both Commonwealth and State Governments without consideration for the Aboriginal people themselves. My Government's record throughout has been one recognising Aboriginal people as fellow citizens of the State with a right to participate at all levels in the development and pleasure of being a citizen in Queensland.

Over the years, the availability of special services has increased in accordance with need. There is no doubt that the achievement by the Aboriginal people has been assisted by the legislative efforts of this Government, the support of various religious bodies and the dedicated staff of the Department of Aboriginal and Islanders Advancement, who have worked so tirelessly and with devotion and dedication to the cause of the people they espouse.

I agree with the honourable member that the current review has caused an apparently remarkable change of heart amongst many of those who previously opposed the State policy and its legislation, and I can only conclude this to be yet another case of belated realism when faced with hard facts.

Queensland will continue its aid to indigenous citizens. I commend the honourable member for his inquiry and for his support of the Aboriginal people in his electorate, and particularly at Palm Island.

17. Bulimba "B" Power Station

Mr Burns asked the Minister for Mines and Energy—

As leading spokesmen for the State's electricity generating authorities have for some time been pointing to the uneconomic performance of small power stations, and as power stations such as Bulimba "B" have been allowed to run down with no major overhauls for at least five years—

(1) What is the reason for the current urgent direction to completely renovate and overhaul this small and allegedly uneconomic station?

(2) Will Bulimba "B", after the overhaul, run on a 24-hour-a-day basis?

(3) How has such a small station become economic at this time?

Answer:—

(1) The level of maintenance and repair at Bulimba "B" power-station is being increased to ensure the reliable operation of this station to meet forecast increases in electricity demand during the 1980s.

(2) No. Bulimba "B" power-station will provide peak-load requirements and reserve generating capacity.

(3) Because its capacity is required at this time.

18. Speed of Dredge "Humber River"

Mr Burns asked the Minister for Northern Development and Maritime Services—

(1) Is he aware of the threat to small-boat fishermen in the Bishop Island and mouth-of-the-river area posed by the high-speed approach to its Bulwer Island dumping site by the dredge "Humber River"?

(2) This dredge, when fully loaded, produces a five and six foot wash, which could upturn a small anchored fishing craft, and as fishermen have been drowned adjacent to Bishop Island by wash from slow-moving overseas vessels, will he take the necessary action to reduce the speed of this vessel as it enters the Port of Brisbane?

Answer:—

I trust that the honourable member's absence from the Chamber this morning was not caused by the matter to which he referred in his question.

(1) The Navigation (Queensland Ports Traffic Control Regulations) 1978 provides for a maximum speed limit of 10 knots between the entrance beacons and Luggage Point. Vessels such as the "Humber River" are required to conform to this speed limit. The honourable member would be aware that large vessels navigating in narrow channels must maintain a speed sufficient to retain adequate steerage way, and as many of these vessels are of deep draught a natural wash effect is produced which is most prevalent at periods of low water when the banks outside of the channel are barely covered.

(2) The Department of Harbours and Marine, aware of this danger, has erected warning signs at Bishop Island, and fishermen in small boats in this area would be well advised to take heed of these warnings. It must be borne in mind that fishing activities in this area are not recommended to the amateur or pastime angler fishing from a small boat as the dangers from wash effect are always present.

I have taken up the matter of the "Humber River" with the vessel's principals and have advised them to have their masters monitor carefully the vessel's entry into the river in order that any danger to small vessels which fail to heed the warnings can be minimised. I will arrange for the maximum media coverage possible for my answer in order that small boat operators may be advised again of the dangers.

19. Watering of Cattle, Cannon Hill Saleyards

Mr Burns asked the Minister for Primary Industries—

(1) Is he aware that on 19 March, the Queensland Meat Authority chairman announced that the Queensland meat industry had agreed to adopt a system under which cattle will have access to water until time of sale?

(2) Was this new system designed to replace the cruel and heartless practice that cattle, after travelling long hours—in some cases 24 to 36 hours—without water, were refused water if they arrived up to 12 hours before their sale?

(3) When was this water curfew lifted at Cannon Hill saleyards?

(4) How many new watering points have been installed at the saleyards?

(5) How many watering points are available, and what is the location of each point?

(6) How many holding yards or pens are available for cattle at Cannon Hill yards and how many of these pens are supplied with water?

Answer:—

It is interesting to note that although the honourable member was critical of my absence from the Chamber when he gave notice of this question, he is now absent from the Chamber for the reply.

(1) Yes. This followed a series of trials by the authority in conjunction with officers of the Beef Cattle Husbandry Branch of my department and subsequent discussions with producer, saleyard and processer representatives who agreed to accept the concept of a "wet" curfew at live-weight selling centres. Under this concept, the cattle will have access to water, not only prior to sale but also during the sale and prior to weighing as well as after weighing. In other words, water will be available to cattle at all times while they are at the saleyards.

(2) Concern was held in many quarters over the fact that, under the "dry" curfew system, cattle were deprived of water for a period of 12 hours prior to sale as well as during the sale and prior to weighing. In some cases, when cattle arrived at saleyards just prior to commencement of the curfew period, they might not have time to drink before being penned, which would increase the period during which they were deprived of water. The marked improvement in cattle-handling practices associated with a "wet" curfew was obviously the reason why the concept was readily accepted by all sectors of the cattle industry.

(3) It is proposed to eliminate the existing "dry" curfew at the Cannon Hill saleyards as soon as watering facilities have been installed in all selling pens. Troughs are presently being manufactured and should be supplied progressively throughout September, and it is estimated that the installation will be fully completed and operable by mid-October. It is important to note that, under the rules applying to the live-weight selling of cattle, a saleyard cannot convert from "dry" curfew to "wet" curfew selling until water facilities have been installed in all selling pens and to a standard approved by the authority.

(4) Water will be made available in 144 selling pens, which involves the installation of 72 troughs.

(5) Presently there are 125 watering points at the Cannon Hill saleyards, of which 59 are located in the holding yards prior to selling pens, 16 in the post-sale pens and yards and 50 in the holding paddocks utilised after sale.

(6) There are 269 holding yards, pens or paddocks available at the Cannon Hill saleyards for the handling of cattle. At the present time, 125 of these are provided with watering facilities, and by mid-October the remaining 144 selling pens should have watering facilities installed.

20 & 21. Development of Shute Harbour

Mr Muntz asked the Minister for Lands and Forestry—

(1) What progress has been made on development plans, including a marina, in an area known as the Beak at Shute Harbour, with the involvement of private enterprise?

(2) When will such plans be made available and submissions called for this essential development on the Whitsunday coast?

Answer:—

(1) The matter of development of the area known as the Beak, and including a marina development, is presently being investigated and considered by a committee acting in an investigative and recommendatory capacity.

(2) As soon as possible after necessary decisions have been made and necessary approvals given.

Mr Muntz asked the Deputy Premier and Treasurer—

With reference to the Proserpine Shire Council's acceptance of a $500,000 Commonwealth loan, subject to certain conditions, to provide loading and boating facilities at Shute Harbour on the understanding that the State will match this with a grant, what arrangements have been made to provide this assistance for pressing infrastructure work and when will this type of assistance be made available?

Answer:—

The question is really one for my colleague the Honourable the Minister for Northern Development and Maritime Services, but as the matter referred to has implications for, and is currently being examined by, a number of departments, including my own, I can give the honourable member some information on the subject.

A number of problems are involved, not the least of which is the understandable reluctance of the Proserpine Shire Council to commit to the quite substantial cost of the upgrading of the facilities—this will be over $1m—without a reasonable degree of certainty of being able to recover debt-servicing and operational costs from charges levied on commercial users.

The council has made its position quite clear in this respect, and while a decision on whether or not the upgrading should proceed must ultimately rest with the council, ways by which a reasonable and acceptable degree of viability might be achieved are presently being considered. In this regard, council representatives have been advised that a contribution representing about 25 per cent of costs will be forthcoming from State Government sources by way of non-repayable grant. Incidentally, this contribution is about twice the amount for which the project would qualify under approved schemes. The council is now considering its position in the light of this advice.

22. Upgrading of Mackay-Bowen Section, Bruce Highway

Mr Muntz asked the Minister for Local Government, Main Roads and Police—

(1) Is he aware of the appalling and disintegrating condition of the Bruce Highway north of Mackay, which is characterised by narrow carriageways, broken shoulders and single-lane bridges?

(2) In the interests of North Queensland, will he make a personal inspection of the Bruce Highway from Mackay to north of Bowen and see for himself the alarming deterioration which cannot be allowed to continue?

(3) Will he, within the limits of available financial resources, make a commitment to a program of upgrading this section, including the replacement of single-lane bridges?

Answer:—

(1 to 3) My visit to the Mackay and Bowen areas last week with the honourable member for Whitsunday confirmed the advice I had received from my officers of the serious condition of the Bruce Highway in this area.

The responsibility for provision of funds for this national highway rests solely with the Commonwealth Government, and I can only say that the condition of this road represents a serious indictment of their restrictive road funding.

As a result of my inspection and representations from the honourable member for Whitsunday, I have announced very substantial increases, from within the meagre funds available to Queensland in 1981-82, for urgent permanent works and maintenance between Proserpine and Ayr, and I propose that this increased effort will continue. Reallocated funds will also be injected into the program between Mackay and Proserpine in order to bring forward urgent works on this section.

Although the increases I have announced are significant, they represent only a small proportion of the overall needs. It is time the Commonwealth Government faced up to the realities of the national road-funding problems and acknowledged in real terms of cold, hard cash the special funding needs of Queensland as admitted by its Minister for Transport (Hon. R. J. Hunt).

I sent a letter to my Federal counterpart, the Minister for Transport, inviting him to accompany me by road from Mackay to Townsville at some convenient time.

Mr Scott: What about Bamaga?

Mr HINZE: Perhaps he should go to Bamaga, too.

It is most important that the Minister accept the invitation so that he can see for himself at first hand the deplorable condition of what is supposed to be part of a national highway. I have no doubt that if one travelled from Perth to Cairns on national highways, one would find this section was definitely the worst. Positive steps will have to be taken before the next wet season, otherwise trucks will become bogged on this section of a national highway.

23. Proposed Changes to Brisbane Town Plan

Mr Scassola asked the Minister for Local Government, Main Roads and Police—

(1) Has his attention been drawn to reported statements by Alderman Beanland of the Brisbane City Council to the effect that changes to the Brisbane City Town Plan proposed by the Labor Council will have the effect of negating legislation passed in this Parliament and of substantially reducing the rights of citizens with respect to the use of private and public lands?

(2) Will he give an assurance that no changes to the Brisbane City Council Town Plan will be approved by the Government which will, in any way, affect the established rights of citizens with respect to changes to the Brisbane City Town Plan and their rights with regard to the use of private and public property?

Answer:—

(1) Yes.

(2) When the proposed amendments are submitted to me by the Brisbane City Council in accordance with the City of Brisbane Town Planning Act 1964 to 1981, they will be assessed to determine whether each proposal is desirable and in the public interest. The final decision on an amendment of the town plan is, of course, a matter for the Governor in Council.

24. Tenancy Agreements, Westfield Shoppingtown, Indooroopilly

Mr Scassola asked the Minister for Commerce and Industry—

With reference to the answer given by him on 6 August to a question without notice asked by the member for Sherwood regarding complaints made concerning the occupation of premises in the Westfield Corporation Limited shopping centre at Indooroopilly, what are the precise terms of the assurances or undertakings given to him by Westfield Corporation with respect to those matters?

Answer:—

The arrangements agreed to by Westfield Limited in relation to termination of tenancies at Indooroopilly Shoppingtown, following my discussions with the joint managing director of the company, are quite clear. These arrangements, however, do not extend to one aspect raised by the honourable member for Sherwood in relation to occupation of the new extension at Indooroopilly Shoppingtown.

The sequence of events leading to the Press statement released by me on 25 June, in which I stated, "Westfield Limited had undertaken not to take any further action on leases at Indooroopilly under dispute during the next three months", was that I had received from a number of sources representations on behalf of certain tenants at Indooroopilly and other shopping centres relating to rents, lease terms, lease renewals and other matters. In my view, the representations made merited a close examination of the general situation in regard to shopping-centre leases, and, as members are aware, I requested the Small Business Development Corporation to proceed with such an examination on an urgent basis.

On the specific question of Indooroopilly Shoppingtown—in view of the apparent concern of a number of tenants there, I took the special step of initiating discussions directly with the joint managing director of Westfield Limited in order to achieve a stay of proceedings until such time as the Small Business Development Corporation could complete its examination. These discussions were fruitful and led to my announcement of 25 June. In anticipation of the discussions taking place, I did, on 24 June, write to Westfield Limited, and in that letter I said, "I seek your co-operation in delaying the termination of any tenancies in the Indooroopilly Shoppingtown until such time as I have received the Corporation's report and can reach conclusions thereon. I would anticipate that this will be accomplished within three months."

The response from Westfield Limited was contained in a letter dated 26 June, which I received on 29 June, and which stated inter alia—

> "I am prepared to give you the undertaking that no leases in Indooroopilly Shoppingtown will be terminated by my company except in cases of overt breaches of lease and, further, we will not terminate tenancies where leases have or will expire. You have asked that such an undertaking be given to you for a period of ninety days and I am happy to accede to this request."

Westfield Limited did qualify this undertaking to the extent that it would not apply, for instance, in the case of non-payment of rent. This I regard as being quite reasonable.

The other point made by Westfield Limited was—

> "There is one reservation to this undertaking that should be made, and that is that in some cases the retailers in our existing shopping centre may wish to move to the new extensions currently under construction (and due for completion at the end of September) and also it may be desirable in the interests of improving customer traffic flow and the overall tenant mix of the whole shopping centre for certain tenants to be re-located from part of the existing centre to these new extensions, and in such cases we reserve the right to make these arrangements."

This I regard as coming within the scope of normal management practices of an operation of the size and complexity of Indooroopilly Shoppingtown and is not a matter that I had covered in my discussions with Westfield Limited, as my attention had been concentrated on rents, lease terms and the like. Therefore, I believe that Westfield Limited has honoured the undertaking given to me.

I would add that the Small Business Development Corporation has virtually finalised its examination, and I will shortly be giving consideration to the corporation's report. I do not propose to make any further statements on the whole question of shopping

centre leases and associated matters until such time as I have thoroughly studied the corporation's report, arrived at conclusions for whatever further action might be appropriate and submitted details for consideration by Cabinet.

25. Gold Lotto Agencies

Mr Milliner asked the Deputy Premier and Treasurer—

(1) What is the total number of Lotto agencies that have been granted?

(2) Of the agencies granted how many have been granted to (a) full casket agencies and (b) casket sub-agencies?

(3) Were the original Lotto agencies granted from the Golden Casket Office in Brisbane or from some other sources?

(4) Is it envisaged that further agencies will be granted and, if so, when will they be granted and how many will be granted?

Answer:—

(1) 558.

(2) (a) 540. (b) 13.

(3) The Golden Casket Art Union Office appointed all of the Gold Lotto agents who were initially granted agencies. Preliminary inspections and recommendations were made by representatives of the Victorian Tattersalls organisation prior to the appointments being made.

(4) Yes, further agencies will be granted from time to time in numbers sufficient to provide adequate outlets for Gold Lotto throughout the State. Action is in hand at present to appoint a further 33 authorised agents, and these agencies should be operating before the end of August. In addition, a further 50 applicants for Gold Lotto agencies will be appointed as subscribers' agents within the next few weeks.

26. Government Motor Vehicles

Mr Milliner asked the Minister for Environment, Valuation and Administrative Services—

(1) At 30 June, how many motor vehicles were owned by the Government?

(2) How many of these vehicles were manufactured in a foreign country?

(3) Has the Government any practice for purchasing vehicles manufactured in Australia and, if not, will he consider instituting a practice to help protect the jobs of Australian workers in the vehicle manufacturing industry?

Answer:—

(1) At 30 June, the Queensland Government owned a total of 8 619 motor vehicles. In addition, the Government owned 475 tractors, 1 228 box-trailers, 615 caravans, 220 boat-trailers, 25 semi-trailers, 11 low-loaders, 12 jinkers and 678 other units of mobile machinery and equipment.

(2) Apart from some four-wheel-drive vehicles and a relatively small number of other vehicles not available from Australian manufacturers, all the vehicles purchased by the State Government were assembled in Australia.

(3) The State Government's practice is to give preference to vehicles manufactured and assembled in Australia, with priority being given to vehicles produced by Queensland firms.

27. Parking, Grovely Railway Station

Mr Milliner asked the Minister for Transport—

With reference to the parking problems around the Grovely Railway Station, is it planned to enlarge the present parking facilities and, if so, when is it anticipated that this project will be completed?

Answer:—

Whilst the car-park at Grovely Railway Station is usually used to its full capacity and a few cars are parked in the adjoining streets, there is still ample on-street parking to cater for any immediate increases in the near future.

The Metropolitan Transit Authority is constantly monitoring the parking needs at the suburban railway stations and, according to the results of evaluations, sets it priorities and provides and extends car-parking facilities at stations where such facilities are most needed within its annual budget limitations.

Grovely is not included in the 1981-82 interchange program because of more pressing demands existing at other stations. It will be reconsidered when future interchange programs are prepared. It is expected that additional parking facilities would be provided in the next two to three years pending an increase in demand and availability of funds.

28. Ferry Service to Brisbane's Western Suburbs

Mr Prentice asked the Minister for Transport—

With reference to the improved service on the ferry from the Queensland University to Dutton Park and the increasing interest in river transport—

(1) Have any studies been carried out as to the feasibility of a ferry service from the city to the western suburbs?

(2) Will he request that the Metropolitan Transit Authority reinvestigate such a ferry service?

Answer:—

(1) In 1977 the Metropolitan Transit Authority commissioned the Department of Civil Engineering of the University of Queensland to carry out an exhaustive study of the "Existing and Potential Use of the Brisbane River for Passenger Transport".

In part, the study examined the financial and economic feasibility of extending Brisbane's ferry services. Three mutually exclusive routes were considered. Two of these served the western suburbs and the third served the eastern suburbs. All services were determined to be economically viable, though all would require a subsidy.

The Metropolitan Transit Authority's development plan 1979-84 recommends that, in view of the difficulties in predicting the use of untried services, demonstration projects should be undertaken to validate the university's findings. The authority considered that an extension of the Golden Swan Ferry Service to Hawthorne and Bulimba would be an ideal demonstration project. Planning of this project commenced in August 1980, and it is hoped that it will be operational by September 1981.

(2) The project will be extensively monitored and evaluated, and the information gathered will be invaluable in the detailed planning of extensions to suburbs such as Toowong and St Lucia. The honourable member will be aware that increasing use of the Brisbane River ferry services is being fostered by present Government policy and he can be assured that the MTA is actively involved in implementing this policy.

29. Fire Brigade Calls, Toowong Electorate

Mr Prentice asked the Minister for Environment, Valuation and Administrative Services—

(1) How many calls did the fire brigade receive to the Toowong electorate during 1978-1979 and 1979-1980?

(2) How many of those calls were to the Queensland University in each of those years?

(3) In how many of the calls referred to was no fire or danger of fire found by the officers so called in each of the respective years and respectively in the Toowong electorate and to the university?

Answer:—

The Metropolitan Fire Brigade Board does not keep statistics for State electorates, but I am able to give the following details for the Toowong fire district.

(1) The brigade answered 426 calls in 1978-1979 and 510 calls in 1979-1980 within the district.

(2) Of these, 139 calls for 1978-1979 and 180 calls for 1979-1980 were to the University of Queensland.

(3) The total number of false alarm calls in the district was 331 for 1978-1979 and 397 for 1979-1980.

Of these totals, false alarm calls answered from the University of Queensland were 137 for 1978-1979 and 178 for 1979-1980.

False alarms include alarm and line faults, accidental false alarms, justifiable and malicious false alarms.

30. Employment of Teachers

Mr Prentice asked the Minister for Education—

With reference to his Press release of 10 March where he said, "A very high proportion of applicants for employment as teachers had placed severe restrictions on where they were prepared to serve, or were second income earners.", how many applicants in each of the years 1978, 1979 and 1980—

(a) placed a restriction on where they were prepared to serve and (b) would be, if employed by the Education Department, second income earners?

Answer:—

Detailed response to the question asked by the honourable member will require a very extensive review of applications held in the nine regional offices of my department throughout the State. Because the information sought by the honourable member is not in computer files but on individual application forms held by staffing officers, a manual operation is necessary.

When account is taken of the number of appointments made each year, the number of applications lodged, and the fact that a review of three years is requested, the scope of the task to list accurately each person involved would place very severe demands on the resources of my department, resources and manpower which are already fully committed.

I am prepared to meet the honourable member and give him some indication of what is involved in his particular area.

31. Use of Byron Street, Bulimba, by Lloyds Ships

Mr McLean asked the Minister for Local Government, Main Roads and Police—

With reference to the blocking of Byron Street, Bulimba on 2 August, by the ship-building company Lloyds Ships—

(1) Is it still necessary by law to obtain a permit to close a street such as this one or to create an obstruction to the extent where residents could not enter or leave their own homes?

(2) If so, was a permit issued by the appropriate department for this operation to take place?

(3) If a permit was issued when was it issued and was it shown to any police officer at any time?

(4) What action was taken by the Police Department to the numerous complaints that they received from residents and bus drivers?

(5) Is there any truth in the claim of local residents that the company, Lloyds Ships, is receiving more than favourable treatment from the Police Department in regard to parking and general usage of Byron Street for its operations, and, if not, will he explain why numerous complaints from residents over a period of time have very seldom been acted upon by the Police Department?

Answer:—

(1) Yes.

(2 & 3) No permit was applied for.

(4) I have been informed that Morningside police received two complaints of a road blockage in Byron Street, Bulimba, on Saturday, 1 August 1981, and that they both emanated from the Brisbane City Council bus authorities. When police arrived at the scene, the street was partially blocked by a semi-trailer and boat operating on behalf of Lloyds Ships, and for about half an hour only cars could pass. Police cleared the road and warned the manager of Lloyds Ships of the consequences should he fail to obtain a permit in future.

(5) Lloyds Ships receives the same attention trafficwise as all other establishments in the area. In fact, on 10 July 1981 Morningside police called on every industrial establishment in Byron Street seeking compliance with parking regulations.

Over the past three months only three telephone complaints have been received by Morningside police in respect of parking offences in Byron Street, and these resulted in the issue of three traffic offence notices.

32. Irvinebank State Treatment Works

Mr McLean asked the Minister for Mines and Energy—

With reference to the Queensland Government's proposal to sell the Irvinebank State Treatment Works in North Queensland—

(1) Will the proposed sale be on a public tender basis and, if so, when will tenders be called, closed and declared?

(2) What provisions will be made in the conditions of tendering to protect (a) the interests of the small miners in the district, (b) the jobs of the seven persons presently employed at the works and (c) the historical significance of the works and its relationship with the Irvinebank area?

Answer:—

(1) Cabinet has approved that the State Treatment Works, Irvinebank, be offered for sale by public tender. A date for the calling of tenders has not yet been finalised.

(2) It has also been approved that the terms of sale should include special provisions designed to protect the interests of small miners in the Irvinebank district, preserve the historical significance of the area and provide for the future of the staff presently employed at the works.

QUESTIONS WITHOUT NOTICE

2,4-D and 2,4,5-T

Mr CASEY: In directing a question to the Minister for Primary Industries, I refer to the recent report to the Minister for Lands and Forestry by a committee established by the Queensland Government on the relationship between the chemicals 2,4-D and 2,4,5-T and human health, and to that committee's recommendations that the current approved uses and controls in Queensland are adequate and should be retained. I now ask: How does he equate this recommendation with the continuing complaints from various areas of Queensland about damaging drift from the aerial spraying methods currently used and the advice given to Queensland cane growers by their chairman, Sir Joseph McAvoy, that they should stick to using ground spraying methods of applying these controversial chemicals?

Mr AHERN: The matter is primarily one for my colleague the Minister for Lands and Forestry, who administers the Stock Routes and Rural Lands Protection Act. However, the honourable member should be aware of the conditions prescribed by the Agricultural Chemicals Distribution Control Act, which is under my administration. This Act lays down very stringent conditions concerning the distribution of all agricultural chemicals. I will be reviewing that legislation in the near future and I expect to be making recommendations to Parliament in relation to it.

On a previous occasion I canvassed in this House the controversy surrounding the distribution of 2,4,5-T and 2,4-D. Frankly, I believe that the discussion needs to centre upon distribution rather than on whether or not the chemical concerned poses a particular problem. The problem is one of distribution. After all, some dangerous chemicals simply have to be used in our every-day life, whether they be used in industry or in agriculture. Distribution conditions are what are relevant, not whether the chemical should or should not be used. It is understood that in agriculture dangerous chemicals are used from time to time and that their distribution must be controlled. In fact, their distribution is controlled by an Act, which I am reviewing with a view to bringing it up to date. I have been consulting with officers of the Health Department in relation to that Act, and I expect to make recommendations to Parliament either this session or early next session.

Sale of "Kalpower" Cattle Property; Development by Utah of Coal Deposits

Mr CASEY: In asking this question of the Minister for Mines and Energy, I refer to the rejection last week by the Federal Treasurer of the proposed sale of a large Cape York cattle property in the Princess Charlotte Bay area known as "Kalpower", which is currently overseas owned, and the Federal Treasurer's promise to have the matter further investigated. I now ask: Have his inquiries revealed that the rejection of the proposed sale has anything to do with the fact that the American-owned coal-mining company Utah has located substantial workable deposits of coal on the property and is currently evaluating the economics of developing another huge open-cut coal operation in the area?

Mr I. J. GIBBS: I am unaware of the incident. I request that the honourable member put the question on notice so that I may give him an answer.

Mr CASEY: I do so accordingly, as the Minister does not really know his department.

Take-over of TAA Services by East-West Airlines

Mr CASEY: I refer the Minister for Transport to the recent announcement that from 1 October TAA will hand over its Newcastle-Coolangatta-Brisbane F27 Fokker Friendship services to Sydney-based East-West Airlines, and the similar announcement that from February 1982 it will relinquish its services from Melbourne to the North-west Coast of Tasmania, using aircraft of the same type, also to the Sydney-based East-West Airlines, and ask: Under the State Transport Acts, for what period does TAA hold the licence to operate F27 Fokker Friendship flights on the Brisbane-Bundaberg-Gladstone service, the Mt. Isa-Townsville Service and other Western Queensland services, and what is its commitment regarding the future maintenance of these services using F27 Fokker Friendship aircraft?

Mr LANE: TAA has a commitment to the Queensland Government, by agreement between its Australian general manager and the Premier of Queensland, to continue the services to which the honourable member referred, and some additional ones, till April of next year. Under the new two-airlines agreement legislation that recently passed through Federal Parliament, there are provisions permitting notice of non-viability of service to be given. Having proved non-viability for more than six months, operators may opt out on giving three months' notice. The Government is well aware of those provisions and the powers given under the new legislation. It is keeping a close watch on the actions of both TAA and Ansett. I assure the Leader of the Opposition and the public at large that the Government will be doing everything within its constitutional powers, which are considered to be adequate, to protect the interests of people living off the main trunk routes in the State and ensure that adequate viable air services are provided for them.

Tabling of Report of Small Business Development Corporation on Shopping Centre Leases

Mrs KYBURZ: I ask the Minister for Commerce and Industry: Following his reply to the member for Mt Gravatt, will he promise Parliament to table the report of the Small Business Development Corporation on shopping centre leases? If he

does promise that, as I assume that he will, when will he table it? Does he realise that the report is of great interest to embattled small business people both in and out of Brisbane?

Mr SULLIVAN: I am sorry to have to tell the honourable member that at this stage I cannot promise to table the report. It is not yet in my hands. I am to make certain recommendations to Cabinet based on its contents, and I will be making a determination on the matter after having made a submission to Cabinet.

Bus/Rail Interchanges

Mrs KYBURZ: In asking the Minister for Transport this question, I point out that I was shocked by the statement of the transport spokesman for the Brisbane City Council that there should be no more bus/rail interchanges. I now ask: Will the Minister give an assurance that the provision of such necessary facilities will continue notwithstanding the ill-informed statements of that person?

Mr LANE: I saw Press reports of a statement attributed to Alderman Ardill, the new chairman of the Brisbane City Council Transport Committee. I was very disappointed to read his sentiments as expressed in the Press. I hope that his appointment as the new chairman of that committee does not herald an upsurge in political statements of such a nature. His predecessor did not play politics with that council portfolio and I hope that Alderman Ardill does not do so.

I am very happy to give a guarantee to the House that the programs devised by the Metropolitan Transit Authority for the integration and co-ordination of public transport services in the south-east corner of this State will continue under the five-year plan and that further interchanges will be provided with or without the co-operation of other authorities. I hope that the previous co-operation received from other aldermen in this area, especially in relation to the Enoggera bus/rail interchange, continues so that more can be done for the public of Brisbane.

Family Planning Services for Aboriginal Women

Mrs KYBURZ: I direct my next question without notice to the Minister for Health because last year the Minister for Aboriginal and Island Affairs refused to answer it. Whose responsibility is it to ensure that family planning services are made available to all Aboriginal women living on reserves? Are sisters in his department giving that vital advice to all girls and women who request it?

Mr AUSTIN: It is true that the question should be answered by my colleague. However, members of the Aboriginal health team in the State Health Department are involved in Aboriginal community work. They give advice to Aboriginal women seeking such advice.

Some time ago Cabinet decided that Aboriginal health, at large, would be handed over eventually to the State Health Department. Officers of my department are presently in consultation with officers of the Department of Aboriginal and Islanders Advancement in an attempt to integrate the system so that the Health Department can accept total responsibility for Aboriginal health in Queensland. I am pleased to advise the House that discussions on those matters are proceeding and that officers of my department will become more and more involved in the health of Aborigines, particularly Aboriginal women.

Gold Coast Tourist Tax

Mr BORBIDGE: I refer the Minister for Tourism, National Parks, Sport and The Arts to attempts by the Gold Coast City Council to implement a tourist tax or bed tax and its present policy of forwarding questionnaires to ratepayers in conjunction with rate notices. Does the Minister consider that Gold Coast ratepayers subsidise tourism? Does a tourist tax exist anywhere else in Australia? What effect does he consider such a tax will have on the industry, especially on employment opportunities?

Mr ELLIOTT: All of the people who have had experience of the Gold Coast realise that that area is in a peculiar situation. To a large degree, the Gold Coast depends on tourism. As far as I am concerned, it would be folly for the council to continue with this proposed tax. I support anybody who has expressed complete opposition to it. If this

proposal is implemented, it will kill the goose that lays the golden egg. Only 28 to 32 per cent of visitors to the Gold Coast area could be taxed. The remainder of them would be staying either with friends or relatives or in caravan parks.

It would be discriminatory to suggest that those people should be taxed; it would be singling out one group of people. The whole proposal lacks merit. Quite frankly, it would be the quickest way I know to kill the tourist industry on the coast. I am very happy that all members of Parliament, including the Ministers, who represent electorates on the coast have expressed their utmost dissatisfaction with the proposal and are totally opposed to it. We will fight such a concept tooth and nail.

Increases in Interest Rates

Mr D'ARCY: In directing a question to the Deputy Premier and Treasurer, I point out that during the last election campaign I predicted that the monetary policies of the Fraser Government would lead to substantial rises in interest rates. The Deputy Premier and Treasurer said that I was misinformed and was irresponsible to suggest such a thing. In fact, he said he believed that interest rates would fall. Interest rates have risen several times since then. Repayments on a $30,000 loan over 25 years have risen by some $80 a month. I ask: Does the Deputy Premier and Treasurer still believe in the monetary strategies of the Fraser Federal Government, and what are the specific alternatives that he has proposed to solve the problem of rising interest rates?

Dr EDWARDS: I want to say very clearly that the honourable member's continual suggestion that interest rates are going to rise is one of the reasons why the money market is doing what it is at the present time.

Opposition Members interjected.

Dr EDWARDS: The noise coming from Opposition members is indicative of their whole attitude towards interest rates. The continuing forecast of rising interest rates by people, such as the Deputy Leader of the Opposition and the Leader of the Opposition, is having an impact upon interest rates in this community.

Mr Jones: What rubbish!

Dr EDWARDS: The honourable member can say what he likes, but this view is being expressed by all economists throughout the nation. The quicker the Federal Government, and indeed the Leader of the Opposition and the Deputy Leader of the Opposition, adopt the view that the Queensland Government has adopted, that there should be a stop in the hike in interest rates, the sooner we will have some sanity in this situation. The Queensland Government's position is very clear. We have allowed only three interest rate rises in three years; yet other Governments in Australia have been prepared to stand aside and let interest rates move as the market dictated. We will not be part of that rubbish in this State.

Mr Burns interjected.

Dr EDWARDS: The member for Lytton knows all about interest rates! His suggestions in the past have been disastrous.

The Deputy Leader of the Opposition does not know that the only interest rate in this State upon which the Queensland Government has any influence is the investment rate for building societies, and it is ludicrous in the extreme to suggest that we should control interest rates on a national basis. I am no prude regarding interest rates. The Queensland Government's position has been made clear. We believe that the interest rate policy of the Federal Government is a disaster. If honourable members opposite want me to repeat that statement, I will. The interest rate policy of the Federal Government is a disaster. I make no apology for making that statement; I have been making it for two years.

The statements that the Premier and I have made about the Loan Council are indicative of what we believe should be the position with interest rates. It was the Queensland Government that voted against any move in the Loan Council to allow interest rate rises. It was the Queensland Government that led the fight, and a successful fight, against rises in the Australian Savings Bond rate. It was the Queensland Government that led the fight yesterday. It approached other Premiers in an endeavour to reduce the authority delegated to the Federal Government regarding interest rates in tap stocks.

Our position is clear, and it is about time that the Opposition got behind the Queensland Government and supported its attempt to stop interest rates being raised throughout Australia.

Home Loan Interest Rates

Mr D'ARCY: In directing a question to the Deputy Premier and Treasurer, I point out that yesterday it was reported that he proposed that interest on existing home loans be held down while interest on new home loans be at the higher interest rate. I ask: Does he believe that those people who have not got home loans should subsidise those who already have them?

Does the Treasurer also believe that a lower and, therefore, subsidised interest rate for certain segments of the housing loan market would not cut back the amount available for loans through the revolving funds in building societies?

Dr EDWARDS: Every week that I sit here I am amazed at the ignorance of the Deputy Leader of the Opposition. One would think that he is a Government member; he asks questions which enable me to give him and the Opposition the serve that they deserve.

My suggestion has had widespread support in the community. If the Deputy Leader of the Opposition had listened to talk-back radio yesterday and today on the subject of my suggestion of yesterday and last Thursday that building societies in Queensland should attempt to hold the interest rate for long-term borrowers——

Mr Fouras: Do they have too much fat?

Dr EDWARDS: Opposition members do not understand the first thing about building societies.

Opposition Members interjected.

Mr SPEAKER: Order!

Dr EDWARDS: Mr Speaker, I ask you if I can continue to answer this question. I am sick and tired of the mumbling from the other side. It shows the ignorance of Opposition members when I am trying to put them in their places.

Opposition Members interjected.

Mr SPEAKER: Order!

Dr EDWARDS: My suggestion was that building societies in Queensland should be asked not to increase interest rates for existing borrowers and that funds that are received from the increased interest rates granted yesterday be used for new borrowings. The building societies are at the moment looking at that suggestion.

The Deputy Leader of the Opposition shakes his head. I know that he is not at all interested about the payments on home loans made by people in the community. That is because he is a developer of the highest order who deals in high interest rates and is prepared to take over and destroy the people of Queensland who deserve an interest rate compatible with their incomes.

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

LOAN COUNCIL CONTROL OF INTEREST RATES

Mr POWELL (Isis) (12.17 p.m.), by leave, without notice: I move—

> "That this House places on record its unanimous support of the Queensland Government's determined bid to oppose a further rise in interest rates at last Thursday's Loan Council meeting; and that this House supports totally initiatives currently being undertaken by the Queensland Government to have full control over interest rate determination restored to the Loan Council."

This morning some members of the Opposition have asked questions without notice on the vexed question of interest rates. Clearly those who asked the questions are not sure what they are talking about. The Treasurer was able to answer the questions clearly and without confusion.

Members of this Parliament and indeed members of all Parliaments in Australia are at the moment reeling at the increased interest rates.

Mr SHAW: I rise to a point of order. Is the speaker moving a motion or is he seeking leave of the House to move a motion?

Mr SPEAKER: Order! He has sought leave and has received it from the House.

Mr POWELL: If the honourable member for Wynnum had been awake, he would have known that. Of course, it is not uncommon for him to be asleep.

Mr JONES: I rise to a point of order. There was no motion before the House. No vote was taken on the motion.

Mr SPEAKER: Order! Earlier the member for Isis rose and sought leave of the House to move a motion without notice. I said, "Is leave granted?" There was no objection. I now formally call the member for Isis. I will not take any further point of order on that subject.

Mr POWELL: As usual the Opposition is in complete disarray and not taking any notice of the proceedings.

Australians are obviously dismayed at the rapid and large increase in interest rates. At its meeting last Thursday the Loan Council approved the proposition of the Federal Treasurer.

I put it to the House that the Loan Council, if it so desired, could have rejected the proposition put forward by the Federal Treasurer and attempted to keep interest rates at a reasonable level. That did not occur. The reason is fairly clear when one looks at the make-up of the Loan Council and the way the whole system works. It will be noted that in the motion I have moved—and for the benefit of members of the Opposition who did not listen to the motion——

Mr D'Arcy: The Clerk-Assistant hasn't got it. The Leader of the House doesn't know what you are talking about.

Mr POWELL: The motion says, ". . . and that this House supports totally——"

Mr CASEY: I rise to a point of order. Mr Speaker, I draw your attention to Standing Orders and the requirement that once a member moves a substantive motion in the House it should immediately be placed on the table so that it is available to all members of the House.

Mr SPEAKER: Order! I take it that there has been an omission, but I understand that the document has been tabled. I suggest that it be made available to the Opposition.

Mr JONES: I rise to a point of order. I refer to the point of order I previously took, when I asked if there was a motion before the House. The ruling was that there was. Now it appears that I was correct and that there was no motion before the House.

Mr SPEAKER: Order! There was a motion put before the House. I have received this document.

An Opposition Member: When?

Mr SPEAKER: Earlier.

Mr D'Arcy interjected.

Mr SPEAKER: Order! I am fed up with the nonsense from the honourable member for Woodridge and I want him to know it. The fact of the matter is that this document has been tabled. If he or the Leader of the Opposition has not had the courtesy to approach one of the clerks at the table to ensure that the document was available after the motion was moved, then that is his responsibility. I call the member for Isis.

Mr JONES: I rise to a point of order.

Mr SPEAKER: Order! The honourable member is an expert at wasting time, but I will hear his point of order.

Mr JONES: We may as well have the record correct, Mr Speaker. After you made your ruling I approached the clerks at the table and asked for a copy of the text of the motion before the House. It was not available at that time. I shall now put the record straight. That was then the position. Since my rising to that point of order, the motion has been made available to the clerks. I understand that it is now available at the table, but at that time it was not. I believe that the member who rose in the House did not make the motion available to the clerks at the table at that time. That is where the omission lies.

Mr SPEAKER: I accept the explanation of the honourable member for Cairns. I now ask the member for Isis to continue with his speech.

Mr POWELL: For the benefit of those who do not have a copy of the motion in front of them, the second part of it is—

> ". . . that this House supports totally initiatives currently being undertaken by the Queensland Government to have full control over interest rate determination restored to the Loan Council."

Did they hear that or were they too busy talking again, as happened last time?

An Opposition Member: Don't be a smart alec.

Mr SPEAKER: Order! I ask the House to come to order and for honourable members to behave intelligently.

Mr POWELL: The Loan Council came into being following a referendum held in 1927. The reason was that the individual States and the Commonwealth were getting themselves into a bit of a bind over interest rates at that time. Honourable members might recall what history records in 1929 and the early 1930s, when the Depression caused so much damage to everybody in the community—not just companies, not just small business, but everybody in the community. The referendum of 1927 sought to arrest that problem. Within the short time available to it the Loan Council was unable to stop the Depression in Australia. The Depression was a world-wide phenomenon, anyhow. The Loan Council was so set up that each Premier had one vote and the chairman of the Loan Council, who was to be the Federal Treasurer, had two votes as well as a casting vote. If the matter is looked at rationally, it is clear that the Federal Treasurer, who in effect controls three votes, needs only two Premiers to side with him to be able to control the Loan Council.

That is all very fine for a group of people with a philosophy which dictates that the whole of Australia should be run and governed by Canberra. Frankly, I do not subscribe to that theory. I do not think anyone on this side of the House subscribes to it, and I would hope that nobody else does.

In April 1979 the Loan Council agreed to a change in the way it operated. Honourable members will remember the voting set-up. It agreed to accept tap stock and to allow the Federal Treasurer to set the interest rates within certain parameters. In June 1979 the Loan Council met again and gave the Federal Treasurer authority to set interest rates. In other words, he is left with that sole responsibility. The control of the monetary affairs of this country has been centralised. There are people in the community who believe that that is a good system. As I said earlier, I do not subscribe to that philosophy, nor do other members on this side of the House, but because of the voting patterns of the Premiers the council was again forced to adopt it.

That may appear all very fine on the surface but the Federal Treasury underwrites the loans that are made to the States, "If you do not agree to the proposition we are putting forward to you, there is a strong possibility we won't underwrite your loans."

Anybody who is in the market-place for money knows the serious problems Government and semi-Government bodies are likely to have in obtaining loan funds. Therefore, it is desirable that the Federal Treasury should be in a position to underwrite those loans. If the Federal Treasury is using the blackmail technique of saying to the States, "We will not grant you your works and loan programs unless you agree with us.", we as a State ought not stand for it.

It is fairly clear that we disagree with the monetary policies presently being adopted by the Federal Government. People might wonder why we support the Federal Government at all. It is valid to say that the policies and principles for which the current Federal Government stands are similar to our own, but it is the implementation of those principles that causes us quite a number of problems. For instance, I can understand the Federal Government's policy of reducing Government expenditure. The more money that Government spends, the less money there is in the community for private enterprise to spend.

Mr R. J. Gibbs: What about the people in the community? All you talk about is private enterprise.

Mr POWELL: For the benefit of the honourable member for Wolston, the people in the community are private enterprise and they are the people about whom I am speaking.

If the Government is competing for funds in the market-place, then clearly the interest rate that will be charged goes up because of the paucity of supply. If the Government backs out and does not spend or look for as much money, there is the possibility that in the market-place the interest rate will remain at a reasonable level for small business people, including farmers, and for home owners. I agree fully with that philosophy. However, the Federal Government has turned around and said, "The interest rate that banks may charge will be increased." The result is that building societies, which have lent a great deal of money to home owners and have allowed a great many people to obtain their own homes, are forced into a position in which they cannot obtain money.

The reason they cannot obtain money is that the Federal Government's policy has allowed the banks to increase their borrowing rates. The simple fact is that, when the bank rate is increased to such a level that the building societies cannot compete for funds, no money is available for home loans. So yesterday the State Government was forced into the position of having to allow the building societies to increase their interest rates by 1 per cent.

When a person negotiates a bank loan over 25 or 30 years at a certain interest rate, he is required over that 25 or 30 years to pay back the loan. His money is allocated; it is gone, it is spent. However, he finds that because of a changed circumstance the Federal Government increases the interest rate and the bank, the lending authority, increases its interest rate also. That is totally immoral. If a person negotiates a loan at a certain interest rate, that interest rate ought to pertain for the total term of the loan.

To revert to the Loan Council—at the moment it is toothless, it is useless, it might as well not exist. In 1927 a referendum allowed the Loan Council to be set up for a particular purpose, namely, to give the States some say in the money matters of Australia. Now, because of the attitude of the Federal Government, the Loan Council is unable to effect its charter. The result is that there is virtually a change to the Commonwealth Constitution.

Those who are interested in centralism and those who are interested in changing the Commonwealth Constitution—in the media I have read some nonsense about people wanting to change the Constitution simply because in 1988 we will be celebrating 200 years of settlement in Australia—will know that the Federal Government is changing the Constitution by stealth. It is about time that this Parliament unanimously supported the Queensland Government in its efforts to make sure that the Federal Government recognises the States—more particularly Queensland, of course—and gives the States the due regard that they ought to have.

It is quite clear that, if the States sit back and continually take what they are getting, this State Parliament might as well not exist and State instrumentalities might as well not exist. It is fairly obvious to those who are at all perceptive that it is about time that Queensland took back control of money matters affecting our State.

The people who are most likely to be hurt by the increase in interest rates, the people who most likely will become bankrupt, are those who are commonly referred to as the "small people"—the owner-drivers, if you like; the people who own their own operation and are currently trying to finance it. They base their whole economic life on a set of circumstances namely, supply and demand. They make, grow or produce a product at a certain figure with a particular profit rating built into it.

They borrow money to do that taking into account the profit margin available to them. If interest rates rise to such a level that they cannot afford to borrow money, one thing they can do is increase the price of the product to the community. They must do that or simply shut down and allow big companies, with large profit margins, to take over. Where does that leave the rest of us? It leaves us squeezed out completely, and I believe it creates inflation.

Mr Howard, who is to introduce the Federal Budget tonight, claims that it will decrease inflation. I am darned if I can see how increased prices mean decreased inflation. I believe that as the prices of a large number of goods increase, inflation worsens. The Federal Government's advisers are being very subversive in this matter. As a result, the State, and individuals in the State, will be seriously disadvantaged. Every person will be disadvantaged. The ramifications for the community are wide.

Individuals and unions are going daily to the Industrial Conciliation and Arbitration Commission seeking increased wages. We are told that increased salaries and wages mean increased inflation, and that is perfectly true. If we are to have wage restraint, and fair wages, the other side of the balance sheet has to be fair. People must be able to borrow money to build homes, and operate and enlarge their businesses, at a fair rate. It is pointless for a person to get a $20 a week increase, if, by a stroke of the pen, Mr Howard can increase interest rates by 1 per cent. That action, plus increased income tax, virtually eats up the $20 a week.

By this motion today I am asking members of this Parliament to support the initiatives taken by the Queensland Government to return full control of interest rates and monetary policies to the Loan Council, and to stop it from continually abdicating its responsibility by leaving such decisions to one group, that is, the Federal Treasurer and his Treasury.

The result of the present policy will be felt in the community for many years to come. Single-income families trying to buy homes will be most hurt. Owner-drivers in industry, that is, those who own their businesses and produce primary or secondary goods and those in corner stores, will be equally hurt. The profit margins of small businesses are such that they will be unable to compete in the market-place for money to expand or even to continue their businesses. The result will be further inflation and unemployment. Businesses will either close or be forced to put off employees. They will be unable to maintain staff numbers and meet high interest rates.

In my opinion, the Federal Government, firstly, will be advantaged because it will derive benefit from the surplus Budget that is to be brought down. It will not have to borrow money, which the State and local governments are forced to do. But what worries me, and, I think, the State Government, is the fact that large businesses that can invest huge amounts of money will benefit most. The big business that has surplus funds on the short term will be able to invest those funds at the high interest rates and will very clearly benefit. The big companies that have an inflow of money into Australia at the moment will benefit. Why is there a large inflow? Simply because interest rates are high. If we could have simple interest——

Mr D'Arcy: You are simplistic.

Mr POWELL: Not quite as simplistic as the Deputy Leader of the Opposition. Every time he asks the Treasurer a question he receives a very good answer which puts him in his place.

It is clear that the higher the interest rates the more money that will be attracted and that the lower the interest rates the more sensible supply we will have. I ask members to think carefully about this matter and to support the motion.

Mrs KYBURZ (Salisbury) (12.41): I am happy to second the motion. However, the motion that originally I agreed to move was specifically and deliberately directed in support of the Treasurer's willingness to fight for Queensland's house buyers and small business people in opposing a rise in interest rates. I would prefer the motion to read—

> "That this House places on record its unanimous support of the Queensland Treasurer's determined bid to oppose a further rise in interest rates at last Thursday's Loan Concil meeting, and that this House supports totally initiatives currently being undertaken by the Queensland Treasurer to have full control over interest rate determination restored to the Loan Council".

I question whether it has been a total Government action, because I know that some of the decisions have been taken in Cabinet. I can see on the public front and the private brunt that the battle has been fought by the Treasurer and the Treasury Department officers of this State. Interest rates have been discussed widely over the past week. The mover has placed the blame where he feels it should fall, and no doubt he is perfectly right.

My concern, however, is in two other areas—housing and small business. For the stability of this nation it is extremely important that as many people as possible get into their own homes and that as many people as possible stay in their own homes. Home-ownership maintains family stability and economic stability within the family unit, as there is a striving for personal commitment and a dream to pursue in owning one's own home. Home-ownership encourages thrift, self-reliance, creativity and initiative.

There is a variety of families. I refer not only to the orthodox family unit of a father going out to work, a mother staying home and x number of children but, rather, to all sorts of family units such as women buying their own homes and men with children buying their own homes.

Mr Moore: Why mix them up? Why not leave the ordinary family unit alone?

Mrs KYBURZ: Because the word "family" means all sorts of families. The orthodox family is no longer in the majority.

Through security of tenure the variety of families—and the variety will continue to grow—can plan for the future and for security of tenure within their own homes. They are just as entitled as the orthodox families to own their own homes. And if the honourable member for Windsor is refuting that I will argue it with him in another place.

Mr Moore: They are deviates.

Mrs KYBURZ: They are not deviates. That is utter nonsense and tripe.

Mr D'Arcy: There is a strained relationship in the Liberal Party.

Mrs KYBURZ: I can assure the honourable member that it is very strained.

Home-ownership is the only means by which ordinary Australians can protect their savings against the ravages of inflation. Retirees who own their own homes are far better off than renters. That has been proved again and again in both economic and sociological studies. They have security in their future and old age which should alleviate their total reliance on the welfare system.

I must say, though, that in the light of recent Federal Government actions, I can only come to the sad conclusion that home-ownership and housing standards are being sacrificed in favour of foreign speculative capital inflow and uncontrolled resource development.

Recently, much has been made of the resources boom. Indeed, last week, the Opposition spokesman said that the Indians were getting restless because there had been no trickle-down effect from the resources boom. I must make it quite clear to him that it will take between five and 15 years for the amount of capital going into the resources boom to have that trickle-down effect into the ordinary population.

Unfortunately, there has been no valid assessment of the resources development projects to determine whether, in the national interest—that means the interest of every person in Australia, not just the industrial enterprises in Australia—the resources boom should have priority over every other section of the economy; and I believe that that is precisely what is happening now. The massive advertising by Governments, local governments and semi-government instrumentalities for borrowed funds— and I underline the word "borrowed" because that is where the trouble is occurring, particularly in the local government sphere—is adding further to the already heavy demand on the private capital markets.

Mr D'Arcy: Somebody has given you a lesson in economics since your last speech a couple of weeks ago.

Mrs KYBURZ: I re-read the speech that the honourable member made a couple of weeks ago. The totally fallacious arguments in it really made me giggle.

Despite the Commonwealth's recent moves to restrain the level of public borrowings, it will be some time before such restraint will have any moderating effect on interest rates. It is important to note that now, without restraining the inflow of foreign capital, domestic interest rates will rise further and further. There is absolutely no doubt about that, and we are burying our heads in the sand if we do not believe it. In any case, the need to re-finance maturing Government debt and the demand for funds associated with the resources development that I have just mentioned—the infrastructure program is related to resource development—will continue to apply an upward pressure to the need for interest rates to rise. It is as simple as that.

However, the interest-rate spiral and the rationing of housing finance can, in a very large part, be attributed to massive amounts of private overseas capital coming into Australia. We have to look very carefully at where this capital is being used. Is the Government trying to channel it only into the resources boom? If it is, I do not believe that that is a wise use of that overseas capital. Obviously the Federal Government has the power to re-channel that overseas capital coming into Australia.

It is no secret that the significantly undervalued Australian exchange rate and the prospect of capital gains have attracted a staggering amount of overseas capital. Whether that is a good thing is open to debate. Quite frankly, other countries have failed miserably in attracting overseas capital, and they have failed because of their unstable economic climate or unstable political climate. That would be the case in Central and South America and in the majority of the African nations. They are able to attract overseas capital only when it is in the form of tied grants, such as those from the USSR and Cuba. Those grants are provided with obvious political motivation, not because of the economic situation in those countries. A good example of such tied overseas capital inflow can be seen in the off-shore island of Mozambique in the African nation. The downfall in the economic situation there has occurred as a direct result of the inflow of Russian capital.

However, along with the capital inflow required to finance this resources development, the Federal Government has now been forced to sell huge quantities of bonds, and this has caused trouble. Along with other securities, those bonds have been used to soak up a lot of excess liquidity in the economy. Some people in Australia are paying $750,000 for racehorses and $500,000 for units on the Gold Coast. People are spending astonishingly large amounts of money on what I would consider to be frivolous buys.

The net sale of Government securities totalled $2 billion in the financial year 1980-81, which was an increase of $1.7 billion, or 600 per cent, over the figure for the previous financial year. The bond rate is restricting domestic credit. In this way the Federal Government has hoped to contain excessive growth in the money supply and has attempted to stem the inflationary spiral.

My concern with the building societies competing for funds goes a little further than their glossy brochures. I question some of the expenditure of building societies. I believe that every person who has borrowed money from the Metropolitan Permanent Building Society and is repaying a home loan to that society also should question the involvement of the funds of that society in such things as the HIA display village at Kimberley Park. The Metropolitan Permanent Building Society has stated that it is sponsoring that display village. How much has that sponsorship cost people who are repaying high interest mortgages to the Metropolitan Permanent Building Society?

The SGIO Building Society, which is sponsoring a mini games at the Commonwealth Games centre, should take its share of criticism. How much money is that costing? Could that money have been lent to people?

The time has come to fear for the future of many people in Australia. Will we see thousands of nomads moving around from caravan park to caravan park? To some extent that is already happening. Last week I was contacted by a woman who was paying $68 per week for a caravan, which she described as fairly basic. I was absolutely staggered! I had no idea that was the going rental for an on-site caravan.

In future more and more people will be queueing for welfare housing. It ought not to be necessary for some of them to be in the queue. In some ways I am concerned at the influx of population from such places as New South Wales, Victoria and New Zealand. Many of those people have not planned adequately for housing and schooling before moving to Queensland. They add to the burden on welfare housing and schooling.

Pressure is being exerted on the Government, and indeed on all levels of government, to hold down spending and to cut down wastage. That is a very good thing and long overdue. Many avenues exist to reduce wastage. However, the people of Brisbane are lumbered with a local authority which has trebled its income and spending—I emphasise "spending"—whilst hiding behind deceitful lies and subterfuge. Of course, I refer to the Brisbane City Council.

No Government has been, or ever will be, immune from criticism about wastage and duplication of services. However, I was filled with a sense of despair when I read a Press release from the Premier about his wanting lower taxes, which I believe is directly related to this motion. The Press release in "The Australian" is headed "Joh joins ACTU in calling for tax relief". Part of the article reads—

"All it takes is courage and true determination to cut down public sector spending."

That is a very simplistic generalisation. Every Government is attempting to reduce spending. Every Government is attempting to reduce expenditure, and every Government is looking at wastage of resources, but not every Government buys a helicopter at whim. That seems rather a stupid way to reduce public spending.

Queensland has been lucky to have had strong Liberal Treasurers to steer it over the rapids and shoals of the last few years. I wish other Ministers would follow the Treasurer's example and reduce wastage and stop unnecessary spending.

Mr D'ARCY (Woodridge) (12.55 p.m.): I am pleased to take this opportunity to speak on rising interest rates and the economy in general. In view of the Government's incompetence in this field, I am amazed at its bringing on such a debate. We know that Government members, and the Treasurer in particular, have very little knowledge of economics. They certainly have no knowledge of what is going on in the Australian economy. The Government could not even decide what the wording of the motion would be or who would move it. The mover and seconder were obviously at odds on what the motion should be. That is typical of the incompentence of this Government and its failure to understand the basis of economics.

I am surprised the honourable member for Isis, who moved the motion, should have such a simplistic view of economics. It was quite obvious that he had been thrown into the job of moving the motion. He did not have even a skerrick of information about the economy. He parroted phrases that made no sense when viewed in terms of proper economic evaluation.

The speech made by the member for Salisbury was amazing. It was obvious that she had a brief. I should like to know where she got it, because two weeks ago she talked the greatest economic piffle that has ever been heard in the Chamber. In fact, it was so appalling that any honourable member reading it, and realising that such rot had been spoken about the economy of this State, would have been embarrassed to be a member of this Parliament. She spoke about Federal and State Liberal Treasurers. In my time in this House, there has only been one Treasurer with any basic competence in the Treasury portfolio and to whom I would give praise. That, of course, was Sir Gordon Chalk. At least he had some basic knowledge and was able to show it in the House. Queensland had a reasonably sound economy, and Sir Gordon Chalk did not allow the Premier to get away with wasteful expenditure of the type referred to by the member for Salisbury—helicopters, squash courts and so on. It is disgraceful that there is no public accounts committee in this Parliament.

It is absolutely amazing that the Treasurer is so incompetent. He fails to understand even the basics of economics, how the total Australian economy functions and what is actually happening to Queensland. He should have stuck to medicine, which was at least a field about which he knew something. However, in the last couple of weeks he has thrashed round in a way that has left the business community absolutely amazed. His credibility and that of his party have been left in tatters.

Today members are debating a motion that has been moved in an attempt to bolster Liberal Party seats in this State. The Liberals know the effect of rising interest rates on the economy. They know the effect on the swinging voter, and they are well aware of what is occurring in the community at present. Their electoral stocks are plummetting. They will plummet further tonight when the electorate hears the Budget of the Federal Treasurer (Mr Howard). Everyone is well aware of what is occurring at the moment.

The Federal Government thinks it has two years to dig this country out; in fact, it has the country teetering on the brink of economic collapse. The Government of this State does not realise just how far the economy has deteriorated. It is amazing to hear Dr Edwards thrashing round and endeavouring to extract himself from the present economic difficulties by suggesting Labor Party policy. So much for free enterprise and Liberal economic policies for this State, when Dr Edwards is suggesting——

Mr DEPUTY SPEAKER (Mr Miller): Order! The honourable member has twice referred to the Treasurer as "Dr Edwards". I ask him to use the correct parliamentary term.

Mr D'ARCY: The Treasurer has referred to controlling market forces—something totally opposed to his so-called political philosophy and totally opposed to the economic philosophy of Mr Fraser and Mr Howard.

Dr Edwards: You don't understand what that means.

Mr D'ARCY: That is what the Treasurer is suggesting. Let him answer me when he has the opportunity.

The Treasurer says that he supports the Federal Liberal Government's anti-inflationary policies, but at the same time he condemns the Federal Government, as he did today in the House, and says that its economic policies are a failure because interest rates are rising.

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

Mr D'ARCY: Before the luncheon recess I was pointing out that the Commonwealth's financial policies that affect this State and other States of Australia are based on unsound economic principles. In the Federal sphere, Mr Fraser and Mr Howard have a policy that is uncontrolled at one end of the scale, with the inflow of foreign money into Australia, yet directly controlled at the other end, where it is affecting the bond rate and the interest rate to every home buyer in Australia and every purchaser of money. It affects the hire purchase field and the small businessman. The person purchasing a home, a motor vehicle or a refrigerator is paying hire purchase charges in one form or another. Those hire purchase charges are often hidden. There is a tendency to concentrate very heavily on the home-loan section, and that is as it should be because it is a basic concept of our society.

When one looks at the interest rates that are affecting the individual, one finds that some of the interest rates charged by hire purchase companies are hidden to such an extent that in some areas they are as high as 27 per cent. Interest rates are virtually uncontrolled in this State, and it is scandalous that the average person does not understand the origin of the additional charges.

A question posed by most Queenslanders and Australians at present in this very wealthy State and this very wealthy country of which we are all supposed to be a part is, "Where is the money, and where is it going?" Even responsible and sensible people in the higher echelon of business in this State are posing the question, "Who has the money, and where is it?"

It is fairly obvious that a large amount of the money coming into this State is foreign investment. In the last 12 months, figures provided by the Bureau of Statistics show that more than $6,000 m flowed into Australia. The big problem with that money flowing in was that is was not directly investment money that was locked in by governments. Dr Edwards, Mr Fraser and Mr Howard want to talk about controlling that money.

Dr Edwards: That is not correct.

Mr D'ARCY: You want it to flow in. You said today that you do not want any controls on it.

Dr Edwards: Most of it did not go into Government Bonds or Government activities; it went into real estate.

Mr D'ARCY: That is exactly what I am saying. Two-thirds of the money that flowed into this country was not locked in. It flowed in as speculative money. It is hot money, and it is on the market at present because the Australian dollar, despite what the Treasurer said this morning, is currently undervalued.

Dr Edwards: I did not mention the Australian dollar this morning.

Mr D'ARCY: I am sorry; it was the honourable member for Isis. In his simplistic view, it flowed in because of the high interest rates here. That view must be wrong, because plenty of other countries have higher interest rates. Complaints arise about interest rates in Australia because they are directly affected by foreign money being injected into the infrastructure of the mining boom. Foreign investors and speculators are competing with Australian home buyers, borrowers and purchasers of money.

As we discovered in 1975, money invested here by foreign companies can flow out as easily as it flows in. That may occur when the market is suitable. The fact that it is hot money in the fields of real estate, stocks and bonds, etc., means that it is easily transferable. It is a sad situation, and in such a situation the building industry generally might easily collapse. Only a change of influence in a fairly sensitive area is needed to bring about a rapid change in the whole economy of this State and this country. Mr Fraser, Mr Howard and Dr Edwards cannot have it both ways. They cannot have money flowing into speculative projects and at the same time control the local and internal borrower within the society by pegging or changing interest rates.

The problem now facing this country is very serious because it is based directly on Federal Liberal Party policy. The Fraser Government has followed a monetarist policy. Fraserisms are becoming a part of our economic development and part of economic discussion in Australia. That is sad. In following his policy, which supposedly is keeping down the rate of inflation—his policy has failed—Mr Fraser has promoted unemployment and higher interest rates. The trickle-down effect that was supposed to follow the boom has not resulted.

In one way I am glad to see that the Queensland Treasurer has finally come round to realising that free market forces do not guarantee justice and equality in the economic community. Interest rates need to be controlled for the long-term benefit of everybody. It has taken Dr Edwards 40 years to understand that. I am glad that at last he is agreeing that the ALP policy on the control of market forces is the correct one.

Economics has never been the Queensland Government's strong point. In fact, the Premier has admitted that he knows nothing about economics and interest rates. Prior to the last election the Premier was reported as having telephoned a senior Treasury official and asked what made interest rates go up and down. Dr Edwards should have sought the answer to the same question. If he had, we would not be in the mess we are in at the moment. Prior to the last election I predicted that interest rates would rise again because of the Government's economic policies. At that time, in this Parliament Dr Edwards said that I was irresponsible.

Mr DEPUTY SPEAKER (Mr Miller): Order! The honourable member is not referring to the Treasurer by his correct title.

Mr D'ARCY: I am sorry, Mr Deputy Speaker.

At that time the Treasurer predicted that interest rates would fall. That was only 12 months ago. Since November last year, interest rates have risen on five occasions in various areas of our economy. The interest repayments on a $30,000 housing loan over 25 years have risen by approximately $80 a month. No wonder we are faced with industrial chaos. It is a fact of life that, unless the real wage of an individual who is paying off a loan on his house, even without the other inflationary pressures that are placed on his salary, is sufficient for him to enjoy a reasonable standard of living, his actual standard of living will fall. The average person in Australia is not sharing in the returns from the resources boom that the nation is currently enjoying.

On today's midday news Mr Howard was quoted as saying that some relief would be given in interest rates on housing loans. Perhaps at long last this means tax deductibility to some extent for loan repayments incurred by first-home buyers. I hope that that is so.

While interest rates continue to rise, Mr Howard is gaining more by way of taxation from the person who enjoys an increase in interest rates on his investments. Such taxation is unavoidable. Whereas some people in the community are able one way or another to avoid paying income tax, the small investors such as pensioners and people who have a nest-egg are unable to avoid paying taxation on the interest rates that they receive. So although Mr Howard gets money at one end of the scale, he does not give anything away at the other. I hope that we will see some change.

10341—52

The Federal Government's monetary policies are having some deflationary effect upon the total economy of Australia and Queensland. In those policies, interest rates are a key variable. The Queensland Treasurer supports the Federal Government's monetary policy, yet he opposes increases in interest rates. That is why I say that he has no real knowledge of overall economic affairs. It is not possible to support the Fraser Government's political and economic initiatives and at the same time assert that one section of that policy, the interest-rate policy, which is inflationary, is not acceptable. We need to see a complete change in the economic policies of this nation to enable the average person to benefit in real wage terms.

The root cause for the increases in interest rates is the inability of the ordinary home buyer and the ordinary borrower to compete with the mining companies and the smelters for scarce funds. Multinational companies borrow two-thirds of their investments on the Australian capital market. That is scandalous. Home buyers simply cannot compete with them. What has the Queensland Government done to control interest rates? Nothing! Whenever the Treasurer speaks in this Parliament about the economic situation, he blames the Federal Government.

We have not heard the Government announce any positive policy, but that is what we are looking for. We want to know what the Queensland Government proposes to do to control interest rates. It is possible for the Government of a sovereign State to initiate changes. Admittedly, as the Treasurer pointed out, the States control interest rates in only one area. Overall economic policies certainly are closely related to the control of interest rates and improvements in the real living standards of the people. The Treasurer should realise that that is a basic economic tenet.

Dr Edwards: What about your friend Mr Wran? He totally agrees with the Queensland Government's submission.

Mr D'ARCY: The Treasurer is talking about one small section. Mr Wran and the New South Wales Government are making a much better fist of the economic situation than is the Queensland Government. Queensland is much better off in actual terms than New South Wales.

Dr Edwards: Because of good economic management.

Mr D'ARCY: No, because of the resources boom and other things that we have in the State. We are better off because we have the natural resources available to us.

The Government has refused absolutely to control building society rates. As the honourable member for Salisbury pointed out, building societies owe a lot to the community. We know that they have not been acting within their charter. They have been borrowing, lending and using the short-term money market to their own advantage. They indulge in heavy advertising.

For the benefit of the honourable member for Salisbury I point out that it has been projected that the mini-Games will cost the SGIO Building Society some $200,000 That is but one minor part of the SGIO Building Society's advertising program. I wonder why the mini-Games are necessary. It is necessary to bolster them in the same way as the Government has had to bolster the Commonwealth Games Foundation?

Queensland is tied to many of the economic decisions made by the Australian Government and foreign multinationals. Obviously the Queensland Government is not getting enough out of the resources boom to make a reasonable return to the people of Queensland by way of the trickle-down effect, which was referred to by the honourable member for Salisbury. She must have read my speech on the Appropriation Bill very closely; it seems that she plagiarised most of it.

When a resources boom occurs to the extent that we have seen in Australia, with a large volume of money being siphoned off by multinationals rather than being available to the Treasuries, it is no wonder that people speculate on the Australian market. It is obvious that the Australian Treasuries are missing out on huge sums of money.

In December 1975 oil was classified as "new" or "old". That simply meant that companies which made new discoveries were allowed to charge $12 a barrel compared with $3 a barrel for old oil. The Fortescue oil discovery in Bass Strait was actually part of an old field, but the Australian Government accepted advice that it was a new discovery.

From December 1975 the Government allowed the company to charge $12 a barrel rather than $3 a barrel. The Treasury has announced that, to date, the Treasury has foregone $3,500m on this one field. It is such things that Australian Treasuries are failing to come to terms with.

We recently had the Winchester South fiasco in this State. The Premier, the Treasurer and the Government generally tell us that, in the resources boom, companies will run away from Queensland if we do not give them good deals and promote them. About 100 companies were involved in 33 tenders for the Winchester South coal deposits. And the Government says that big companies will run away! Following that fiasco, the Treasurer said that it would never happen again, that the Treasury was not involved in the evaluation of the tenders and that the Mines Department somehow or other managed to do it itself.

It is a sad indictment of our system when we are not getting the best possible return for the people of Queensland. This Government is uncaring. Government members scream today about rising interest rates while millions of dollars flow out of the State to multinationals and trans-nationals which are reaping the benefits of harvesting our non-renewable resources. Future generations will be left with the holes in the ground after the extraction of resources that the world is crying out for. Queensland has almost unlimited reserves of coal. New fields are being discovered in the Gulf country and other parts of North Queensland. We have these resources but the man in the street receives no benefit from them. This Government is taxing him to the hilt. Interest rates are going through the roof.

In this House the Treasurer attempts to mouth platitudes, and he gets his cronies to defend him by moving motions of praise when he has done absolutely nothing about rising interest rates except attack the Federal Government, a Government of his political colour, on one section of its financial policy. If he looked at its whole financial policy, he might find more areas in which he could attack it. Certainly the Queensland Government is not without sin. On a per-capita basis, Queenslanders receive less than people in other States. We are not getting a just return from the resources boom. We should, at long last, be able to see some of the trickle-down effect that was referred to by the honourable member for Salisbury.

Companies and individuals operating in the speculative market—whether it be in real estate deals, share-market operations or the exploitation of our resources—are walking away with huge profits that are not taxed; the individual enjoys no benefit from them. It is essential that both the Queensland and the Federal Treasuries examine where all money received from the resources boom should be spent. It should be spent where it will provide long-term benefits for the people. Our health services need capital investment to upgrade them. The rail system in the metropolitan area could be improved.

Mr Akers: And the Northern Freeway.

Mr D'ARCY: And the Northern Freeway. There are plenty of areas in which the money could be spent in a real development sense. It should be used also in the private enterprise area so that those who promote a new industry which will provide employment or use new technology can receive some benefit. That is happening in every other country.

Recently the Treasurer quoted some ALP policy. I was pleased at his remarks about controlling monetary policies, but he should be looking at the overall situation. Australia is one of the few countries in which the Government has no equity in natural resource projects.

Dr Edwards: Ha, ha!

Mr D'ARCY: The Treasurer can laugh, but he is destroying the faith of the people of Queensland by not insisting that the Government has a say in the development of the resources that belong to the people of this State. Governments in other countries have a say in the development of their resources. The Treasurer says that if the Government has a say in the development of this State's resources the companies will run away. I have referred to countries where the companies have not run away. Some companies are paying up to 90 per cent taxation on oil that they produce from Indonesia. Although the Government in Ghana has imposed so-called unrealistic conditions, the companies have not

run away. The companies say that the conditions that have been imposed in Indonesia, Ghana and many South American countries are unrealistic, but they have not run away; they are still there.

We have a magnificent country in Australia. We have resources that we are not using to the full benefit of the people. Queensland probably has more natural resources than any other State of Australia, yet we are not developing those resources in a way that will benefit the whole economy. We know what will happen if this foreign money that Mr Fraser, the Queensland Treasurer and the Federal Treasurer have attracted to Australia begins to flow out of the country. It must be remembered that this capital is not locked in, and it should be locked in. If we are going to accept large amounts of foreign money in this country, it should be locked in. We should ensure that the money is invested in this country over a longer period so that it can be of real benefit to Australia.

Look at the scandalous situation in Gladstone today. Reference has been made to the expenditure of $50m over five years. I have not got the Treasurer's statement here, but he said that it was not a lack of forward planning. The fact of life is that there was no forward planning. There was incompetence on the part of the Liberal Treasurer of this State. In 1967 it was pointed out that a smelter and a power-station would be built in Gladstone. Now we are talking about getting money for the infrastructure in Gladstone. The people in the Gladstone area have suffered because of the failure of the Queensland Government to force the companies that are reaping profits out of that area to meet their infrastructure commitments.

The motion that has been moved is a farcical one. No attempt has been made to look at the real problems facing the Queensland economy. It is no more than a political stunt designed to impress the newspapers in this State or, probably more importantly, some Liberal voters in seats in the outer Brisbane suburbs where the Liberals are now very vulnerable. The Federal member for Fadden (Mr Cameron) must be shaking in his shoes because he represents an area in which a large number of people are paying off housing loans. Many Liberal members in this House are concerned about high interest rates, but they are being pushed aside by the members of the National Party. That is very obvious from the way in which this motion was moved.

The building industry is the barometer for the economy of this State. Queensland has a rapidly-growing building industry, but the industry also has many problems, and the Government has taken very little interest in those problems. There has been a huge number of bankruptcies of not only builders but also subcontractors and those engaged in the supply side of the industry. The Government has paid scant attention to the problems in the building industry.

The industry is delicately balanced. It has only to smell the problems that can be caused by an increase in interest rates and it will collapse into bankruptcy. The industry is a barometer of the economy and one that we should be concerned about.

I move the following amendment—

> "After the word 'Council' in the last line of the motion add the words—
>
> 'and that this House recognises that rising interest rates are an admission of failure of Liberal economic policies and Fraser's federalism which have been actively supported by this Government since 1975'."

Mr FOURAS (South Brisbane) (2.40 p.m.): I have pleasure in seconding the amendment. The motion we are debating is a less than subtle motion of no confidence in the Fraser Government, the Government led by Malcolm Fraser, Mr Howard and Mr Anthony, the Deputy Prime Minister. Years ago the Government would have moved motions against the Whitlam Government that would have brought the House down, but today it is subtly saying that it does not like the way things are going.

This morning the member for Salisbury was given leave to move this motion, but apparently the National Party did not want to be upstaged and once again the Liberals accepted second position and the member for Isis moved the motion, which was seconded by the member for Salisbury. Recently a Minister accused the Labor Party in Queensland of being a branch office of the Federal Labor Party. At least we are still in the Labor Party; the Liberal Party is nothing more than the Brisbane branch of the National Party. Proof of that was displayed here today.

By this motion the Government is attempting to say that the Loan Council has lost the right to make decisions about increasing the yields on tap stocks. In the last few days we have witnessed the greatest con trick ever perpetrated by a Prime Minister on the Premiers of Australia. They went down there like a mob of sheep and were given a fait accompli, namely, that the minimum tap yield of 14.5 per cent on bonds maturing in April 1983 had already been set and that the maximum rate was to be changed. Why did that happen? Because of the policies of the Fraser Government.

Tremendous amonts of money are coming into this country from overseas. The only way for the Government to stop inflation and have some sort of a wages policy is to increase the tap stock yield. That is done to sop up all this money. What benefits do the people of Australia get from this? Every year thousands of millions of dollars come into this country, and two out of three of those dollars are invested in existing business, stocks and land speculation. What benefit is that to the country? The money is being allowed to flow in unhindered and it is increasing interest rates.

The people of this country are paying very dearly for the open-ended approach of Malcolm Fraser and his inability to manage the economy. When he went to the people of Australia in 1977, Mr Fraser promised that interest rates would drop by 2 per cent during the term of the Parliament. In the last 18 months they have increased by 3 per cent, and that has caused tremendous problems to low and middle-income earners as well as to the economy in general.

This monetary policy is being used to freeze wages. It is an absolutely appalling approach to economic management. The Federal Government has admitted that it has no wages policy and that it will use interest rates to depress the economy, the public sector and some parts of the private sector. It is amazing that at the Loan Council the Premiers were given a fait accompli and told at the end of the meeting that the bank interest rate had been increased by 1 per cent, from 11½ per cent to 12½ per cent. Again they were conned. They attended a Loan Council meeting where they were told that the whole scene had been set. It is no good talking in terms of giving powers back to the Loan Council. When circumstances such as this arise, they cannot be stopped. That decision stops money being available for home loans. In future the cost of money will be horrifically high.

We must not allow the stringent application of monetary policy to contain wages. It is about time that the Fraser Government was told that its economic policy cannot be decided in the interests of the overseas capital that is continuing to flood this country. Fraser's policies are allowing hot money to come into this country and making the people of Australia pay the price. Immense pressure is being put on the Australian dollar It is costing jobs right now. As more and more foreign capital comes in, the Australian dollar is being valued higher. We are experiencing a revaluation. The Government is using that as a form of inflation control, but it is costing money. We cannot export to the same extent as previously. Unfortunately, foreign hot money is accepting the forecast that a revaluation is in the offing, and the flow of hot money into Australia is increasing. It is coming in on the prediction that there will be easy pickings later on. Overseas investors are speculating on the future of the Australian dollar and, in the meantime, investing in land and other assets in this country but doing nothing to assist the economic development of the nation. In common with all other members of the Opposition, I believe that we need overseas capital to develop our resources. That capital brings with it the know-how and technology that we need. However, existing resources are being bought by two out of every three dollars coming from overseas. It is time that the poor person who will have to sell his home and shift because of higher interest rates was given some consideration.

An interesting table was presented in the Federal Parliament by Mr Uren, the Labor Party's spokesman on housing. It shows some very enlightening figures. At an interest rate of 11½ per cent for an average housing loan of $30,000 for a term of 25 years, the weekly income required to service it is $284. Of course, 70 per cent of Australian people earn less than that. However, at 13½ per cent, which is what building societies will now be charging, the weekly wage required to service the loan is something like $326. In other words, over 80 per cent of the Australian electorate will be totally excluded from the housing money market. That is a statistical fact and cannot be denied. If we look at longer terms like 30 years, the weekly income required to service a loan at 11½ per cent is $275. However, when the rate jumps to 13½ per cent, the wage required to service it is $320. Over 80 per cent of the population are unable to service that.

The housing sector will be depressed. The Labor Party is trying to damn the unthinking and uncaring attitude of Fraser and his economic policies. We are saying that it is time—and I am sure that in 1983 the people will again say "It's time"—for Fraser to be thrown out. The Liberals in this Parliament are very edgy. That is why they tried to get the member for Salisbury to jump up first and move this motion. That is why we see the Treasurer grandstanding in the community, saying to building societies, "We will let you increase your borrowing rate, but we are going to ask you nicely to see if you can keep the lending rate down for existing borrowers." What absolute nonsense! How can they do that? Is the Treasurer saying that there is a lot of fat in the differential between what the building societies borrow at and lend at? Obviously he has to be saying that or he is asking them to run out of money. The moment the deposit rates are increased, every depositor in the building society receives that increase. Somebody has to pay it. Or is the Treasurer saying, indirectly, that new applicants for home loans should pay an exorbitant rate to subsidise those who already have a home? I have never heard such a ridiculous statement—and I have studied some economics—from the Treasurer of any State. He has gone on talk-back programs all over Queensland saying, "Of course, we want to attract more money. We want money for housing to come into the building societies, but we are going to ask the societies quietly not to pass this on to existing borrowers."

We cannot have our cake and eat it too. This Government gave away the right to limit borrowing rates some years ago when the member for Yeronga was the Minister for Works and Housing. It is now asking the building societies nicely to limit interest rates—I suppose it is called moral persuasion—but that is not good enough. I am afraid that the people who will be asked to pay the increases are being conned. The Federal Government that is condemned in this motion is an uncaring, unthinking and unconcerned Government. It cares nothing for the interests of the average home owner, and under the most recent Commonwealth-State Housing Agreement is doing some shocking things. There are 5 000 000 Australians under the age of 20 years. That means that 35 per cent of our population are potential home owners. When they get married and look for a home they will find that it is beyond their reach.

The hot money that is coming in from overseas is increasing the cost of land and homes and is further pushing up the rate of inflation. We have reached the situation where these people cannot be helped. Previously with Governments that cared there were national policies designed to look after low and middle-income earners. Under the Commonwealth-State Housing Agreement that was recently ratified by this Parliament, over the next five years the Federal Government will make available to the States $200m for housing, yet last year $200.3m was paid back to the Commonwealth by the States in interest and capital repayments.

That is an example of the big-hearted Fraser federalism. What the Federal Government is saying to the States is, "Do it yourselves. We are only going to give you back what we are collecting, anyway." The Federal Government is being forced to do this. It will have to budget for a large domestic surplus this year, which must inevitably lead to tens of thousands of Australians losing their jobs. We will know after the Budget is presented tonight, but if the Federal Government is going to budget for a domestic surplus of some $1,200m, as was reported in the media, it will collect that much more than it is going to spend. This will prevent jobs being created. The Government is doing this because it has so much hot money coming into Australia and it does not want to put any pressure on that inflow. The Government is increasing the rate of interest it is paying to mop up some of this money as a tool of its wages policy. It has no wages policy left. Four out of five people have insufficient income to service their present loans and now they will have to cop this sweet.

What Whitlam did with interest rates in 1974, and what Government members would have damned him for doing, is nothing compared with what is happening under Fraser. Unfortunately, interest rates are going to go up because we have people in the market-place who are expecting inflation to go up, and expectations are just as important as the amount of money supplied and what happens in the future with inflation and interest rates. There is an expectation that the dollar will be revalued, so overseas investors will get an easy return on their money straight away, but even if there is no revaluation they will still make a profit because of increased interest rates.

Let us look at what Whitlam did. In this Government's last full Budget in 1974-75 $850m was made available to the States and Territories for housing. That $850m has now

been cut back to $200m. As a result, low and middle-income earners will be left to fend for themselves in the housing market at a time when it is under great stress. It is about time that the obsession of the Fraser Government with curbing domestic and public sector activity in order to allow a free rein to foreign corporations is stopped. It is about time that we stopped these contractionary monetary policies which act to the advantage of overseas investors in the resources boom.

We have been told a lot about the resources boom. We have been told how marvellous it will be and what benefits we as a community will reap from it. The people of South Brisbane, whom I represent in this House, are seeing nothing from it at all. What we are seeing in this State are policies that are making life worse for them. Since the last election the Commonwealth Government has announced that it intends to increase health insurance premiums; it has dropped tax indexation; and interest rates have been increased. All these moves are being made in the interests of a wages policy that does not exist and they will cost a lot of money. At the same time the unions are being blasted by the Tories.

They have been made the scapegoats for the failure of an economic policy. Every day of the week people are being made aware that their living standard has decreased. Last night on a current affairs program it was stated that statistics show unequivocally that the average wage earner is now $8 a week worse off than he was when Mr Fraser came to power. Those statistics do not take into account interest rates and increased health insurance premiums.

In Queensland, the average wage earner is being belted continually. Electricity charges are nothing more than a form of hidden taxation. The people are being taxed, yet they are receiving no benefits from the resources boom. Because of the lack of money, Queensland cannot fully fund women's refuges. The Queensland Government has donated a paltry $150,000 to the International Year of Disabled Persons. By waiving road permit fees and road maintenance taxes the Government has given away $25m. It has made up some of the leeway by increasing motor vehicle registration fees, which only made it harder for the pensioner to take his car onto the road and harder for people to own a car.

Mr Fraser made a big joke about the increase in postal charges by the Whitlam Government. Telephone charges have risen. The cost of installation has increased dramatically. Poor people who cannot even afford to have a phone will now have to pay 20c for a call from a public telephone.

Overall, all we have is the abject failure of the Federal Government's economic policy. The Opposition is trying to remedy the situation. We will not sit back and say in a mealy-mouthed manner, "We support the restoration of full control over interest rates to the Loan Council." The Queensland Premier and Treasurer, who helped give away that control to the Prime Minister and Federal Treasurer, now want it back. Nothing would be achieved if they got it back. The interest rate on local and semi-Government loans spread over from four to nine years has risen by 1.3 per cent to 15.5 per cent, which is really 16 per cent when service charges are added.

Look at the tremendous cost to the taxpayers and ratepayers that will be brought about by reduced allocations of funds for road construction. The Federal Government's whole economic policy has failed.

It is ridiculous for the Federal Government to claim that interest rates have to increase to attract money. All the borrowing institutions are competing with one another. The Fraser Government has set the rate, and all others flow from it. The Federal Budget, which is to be brought down tonight, will do nothing to correct the problem.

The Queensland Government should be telling Mr Fraser that he should not increase interest rates. He should be told not to increase health charges. He should be told that he should decrease indirect taxes and control the amount of foreign money that comes into Australia. It is not good enough to have $2 of every $3 that comes into this country used on existing developments. That does not create any more jobs. All it means is that interest rates are so high that they are ruining many people. Families are walking out of their homes, and the incidence of this will increase in the future.

I can see why the honourable member for Salisbury wanted to upstage the National Party members. The Liberal members who represent the dormitory suburbs of Brisbane

will feel the pinch. The policies of Mr Fraser and Mr Howard have caused the current problems, and the Liberal members are running scared. And so they should be! They have supported the Fraser Government's economic policy; they have supported this mad monetary policy and the opening of the doors to our nation's resources. We are all suffering under Mr Fraser.

It has been reported in the media that the Federal Budget will provide for a $4 a tonne increase in the coal levy. Mr Fraser will be creaming off money from the resources of this State. Again he is taking the best. Already he receives 45 per cent of the profits made by the mining companies. Queensland cannot do that. All it receives is a paltry sum by way of royalties. It receives only $60m a year, which is a mere 4 per cent of the income derived from the resources of this country. The Queensland Government skites about that.

It emphasises that the resources boom brings tremendous benefits to the people of Queensland, but that is nonsense. The major beneficiary is the Federal Treasury. It receives a 45 per cent return by way of tax, and it has been reported that it will impose a $4 a tonne levy on coal. Again, the Federal Treasury will be coining money, but the Government of Queensland will be unable to upgrade services for the people of this State.

It has been truly said that per head of population Queensland spends 20 per cent less on child welfare, about 61 per cent less on looking after the aged and infirm and 21 per cent less on secondary education. When Queensland approached the Grants Commission, it received an additional $50m. For the past six or seven years Queensland has been receiving additional tens of millions of dollars, yet the services that the Government is supposed to provide for the people of the State are falling further and further behind. The Government could not convince battered wives in my electorate who cannot find places in women's refuges because they are inadequately funded that Queensland is benefiting from the resources boom. Neither could the Government convince a pensioner who cannot re-register his car or meet his electricity bills that Queensland is benefiting greatly. The people of Queensland are receiving no benefits from the resources boom. They are being done like a dinner.

In many ways, Fraser federalism is very simple. It is like my telling my wife, "My dear, things are a bit tight; we will have to economise. We will do that by spending less. I will cut $25 from your housekeeping money. It will be marvellous. You will manage. I want you to provide the same services." The Opposition wants to damn Fraser federalism and show that the Fraser Government is the most unthinking, inept Government ever to be in power. For how much longer do the Liberal and National Party politicans think they will have the right to be called good economic managers? If they test the feeling in their electorates, they will realise that that is no longer the opinion of the people. I am sure that Mr Howard does not know where he is going. We have seen what has happened, and without doubt we will soon realise what it costs. The people of Australia will not wear it any longer.

The Labor Party is terribly upset about the increases in interest rates and the inept management of the economy by Mr Howard, Mr Fraser and Mr Anthony. Simply put, we do not accept this mealy-mouthed resolution suggesting that we return full control of interest rates to the Loan Council. That is not the answer. The people of Australia must get the message across to Mr Fraser, and I believe that they will make it clear at the appropriate time. The Government cannot continue showing a lack of concern for the welfare of the little people in the community. As a result of the razor gang cuts, the little person is hurt.

As a person with migrant background, I am interested in ethnic affairs. The telephone interpreter services have been cut back. Although there was an increase of 50 per cent in the use of that service in the last financial year, there have been cut-backs. People can no longer ask for on-call interpreters. Community legal services can no longer be provided free; they must be paid for. They will be provided now only in real emergencies, when a migrant has been here for three years or less. The unfortunate people without an ability to speak English who had the use of that worthwhile interpreter service are now being told, "Now you have to pay; you are a little less equal. Although you and your next-door neighbour may both earn $200 a week, if you need advice

you have to pay not only for it but also for the interpreter." That is what is happening with the razor gang cuts. The Commonwealth is saying to the States, "If the system works, we, as the Federal Government, will sell it. If it does not work we will give it back to the States and let them mess it up." The Opposition has had enough of mismanagement.

It is time we said that we want this country run in the interests of the majority of the people. At the moment, four out of five people—a mammoth 80 per cent of Australians—will not be able to obtain a home loan. When they vote, the Liberal Party and National Party politicians will know it.

As I said earlier, I have much pleasure in seconding the amendment moved so capably by the Deputy Leader of the Opposition. I seek the support of the house in having the amendment carried because the motion moved by the honourable member for Isis is weak-gutted and does not say what it should say.

Hon. C. A. WHARTON (Burnett—Leader of the House): I move—

"That the question be now put."

Question put; and the House divided—

Ayes, 48

Ahern	Gygar	Prentice
Akers	Hartwig	Randell
Austin	Hewitt	Scassola
Bertoni	Innes	Scott-Young
Bird	Jennings	Simpson
Bjelke-Petersen	Kaus	Stephan
Booth	Knox	Sullivan
Borbidge	Kyburz	Tenni
Doumany	Lee	Tomkins
Edwards	Lester	Turner
Elliott	Lickiss	Wharton
Fitzgerald	Lockwood	White
Frawley	McKechnie	
Gibbs, I. J.	Menzel	
Goleby	Moore	*Tellers:*
Greenwood	Muntz	Neal
Gunn	Powell	Nelson

Noes, 24

Blake	Hooper	Warburton
Burns	Jones	Wilson
Casey	Kruger	Wright
D'Arcy	McLean	Yewdale
Davis	Milliner	
Eaton	Prest	
Fouras	Scott	*Tellers:*
Gibbs, R. J.	Smith	Mackenroth
Hansen	Vaughan	Shaw

Pair:

Glasson Underwood

Resolved in the affirmative.

Question—That the words proposed to be added (Mr D'Arcy's amendment) be so added—put; and the House divided—

Ayes, 24

Blake	Hooper	Warburton
Burns	Jones	Wilson
Casey	Kruger	Wright
D'Arcy	McLean	Yewdale
Davis	Milliner	
Eaton	Prest	
Fouras	Scott	*Tellers:*
Gibbs, R. J.	Smith	Mackenroth
Hansen	Vaughan	Shaw

Noes, 47

Akers	Hartwig	Randell
Austin	Hewitt	Scassola
Bertoni	Innes	Scott-Young
Bird	Jennings	Simpson
Bjelke-Petersen	Kaus	Stephan
Booth	Knox	Sullivan
Borbidge	Kyburz	Tenni
Doumany	Lee	Tomkins
Edwards	Lester	Turner
Elliott	Lickiss	Wharton
Fitzgerald	Lockwood	White
Frawley	McKechnie	
Gibbs, I. J.	Menzel	
Goleby	Moore	
Greenwood	Muntz	*Tellers:*
Gunn	Powell	Neal
Gygar	Prentice	Nelson

Pair:

Underwood Ahern

Resolved in the negative.

Hon. L. R. EDWARDS (Ipswich—Deputy Premier and Treasurer) (3.22 p.m.): I support the motion moved by the honourable member for Isis and seconded by the honourable member for Salisbury because it places on record appreciation for what has been undertaken by the Government of Queensland on interest rates in recent days. I am extremely disappointed that the two members of the Opposition, instead of making this a debate on economics—a debate from which we could have derived a great deal of benefit for the people of Queensland and Australia—relied in their contributions on criticism of personalities and attitudes.

The interest rates in this nation are probably the least understood of any aspect of our economy, and the contributions by the honourable members for Woodridge and South Brisbane illustrated their ignorance of this very important subject. I would like to place before the Parliament four or five aspects of interest rates. The Queensland Government has only one facet of interest rates under its control—the investment rate of building societies. We have no other legislation or regulation under which interest rates can be controlled in this State. However, I will place before the House other aspects that are controlled by the Federal Government and/or Loan Council. First there is the Australian Savings Bond. Any change in bond interest rates—and the community can purchase bonds to contribute to this nation's loan program—has to be made by Loan Council. The matter of stocks comes under the tap and tender system—and that is referred to in the motion. In 1978 the Loan Council, despite opposition by Queensland, decided to delegate to the Federal Government the power to move Government stocks in that area. I am of the opinion that that was an incorrect decision which has allowed the market-place to determine the interest rate level of stocks in our community.

In addition, there are Government and semi-Government bond issues through which the Government is able to raise funds for Government activities and local authority loan programs. These are controlled by the Loan Council, and it is well known that the rates for these bonds were increased recently.

Two or three aspects of economic policy were completely misunderstood by the Opposition in the debate today. Nobody can criticise the economic policy of the Fraser Government on inflation. The OECD report, a number of overseas countries and even Mr Wran's party have indicated publicly that the anti-inflationary policy of the Fraser Government is the right policy for this time, and to be able to reduce inflation, as it has done, despite the inflationary pressures throughout the world, is a most creditable performance. It is a credit to Mr Wran that he said publicly that the anti-inflationary policy of the Fraser Government was correct. As I have said on numerous occasions over the last few days, I fully support the anti-inflationary policy of the Federal Government. To have an inflation rate in this nation of just over 8½ per cent, despite inflationary pressures throughout the world, is, indeed, a most creditable performance.

Where I disagree with the Federal Government, and I believe it is my right as Treasurer and as a member of the Liberal Party to do so, is in its handling of the interest rate policy in this nation. My position has been made clear to the community over a six-month period. First of all, as State and Federal Governments, we should get together and make a genuine attempt to put a freeze on interest rates throughout the nation. We have heard a lot of rubbish talked today about what little effect that would have. Let me explain to this House how the spiralling effect works. A classic example is what has happened in the past few days. On Thursday we had Loan Council approval of the regulation of tap stock increase. Despite Queensland's opposition, the Loan Council approved an increase in the Government bond rate. The Commonwealth Government decided, without reference to Loan Council or consultation with the States, that bank overdraft and mortgage rates would also be increased. The bank interest rate, which again led the field in that area, had an effect upon the market. In addition, some time ago the Federal Government made a decision with which I disagreed, to deregulate the bank interest rate.

These factors have had an enormous impact upon interest rates in this nation. In the newspapers today we read that, because the semi-Government bond rate had been increased, because the bank interest rate had been increased following the deregulation of bank interest, and because building societies throughout Australia have been authorised to increase their rates, hire-purchase companies and finance companies have increased their borrowing rates by 1 per cent. The spiral has begun once more. To suggest, as the Deputy Leader of the Opposition has done, that the Queensland Government can play a part in this area shows his ignorance of the facts.

The control of interest rates is a combined effort by both State and Federal Governments—by the whole of the community—and I believe that we must make that effort responsibly and immediately if we are to overcome the problem of the spiral in interest rates throughout the community. There is nothing more destructive to the home-owner than an interest rate spiral such as we have had over the last few years. In 1972 the interest rate charged by building societies in this State was about 7½ per cent. Today it will probably be 13½ per cent. We have seen a 6 per cent increase in interest rates for home buyers over a nine-year period.

Despite what the honourable member for Woodridge said this morning, since 1978 there has been a rise of just under 2 per cent in the interest rate charge by building societies in this State where the Government has had a very firm hand on the investment rate level. The Queensland Government's policy has been indicative of the policy that should be adopted throughout Australia. We have not been prepared to succumb to the pressures of the market-place, as has been suggested in some quarters.

If I as Treasurer and my colleague the Minister for Justice had responded on every occasion on which we received representations from the building society industry, the interest rate today would be 16 per cent. There is no doubt that the regulatory effect of the way in which this Government has controlled interest rates has set an example to the rest of Australia.

The Queensland Government has placed on record repeatedly its support for tax deductibility of home loan interest rates.

An Opposition Member interjected.

Dr EDWARDS: The honourable member laughs about the matter of tax deductibility for home loan interest rates. Our policy is quite clear. We believe that the first-home buyer should have tax deductibility for his interest payments over the first four or five years of the term of his mortgage. We make no apology for that policy. Its cost throughout the whole of Australia would be in the vicinity of $200m to $300m. I hope that the Federal Treasurer will announce something along these lines this evening.

The Deputy Leader of the Opposition does not understand what economic management is all about, nor does he know the difference between economic management and monetary policy. He does not understand that our viable economy in Queensland is attributable to the sound management of the economy by the Queensland Government. Queensland is the only State that will be able to maintain its present sound economic position when presenting its Budget. The Queensland Budget will be brought down on 17 September. I challenge the Deputy Leader of the Opposition to tell us what type of Budget will be presented in Tasmania and in New South Wales, and, for that matter, in the other States. Let him compare the Budgets of those States with the Budget that we will be able to present. It is about time that he was honest with this Parliament and indicated to it and to the people of Queensland that our budgetary and economic policy is envied by the other States of Australia.

Mr D'Arcy: Tell that to the workers of Woodridge.

Dr EDWARDS: I will certainly tell it to the workers of Woodridge. It is about time that the Deputy Leader of the Opposition spent some time in his electorate telling the people a few things.

As well as its sound economic management, the Queensland Government has the lowest tax scale of any Government in Australia. Queensland has the highest pay-roll tax exemption level.

Mr D'Arcy: It's because you have the highest indirect taxes.

Dr EDWARDS: We do not. What utter rubbish! The Deputy Leader of the Opposition does not know the difference between a direct tax and an indirect tax. He should know that the Queensland Government has access to only three forms of taxation. The first is pay-roll tax, which is the most iniquitous form of taxation that can be applied by any Government. It should be phased out when we can afford to do so and when we can find some other way of raising $300m a year. I am not as foolish as Opposition members, who go round the State promising that they will remove pay-roll tax. It is impossible for the Government of Queensland to incur a loss of $300m from its Budget.

The second tax to which the Queensland Government has access is land tax. The third is stamp duty. We do not have access to any other form of taxation.

Mr D'Arcy: What about electricity charges?

Dr EDWARDS: The Deputy Leader of the Opposition does not know the difference between a tax and a charge. It is about time that I wrote him a letter indicating that there is a big difference between the two.

Mr D'Arcy interjected.

Dr EDWARDS: The honourable member can laugh. He knows that he is envious of the sound economic management of the Queensland Government.

Mr D'Arcy: It comes out of the pay packet.

Dr EDWARDS: What utter rubbish! The worker does not pay pay-roll tax or land tax; nor does he pay stamp duty unless he undertakes a conveyance.

Mr D'Arcy: He pays indirect taxes.

Dr EDWARDS: There is a big difference between a tax and a charge that is applied for a service rendered.

I support the motion. In participating in this debate the Opposition has displayed its ignorance. It has not made any contribution to the debate. The Government has made its policy quite clear and, as I have said, it is envied by the other States. We will stand

on our record. We have been returned to office on our record. The abysmal efforts by the Labor Party in Queensland, both in the Federal and in the State spheres, are reflected in the total lack of support for the policies that it has enunciated over a lengthy period. This motion indicates to the Federal Government our concern for the home owner, the small businessman and the small farmer.

I say very clearly that the iniquitous effect of high interest rates on those three facets of the community is indeed damaging. I know young people whose lives are being ravaged by the high interest rates imposed as a result of this policy. We have placed on record that we do not agree with it in any way.

An Opposition Member interjected.

Dr EDWARDS: I point out clearly to the honourable member that I am not afraid to criticise the Federal Government when it comes to any point of policy. The honourable member may well laugh. Where was he when Mr Whitlam was in power? He was hiding up at the Trades Hall. He was not even in this House. I should imagine that he would do exactly what every other Opposition member would wish to have done, that is, shy away from Whitlam and his policies. They would never want to see a repetition of them.

This motion needs the unanimous support of members of the House. If the Opposition votes against it, it will show that it does not have the interests of the people of Queensland at heart.

Mr BOOTH (Warwick) (3.37 p.m.): I wish to refer particularly to small business people and farm owners. I agree with the comments of honourable members about housing loans, and I am worried about the effect of increased interest rates on those who have housing loans and those who are trying to obtain them.

Let me widen the discussion a little by dwelling on the problems facing small business people, farm owners and people trying to acquire farms. The higher interest rates will have a wide-ranging effect on young people who are interested in going on the land or who have committed themselves in the past four or five years to lengthy repayments.

Mr Vaughan: It is the fault of your Government.

Mr BOOTH: I do not intend to play politics today. I intend to use the time at my disposal to bring a little sanity and common sense into the debate. Opposition members have certainly failed to do that today.

We are told that interest rates must float and that their correct level will be determined in the market-place. But sometimes that does not happen; sometimes the cure is worse than the disease. At present, allowing interest rates to be regulated in the market-place is something of a disaster. The Government has a duty to govern, and I make no apology for saying that, in the present climate, the Government should be prepared to take a stand and maintain interest rates at a level that it believes people can meet.

In this debate I have heard high-sounding phraseology about monetary management, and so on, but interest rates are only the rates that people are prepared to pay when hiring money. Eventually that is passed on to the public. Anyone who conducts a business or a farming enterprise has to pass on the interest component when earning his livelihood.

One cannot overlook the difficulties facing young people on the land. It is doubtful whether a farm costing less than $200,000 will be viable. A young person who borrows two-thirds of the capital needed to conduct a farming enterprise has to borrow at least $150,000. If he borrows at the overdraft rate—and probably he will have to pay more than the overdraft—he will have to meet interest charges of about $2,000 a month.

They will take a world of meeting. No matter how efficient he is, how much he uses modern technology, or how much he follows the advice of the people with the know-how and expertise, he will find it difficult to meet repayments at that level.

Parallel lending institutions, such as building societies and credit unions, have probably distorted the situation to a greater extent than would have been the case 20 years ago when most lending was done by banks. It was possible then to lower interest rates without the pressures that are coming now from parallel lending institutions. As is evident from the newspapers and as the Treasurer said, these parallel institutions offer high rates of

interest over lengthy terms. If lower interest rates are mentioned, the parallel lending institutions say that they are not in a position to reduce interest rates because they have borrowed money over lengthy periods.

I am pleased that this motion is before the House. It gives members the opportunity to outline the difficulties that will arise in their electorates. The major difficulties that could arise in my electorate are, firstly, those faced by people who have already acquired a housing loan or are trying to acquire one. They will be faced with repayments that are too high for them. Some people will curtail their investment in a business because the cost of hiring the necessary capital is beyond what can be earned. That must have a flow-on effect.

This is one matter on which I cannot agree with the Federal Treasurer. He seems to be carried away with the idea that the way to control inflation is to increase interest rates. However, the flow-on effects of an increase in interest rates must be considered. Local government will be reluctant to borrow as much money as it would if rates were lower. It will back away. That will affect employment opportunities. It will also affect the number of new opportunities created. If a person can hire capital at a reasonable rate, he has a greater opportunity to use modern technology and to employ the people who have left learning institutions after acquiring skills. However, following an increase in interest rates, local government will postpone some capital works possibly for ever. That must have a flow-on inflationary effect right across the economy. People in small business and, to some extent, farmers must have a greater margin of profit.

As I said at the beginning of my speech, the Federal Treasurer's device of increasing interest rates to control inflation is an example of the cure being worse than the disease. We should be looking at the flow-on aspect. The theory of armchair economic strategists that inflation is curtailed each time interest rates are increased is not correct. It is just not so. There could be a time when the people with the capital chase the goods and the goods are not available. In that case, it might be correct. But no-one in Australia could say that there is an oversupply of capital in the buying situation. We have what I would call a normal chase for goods. Goods are not in short supply.

I do not believe that simply increasing interest rates will have the effect that the Federal Government desires. It has been claimed that increasing interest rates will put a rein on inflation. That beats me; I cannot see how it will. If interest rates are allowed to get out of hand, that will fuel inflation. I am worried about how we will reduce interest rates again. Recently they have risen at frequent intervals and we have not been able to do anything to decrease them. Unless we can decrease them, some people will be in real trouble. It is not my intention today to be a scare monger, but I believe that, as surely as the sun rises in the morning, there will be some bankruptcies as a result of the last three increases in interest rates. Once interest rates pass the 10 per cent barrier, the financing of capital works becomes a very serious problem. It is a serious problem today.

I urge the Federal Government to try to control the increase in interest rates at the present time and, if possible, to decrease them. If interest rates continue to rise it will have an effect not only on people who have acquired housing loans or are looking to purchasing their own homes but also on those engaged in small business. It will have an effect on those young farmers in my own electorate who are looking forward to acquiring their own farm. We have been looking at the young persons' farm purchase scheme for some time, and the increase in interest rates will have a serious effect on that scheme. It is about time that we drew to the attention of the Federal Treasurer the area which these increases in interest rates is hurting. That is the intention of the motion that is before the House this afternoon, and I have much pleasure in supporting it.

Mr WRIGHT (Rockhampton) (3.47 p.m.): It is rather regrettable that we have a motion of this nature this afternoon, not because of the substance of the latter part of it but because of the motive that is behind it. I see it only as a motion of self-praise, and we all know that self-praise is not much of a recommendation. I am somewhat surprised that the Government has seen fit to use this important time to canvass its own opinion of how great it really is. Whilst many speakers on both sides of the Chamber have discussed the problems—we are well aware of the various problems—very few solutions have been put forward.

I find myself in agreement with one point that the Treasurer made: there is some value in the States' having greater control, if not full control, over the interest rates of this nation. If that can be done through the Loan Council, as it was prior to 1979, then we ought to return to that stage, provided that the State Governments are able to show that they can carry out that important role; and I am not sure that that has always been the case. If one looks at the performance of the Queensland Government when it comes to handling the Federal Government, one finds that it is somewhat dismal. Ministers constantly stand up in this Chamber and say, "We want more money for roads, but it is the Federal Government's fault", or "We want more money for education, but it is the Federal Government's fault", or "We want more money for everything, but it is the Federal Government's fault". I remember reading an article about one of the Presidents of the United States. On his table he had a plaque which stated, "The buck stops here." I think it is time that this Government accepted its responsibility and realised that, for the financing of this State, the buck stops over on the Treasury bench. Instead of casting aspersions against Mr Howard and the Federal Government—some of them are well founded—the Queensland Government should start coming up with some solutions. We have a problem, and I do not think it will go away.

We can make a comparison between what happened in 1974 and 1981. In 1974 interest rates rose to about 20 per cent, but it was a short-term surge. After a short period interest rates went down. From discussions that I have had with people in the finance industry, I do not believe that will happen now. One gentleman told me this morning that he was at a meeting yesterday when the comment was made that the finance industry is now in uncharted waters. That is fair comment. When I spoke with some business leaders last week I was told that they are now borrowing for leases at 21 per cent, and it has been projected that that rate could rise to 22 or 23 per cent. When one reads newspaper articles stating that Associated Finance Services has lifted its interest rate to 16.75 per cent, what can one expect other organisations in the finance industry to do other than to follow suit?

I agree with comments made by the Deputy Leader of the Opposition and other Opposition speakers that there is a need to put shackles on the Federal Treasury and to rethink the current resources boom. I appreciate that we are really in stage 1 of the resources boom, a time when we will have a tremendous in-pouring of money, the speculative inflow that must take place to provide for the various infrastructure facilities necessary for this boom. Eventually when stage 2 comes about and some export return is evident, then the pressure will be relieved. But at this time there are dangers: an impetus to inflation, a continued pressure on the labour market, an exacerbation of wage pressures, and an establishment of conditions that are even more favourable to more speculative money.

Only yesterday I read an article stating that the projected inflation rate for 1982 is 11 per cent. Without doubt there will have to be continued pressure on the Government for cut-backs in Government expenditure. There is a danger that the surplus in the balance of payments that we now have in this nation will be replaced by a deficit in the forthcoming year. Added to that will be a continuing credit squeeze.

It is no wonder that people are somewhat morbid about what is happening in this nation and the rest of the world. It is no wonder people ask, "Where do we go?" Small business people cannot service loans and cannot afford to obtain the required equity of something like 20 per cent before a loan can be obtained, even if the borrower is willing or able to pay 21 per cent interest. We realise the problem is not an easy one to solve. No one person has an answer. If there is co-operation, some change to the inflationary spiral can be brought about.

It is a pity that we must play party politics, because in the long run it is not the ALP, the Liberal Party or the National Party that will benefit, it will be the people of Australia. Common sense is needed but that can come about only through political pressure.

I concur with the Treasurer's comment that a freeze on interest rates is needed. I go one step further and say that, instead of a number of one per cent increases in interest rates, pressure should be applied across the board for a decrease of one per cent. Why can't political powers be used to take that risk of reducing interest rates across the board by one per cent? If one finance company did that and the others were forced to follow suit,

down would come interest rates and the inability of people to repay loans would be reduced. That may sound like old, grass roots finance, but to me it is common sense. If that is done across the board, it will work, just as when interest rates are increased across the board everybody has to follow suit. With legislative controls a reduction could be brought about.

If that is not done we will have escalating interest rates and in 1982 inflation will be 11 per cent. Cut-backs in Government expenditure, not just at a federal level, will also occur. In the last couple of weeks I have been speaking to people involved in local authorities who say they do not know what they will do. Local authorities are paying high interest rates on short-term borrowings and are unable to continue to provide the facilities required.

A previous speaker mentioned that much of the same sort of thing is happening with small businesses. I have discussed that with small business people over and over again, and I now see credibility in the statements made by a previous Government Minister that some 75 per cent of the small business people cannot last in business longer than three years. That is not because of mismanagement or competition; it is because of their inability to obtain reasonable interest rates on needed capital. Something must be done about that, because small businesses employ large numbers of people.

Much the same trend is evident in building leases. Because this matter is really not part of the issue, I do not wish to canvass it at any great length. However, it is rather a symptom of what is happening everywhere: developers want a larger slice of the cake. Yesterday I learnt that one small specialist store is having its rental increased from $24,000 a year to almost $36,000, an increase of some 49 per cent. That is a massive amount of money, and there is no way in which that debt can be serviced, so the store will have to close. A month or so ago in Rockhampton a gentleman could not afford to enter into a new lease. Irrespective of the fact that he faced a premium bond of some $6,000, he walked out. There was no way he could service his commitments, so he closed his doors and lost a tremendous amount of money. We are seeing people lose their life savings—$20,000, $30,000 on $40,000—not because of an inability to run their businesses but because of an inability to obtain reasonable finance. Again, responsibility must fall upon Government.

The effect on the building societies has been mentioned. Only a few moments before entering this debate I spoke with a very senior person in a building society who informed me that the lending rate has dropped by just under 50 per cent in the last six months; that in the July period last year lending by building societies in Queensland was some $40m, whereas for July this year it was only $26m.

Mr Kruger: There has to be something wrong with the economy.

Mr WRIGHT: There is something seriously wrong with the economy. The announcement was made today that building societies are prepared to pay 10.75 per cent for at-call deposits and will be calling on home borrowers to pay 13.5 per cent. It will not stop there. If people thought that there would be a balancing out or a levelling out for a 12-month period they would cop it; but it is not going to be. I read a projection for the United States economy that the prime rate will increase within the year to 25 per cent. We seem to be very closely tied to the western economy and particularly to the United States. It is obvious that there will be no levelling out and that the rate will not stop at its present level. Something must be done.

Those in the finance industry have no choice but to chase the spiral. As one finance company increases the rate it is willing to pay for funds, others must increase their rates, too. As semi-Government authorities increase the rate they are willing to pay, so must others. It goes on and on and on. We have already seen the Commonwealth Bank savings investment rate reach 11.5 per cent. The ANZ Bank has been offering 11 per cent from 3 August. It is a continuing trend that seems not to be able to end unless some action is taken. It is my appeal that action be taken.

I am not trying to be the hero by saying that we can cast aside party politics, but it seems to me that the only way we can achieve anything in our nation at this time is to cast aside political scoring for the sake of the Australian nation. Perhaps we ought to join with the Premier and the Treasurer and head down to Canberra; but let the Premier and the Treasurer prove their bona fides by saying to Bill D'Arcy and Ed Casey, "Come with us. We want you to come to Canberra." They should call upon every Premier,

irrespective of his politics, to take the Leader of the Opposition in his State to Canberra in some type of task force and have it out with the Federal Government. Then, I suggest, we might start getting some type of consensus.

It is time we started to look at alternatives, even though some might be seen to be radical. If we are to continue to provide finance for housing, small business and the small farmer, we cannot rely solely on the open market-place. We must provide alternative finance. I have mentioned this many times before, but it has fallen on deaf ears. The sooner we establish our own State bank and, through it, credit-creating facilities, the sooner we will solve many of our problems and achieve the independence that we desire.

Unfortunately, because of my voice, I am unable to continue, but I make the plea as a private member and as a member of the ALP—and proud to be such—that we work together and place pressure on the Federal Government. Let the Premier and the Treasurer join with the Opposition to try to achieve what the Treasurer suggested—a freeze—and, as I put forward, a reduction in interest rates across the board.

Dr LOCKWOOD (Toowoomba North) (3.59 p.m.): In rising to enter this debate I am conscious, as I think all of us are, that the federal policy in this matter has rested on five main points. The first is that inflation should be controlled. Six years ago Government was won simply on that platform. That has been the single thrust of the Federal Government's fiscal policy since achieving office. It maintains that that is its continued thrust and will remain so, apparently, for the rest of its term. The federal policy is that savings banks and building societies should be allowed to seek funds wherever they wish and to pass those out for home building at rates that will attract home buyers. If that policy is effective, it is believed that the Federal Government will attract sufficient securities to fill all the loans to meet the requirements of the States and local government in Australia.

It will also ensure that the building societies and the savings banks can compete for the available investments. Those policies will not, of course, allow any funds for housing. The Federal Government says that inflation is under firm control. Although the Federal Government says that inflation is being controlled, housing is being squeezed. It has long been a problem in this country that at any time when there is a credit squeeze, housing is the first hit. The man who has his plans approved and is approaching his lender for finance is the hardest hit. At the time when he should be signing contracts, he finds that there is no money available for him and he just has to withdraw from the proposed contract. He has to retract and have his plans altered, if possible, or, if he is purchasing an already built home, he has to look for a smaller one. This causes the various peaks and troughs in the building industry. It is becoming an extremely unstable industry. It has, however, recovered from the tremendous slumps it suffered when the Labor Government was in power under Mr Whitlam.

In this debate Labor members have called for more money and lower interest rates for housing, and presumably they would like to see Government subsidies for housing. There has been criticism of the abolition of the State's road taxes, so presumably a Labor Government would reintroduce a State road tax. There has been criticism of the amount of taxation the Federal Government receives from mining, and presumably Labor policy would be that there would be a State company tax, and perhaps even a State income tax.

Mr D'Arcy: A resource rental tax.

Dr LOCKWOOD: The honourable member for South Brisbane was not talking about a resource rental tax at all. I would suggest that the honourable member was not listening to him. He was promoted beyond his level of competence. Labor in government would presumably end the war on inflation.

In the past, attempts to use superannuation funds have cost the Labor Government and Labor candidates a great deal of support from those people who have invested money in superannuation funds, particularly from public servants contributing to State and Commonwealth superanuuation funds. There was a series of articles on this subject. "The Bulletin" ran one entitled "Hands off the Superannuation Funds". This occurred when a policy was floated that superanuuation fund money should be paid at very low rates of interest—3 and 4 per cent—to local government loan funds. Of course, public servants and others who were in superannuation funds screamed because they would be left from 5 to 8 per cent behind inflation if that were to happen.

I think the Federal Government's policies are correct, as far as they apply to inflation and housing, but they have one very serious flaw. The Federal Government says that funds must be able to float up and down with interest. I believe the Federal Government needs to look hard, and this is a matter on which some Opposition members have touched, at its policies on the control of foreign investment in this country. Foreign investment is causing inflation in more ways than one. It is pushing up the price of land beyond the reach of young Australians who wish to buy farms. On the Downs we have people who are taking advantage of offers of low-interest money by the West German Government. These people come to the Downs, and because they can obtain money at low interest, over a long period, if need be, or obtain a higher capital amount, they can compete far more easily for available farm land than can local farmers. Because they have access to more generous finance, not with Australian lending institutions but with a West German lending institution, they can bid much higher for the land. This, of course, is pushing up the price of land. The Australian farmers who wish to buy land are forced to compete at West German prices for the land.

Mr Kruger: The National Party reckons that it is trying to get young farmers back on the land.

Dr LOCKWOOD: Yes, it is, but it has Buckley's chance unless there is Federal and State funding for such schemes. As some members opposite have said, there needs to be a rigid control of the type of investments to which foreign capital is allowed to be applied in this country.

Mr D'Arcy: It is done in every other country in the world, and it should be done here.

Dr LOCKWOOD: That is quite right. The honourable member and I agree on that. The only piece of Japan that we own is the Australian Embassy, and that has been a lulu. It was bought for $60,000 and it is probably worth as many million dollars now.

Queensland and all the other States are being disadvantaged by the Federal Government's attitude to foreign investment. The Federal Government's policies affect not only the man on the land but also people who are seeking to go into business. They are competing against foreign investment overseas and foreign advantages overseas. Foreign money coming into this country at lower interest rates can put aside any kind of development that Australian equity tries to establish. Australians simply will not be able to compete; they cannot obtain the same interest terms. The Federal Government needs to look very hard at its policies of national investment and national development.

The Federal Government should also look at the policies of the huge national companies such as the insurance companies and the superannuation funds. It should look at how these companies apply their funds, which are best applied to schemes of national development and not to competition with traditional small business.

I believe that a huge Commonwealth superannuation fund is interested in the Indooroopilly Shoppingtown. A national fund is operating to the detriment of small business in the way in which the landlord schemes at Indooroopilly are operating. I do not believe that the individual contributors to that superannuation fund would approve entirely of the way in which their fund is applied.

Mr Burns: It's like being a policy-holder in AMP; you don't get a say. AMP makes the decisions.

Dr LOCKWOOD: It is not even the management that makes the decisions. Rather it is the property investment officers who make them. It is time that the boards of the big insurance companies looked very hard at their property investment officers and the investments recommended by them. Perhaps it will come as a shock to the big insurance companies and superannuation funds when the individual contributors and subscribers start calling for a modification of policies. If they do not get that, they might look for a modification of the boards.

There is plenty of scope in Australia for national development from national funds. There is no need for those funds to be applied to suburban shopping-centre developments and the like. There is always a call in this country for the massive funding of the thousand-million-dollar projects and of all the infrastructure that goes with them—the housing, the

power supply, the ports and the railways. Those are the areas to which the national funds should be directed. So I believe that the Federal Government must re-examine its policies in that direction.

If the Federal Government had policies that adequately covered these aspects, its massive loan programs would be filled. It could have them filled to a large extent by overseas investment. That means that the smaller projects could be left to the smaller investors. These smaller projects could be funded.

If the Federal Government changed its policies on multinational funds and international funds, and on the application of national funds within Australia, its four-point attack on inflation would work. In other words, the Commonwealth Government could then control inflation and it could allow the savings bank and building society interest rates to float. There would be adequate money for the savings banks and building societies and the Federal Government would have enough money to fulfil its loan programs. The savings banks and building societies would be competing for available loans, and this would bring about a lower rate of interest, one more akin to the rate of inflation.

Until the Federal Government looks very hard at its national policies and international policies, it will have trouble in convincing home owners that it is doing the best for them. Controlling inflation is one thing, but if interest rates continue to rise as they have done, and if money continues to be withdrawn from the housing market, the Federal Government will have an incredibly difficult job in selling its policies to the electors.

Mr BURNS (Lytton) (4.10 p.m.): After having listened to the doctor from Toowoomba North I should hate to go to his surgery to have a boil taken from the back of my neck. Judging by the way he ties things together, if I were to go to his surgery to get a boil taken from the back of my neck I could well get a corn taken off the back of my heel. That is a fair example of just how far away he is from the facts.

The motion we are discussing is probably one of the craziest to ever come before us, coming as it does from a group of people who have presided over the greatest ever increase in interest rates in recent years and have been instrumental in having the Federal Liberal-National Country Party Government elected and re-elected. They went to the people and demanded that they support Fraser, Howard and Anthony in Canberra. Those southern Liberal and National Party members put interest rates up, and now members of the Queensland Government have the hide to move a motion congratulating themselves for fighting against higher interest rates. It would be laughable but for the fact that many working families will be forced to sell their homes thanks to the decisions of members of the Liberal and National Parties. Many families will be hurt and many dreams smashed by these Liberal/National Party interest rate increases.

On 21 November 1977 Malcolm Fraser said—

> "Interest rates have begun to fall—and they will keep on falling."

At that stage they were running at about 9½ per cent; they now stand at 11.75 per cent, will rise to 12½ per cent, and Malcolm Fraser has said that they will continue to rise. On 6 December 1977, he said—

> "Once the election is over, we will start to move to the consummation of a 2 per cent reduction in interest rates and that means about $500 a year for someone on an average home loan."

In 1977 Malcolm Fraser promised a 2 per cent reduction in interest rates. He did not achieve that result, but three years later the Liberal and National Party members of Queensland who are congratulating themselves in this motion we are discussing went to the people and said, "Vote for Fraser again. He has only whipped your interest rates up 2 or 3 per cent. There's nothing wrong with that." Yet they have the hide now to say that they want nothing to do with him. They want to dissociate themselves from him.

Mr Blake: And they used the Queensland taxpayers' money.

Mr BURNS: That is right, through use of the Government aeroplane, and TV ads paid for by the taxpayer urging people to vote for Fraser.

At the same time I read in the Press, "Joh keeps interest rates up." The newspaper article was in these terms—

"A confidential document has indicated the Premier, Mr Bjelke-Petersen, was instrumental in keeping interest rates at a high level.

The document, leaked from Canberra,——"

Mr Fraser must have decided to get square—

"is a telex message from the Federal Treasurer, Mr Lynch, to State Premiers. It quotes Mr Bjelke-Petersen as concurring with the Federal Government's hard-line, high-interest rate attitude for the July loan."

There was no denial from the Premier. The Government is congratulating itself on the work the Premier did in keeping interest rates down yet at that time he is on record as sending a telex supporting Fraser's hard-line attitude on interest rates.

In the State sphere, the Deputy Premier and Treasurer on 12 September 1980, less than 12 months ago, was reported in these terms—

"The Treasurer, Dr Edwards, told State Parliament yesterday he expected little change in building society interest rates during the next two years.

He said that building society interest may even decrease within a year."

I suggest that he should sell his ouija-board and crystal ball and get rid of his gipsy fortune-teller because many people who believed in him as the Treasurer now know that he was looking in a crystal ball and that he was blind to the facts of life. They now know that what he said was rubbish. A lot of people at that time said, "Here is a man who runs the State as the Treasurer; if he is suggesting that interest rates will go down in the next 12 months why shouldn't we borrow to the maximum to buy a house?" As working people they are forced to borrow to the hilt and would have done so on the Treasurer's reassurance that interest rates would come down.

Mr D'Arcy: Not only that, he said that I was irresponsible.

Mr BURNS: He said that the honourable member who asked the question was irresponsible in suggesting that interest rates would rise.

Straight after the election the "Telegraph" hit the nail on the head when it said—

"It is marvellous that Governments——"

and that can mean only Liberal and National politicians because those parties were in power federally and at the State level—

"can manage . . . to repeal the laws of financial gravity just before an election."

During election-time interest rates fall but after the election is over interest rates rise. Isn't it amazing? A couple of months after the Deputy Premier and Treasurer made his famous prediction an election was held and after it was over interest rates did not go down. At the time they stood at 11.75 per cent. Even without the action by Fraser and Howard the other day interest rates had increased in defiance of our Treasurer who was trying to be like King Canute. After considering the Premier and Deputy Premier I can be excused for saying: what a collossal hide the Government has to move such a motion congratulating itself! The Premier is on record as having demanded a hard-line interest rate stand against Mr Fraser and the Treasurer is on record in the newspapers as having said that interest rates would come down, and they did not.

A member of the National Party moved this motion. I do not want to be unkind only to the Liberals so I would like to refer to page 58 of "Nationals for the North", which came from the National Party Annual Conference a couple of weeks ago in Townsville. On page 58, the housing committee said that the committee has recently called for—

". . . a meeting of the Master Builders Association, the Real Estate Institute of Queensland and the Housing Industry Association, to co-ordinate an approach to the Government to free the building societies' ability to raise borrowers' interest rates and thus attract funds in this highly competitive marketplace."

What will that do? Is that not another reason for rejecting the Government's motion to congratulate itself on keeping interest rates down? According to its policy document

dated 24-27 July 1981 the National Party will gather together a group of people that wants to put interest rates up. I repeat: What a hide the Government has to come into this Chamber today and congratulate itself on keeping interest rates down.

In the Press this week there appeared an article claiming that average Brisbane houses now cost $45,000. I decided to obtain some facts about building society loans. The minimum deposit required by a building society on a $45,000 home is 10 per cent or $4,500. In addition the purchaser must have 50 per cent of the deposit with the building society for not less than six months. Both building societies that I contacted—the SGIO Building Society and Metropolitan Permanent Building Society—said that in calculating loan eligibility and amount of loan, they look at 25 per cent of the person's monthly income to meet repayments. So that, for a home costing $45,000, Metropolitan Permanent said that the purchaser's salary should be about $430 to $450 a week and that the monthly repayments would be about $465. It is any wonder that I am stunned that today the Government has the hide to congratulate itself on its fight to keep interest rates down? The average price of a home in Brisbane is $45,000 and purchasers would have to earn about $430 a week. The guaranteed minimum wage in this State is $145.50. Interest at $465 a month is equal to $116 a week, so that a person on the minimum wage would have to pay almost all of his income in repayments. Some awards prescribe lower wages. And what about the unemployed, the invalid pensioner, the age pensioner and the fellow who is on sickness benefits? Under the Mechanical Engineering Award a tradesman's assistant is paid $179.20. How could he afford the repayments on the average house sold in Brisbane and reported in "The Courier-Mail" on 14 August 1981, a few days ago? It is a blatant untruth to say that the Government has fought to keep interest rates down. Interest rates have gone up. Under the Furniture Manufacturers Award, a process worker is paid $154.30. Under the Cafe, Restaurant and Catering Award, a general kitchen hand is paid $176.40. A panel-beater's labourer is paid $175. A painter's labourer is paid $177.10. A tyre-fitter is paid $170.10. A garage attendant is paid $180.30. Fruit-growing employees are paid $154.60. These people will have to make do without a home of their own under this good Government's interest rates.

Mr Mackenroth: They cannot even afford to rent a Housing Commission house.

Mr BURNS: That is right. With rentals at $40, $50 and $60 a week, they cannot afford to rent a Housing Commission house.

Today we are debating the interest rate policies of this Government. It moved the motion. It has been in power since 1957. It cannot blame anybody else. It cannot blame Whitlam because he is not there any more. He went out of power in 1975. The Fraser and Anthony that this Government want in Canberra have been there since then. This Government helped to put them there, supported them, nursed them and helped them during the campaign. The fact is that if the ordinary working fellow borrows even $35,000 over 30 years, he will have to pay $381 a month or about $95 a week in repayments.

It is just not fair nor sensible for a Government to use its numbers to congratulate itself in this way. In fact, for a while this afternoon it looked as though we were going to see the sublime operation of the political parties on the Government side moving a motion congratulating themselves and then gagging the debate because they could not find anyone to support the motion. I cannot support it, and I will not vote for it.

Mr POWELL (Isis) (4.21 p.m.), in reply: In summing up the debate I thank those honourable members who have taken part in it. It is interesting to note that Opposition speakers have generally agreed with everything that we on this side of the Chamber have said.

The Deputy Leader of the Oposition uses very strange logic. Most people, particularly those in the electorate of Woodridge, do not understand it. The Deputy Leader of the Opposition interjected when the Treasurer was speaking and said that the Treasurer should go and tell the people of Woodridge the things that he was saying here. I suggest that the Deputy Leader of the Opposition should go to the people of Woodridge and find out what problems they face, because that is what we are talking about and that is what this motion is about. We are trying to give the people the opportunity to understand the

very complex problems that are facing us today. We must try to explain the position so that the people understand it. They do not want to hear the economic gobbledegook that the Deputy Leader of the Opposition indulged in today.

He was confused by the whole debate. If he had read the motion before the House, he would have noted that it asks that the House places on record its support of the Queensland Government's determined bid to oppose a further rise in interest rates. Opposition spokesmen have talked about the interest rates that we, as the Government in Queensland, are allowing building societies to charge. They will not face reality. The reality is that the Federal Government fixes the rate through the Loan Council. When I opened the debate, I explained how the Loan Council has been manipulated by the Federal Government because of the way in which voting takes place in the Loan Council. The Federal Government, through the Loan Council, has increased interest rates.

If the Queensland Government adopted the Opposition's attitude, it would deny building societies the right to increase their rates on call, and the result of that would be that no money would be available for housing. People just would not invest in building societies. I can imagine some well-heeled members of the Opposition investing in building societies for some altruistic motive and receiving only 9¾ per cent interest when everyone else was receiving 14 per cent interest! I know that they would not do that. Whenever they talk about this matter, they speak with forked tongue. They would look for the highest rate of interest. They would invest their money in the same ruthless way as some of them talk about monetary matters.

The Deputy Leader of the Opposition tried to imply that there was some confusion on this side of the Chamber. There was no confusion on this side of the Chamber. Opposition members were confused because, at the outset, they did not listen to find out what motion was being debated. They looked at the Business Paper and decided that I had risen in my place to speak about a report of the Committee of Subordinate Legislation. They did not listen to what I was saying and continued talking amongst themselves. That is not uncommon with Opposition members; they are in a continual whirl.

The member for Salisbury, in so ably seconding the motion, spoke about the problems that people buying houses will have to face, and I congratulate her on the way she did that. Those people buying houses—I am one of them—will face problems because interest rates are continuing to rise, and they ought not to be rising. When I opened the debate I said that in my opinion it is immoral that, having negotiated a loan, the people from whom I obtained the loan can turn round and charge me more interest on that loan. That should not be allowed to happen; the practice should be stopped.

The motion sought to draw to the attention of the Parliament the actions of the Government. Strictly speaking, the Government did not move the motion; rather, it was moved by a back-bench member.

Mr D'ARCY: I rise to a point of order. Mr Deputy Speaker, I draw your attention to the state of the House.

(Quorum formed.)

Mr POWELL: The Opposition members who were so critical of some of the actions of the Government quite clearly do not understand economics. Any wage earner knows that if he does not have enough money coming in he cannot buy the things that he wants. In order to buy those goods, he has to borrow money. That adds to their cost.

Opposition members could offer no solution to the problem. They tried to criticise the Government for its positive actions. The member for Lytton tried to blame the Queensland Government for what he called the greatest rise in interest rates. I do not think he has listened to the debate. He certainly does not understand the workings of the Loan Council. He does not understand that that is what we are talking about, that the centralist policies instituted by the Federal Government have caused the whole problem. Quite rightly, the honourable member for Lytton said that because it went out of office in 1975 the Whitlam Government cannot be blamed. I am pleased that it went out of power. But it is a shame that Mr Fraser and Mr Howard still listen to some of the advisers whom Mr Whitlam appointed. This motion has tried to show the Fraser/Howard attitude for what it is.

Anybody who saw Mr Howard interviewed on television a couple of nights ago would have been appalled by his attitude. He could not understand that a person on the average wage of $300 a week could not afford some things. It is a pity Mr Howard did not go out into the community and try to live, firstly, on the average wage and, secondly, on the minimum wage and find out for himself why people do not know how they will be able to buy some goods. The simple fact is that they do not get enough money.

The increase in interest rates forced on the States by the Loan Council, through the Federal Government, causes the trouble. So that the Loan Council can be effective for the States, the Queensland Government has taken the initiative in endeavouring to have it operate as it did when it was instituted in 1927. If it is effective for the States, it is effective for individuals.

It is most important that this Parliament supports the Government's initiative. The Australian States need to change the Commonwealth Government's centralist attitude. The Commonwealth Government gains great power and money from levying income tax. The States do not levy income tax, and they do not receive the tax reimbursement to which they are entitled. If the States received a larger share, they could balance their budgets much more easily.

I thank honourable members who contributed to the debate and urge members to vote in favour of the motion.

Motion (Mr Powell) agreed to.

COMMITTEE OF SUBORDINATE LEGISLATION

Eleventh Report

Mr POWELL (Isis) (4.30 p.m.): I move—

"That the House takes note of the eleventh report of the Committee of Subordinate Legislation tabled in the House on 14 May 1981."

In moving this motion I draw to the attention of the House that this is the first occasion on which any report of the Committee of Subordinate Legislation has been debated in the Parliament. The Committee of Subordinate Legislation was first established by resolution of the Legislative Assembly on 26 November 1975. Since that time it has been re-established on each occasion that the Parliament has met in session. It has had before it numerous instruments of subordinate legislation and it has, in my view, done a great service for the Government of this State.

The committee finds a deal of difficulty in operating under the present circumstances of being a select committee of the Parliament. For the benefit of those who might at a later time read this speech, I point out the difference between a select committee of the Parliament and a standing committee of the Parliament. A select committee is one that is set up, really, for a specific purpose and for a particular session of the Parliament. That means that the moment the Parliament is prorogued the committee ceases to exist. If its work is to have any sort of continuity at all, it therefore functions in limbo, as it were, in the hope that it will be reconstituted when the Parliament next meets.

The committee feels that it is important that legislation be enacted to establish a subordinate legislation committee on a standing basis. Some of the arguments I have heard advanced against that have been that it could frustrate some of the work of government. I do not believe that to be so, and I think the record of the committee from 1975 until now has proved that, rather than frustrating the business of government, it has supported it. In fact, it has done all that it can to point out whether regulations, Orders in Council or proclamations have in any way been of doubtful legality. Consequently, we have been able to point out to the Government on many occasions doubts that have occurred with certain forms of regulations. Therefore, I believe that the committee has done a service not only to this Parliament, because it is the watch-dog on behalf of the Parliament of regulations and so on, but also on behalf of the Government by making sure that all regulations promulgated are in fact law.

One of the recommendations made by the committee on many occasions has been that the Parliament's attention be drawn to the "modern" practice of having legislation by regulation, or of having subordinate legislation. The committee has drawn attention to this on a number of occasions. As this is the first time that the report has been debated in

the Parliament, once again I raise that matter. When we are passing legislation we should be very careful about how we delegate authority. We should not be delegating any authority that gives the Public Service or any other body the right to make laws. Rather should we be careful to couch legislation in such a manner that the only rules that can be made are made in accordance with the laws made in this place. This is the Legislative Assembly and it is here that the laws ought to be made. There are too many instances of legislation under which regulations can be law-making. As a Committee of Subordinate Legislation, it is not our function, our duty, our right or even our purpose to be able to challenge those regulations, because the legislation that we as members of Parliament have passed permits them to occur. Therefore, I would ask honourable members, when they are considering legislation, to look very carefully at it to make sure that we as members of Parliament are not in any way abdicating our rights or, perhaps more properly put, abdicating our responsibilities. We have a responsibility entrusted to us by those who elect us to make laws. We ought not then pass that responsibility to some other body such as the Public Service Board.

The committee also has made a recommendation that all instruments of subordinate legislation ought to be tabled in the Parliament, as is done in other parts of Australia. We have taken some time in the committee to write to other subordinate legislation committees, and we have received a mountain of information from them. Members of the committee have been to a conference in Canberra, and they returned with a lot of useful information. In asking that all instruments of subordinate legislation be tabled in the Parliament, we are asking for a lot to be done, and I do not think members really realise the mountain of material that could appear on the table of the Parliament, because in doing so we are asking that all instruments of a legislative nature that are passed by local authorities, statutory boards and other such bodies which we set up in legislation, should be tabled here and be subject to disallowance.

Mr Moore: You only make a rod for your own back because, once they are tabled, you are expected to have read them and to know their contents.

Mr POWELL: That is what I am bringing to the attention of the House. I hope that that matter will be canvassed because it is on the heads of members of Parliament whether we finally ask that to happen. It should be remembered that there are 134 local authorities in Queensland, and if we asked for every one of their by-laws of a legislative nature to be tabled in this Parliament there would be a mass of documentation. As the honourable member for Windsor has correctly pointed out, a mass of work would be involved. It should also be remembered that there is no procedure for a by-law of a local authority or a statutory board to be disallowed. Once by-laws are passed and approved by the Governor in Council, that is it, and no other public body has the right to scrutinise them and test their validity. Frankly, that is what we are asking should happen in the Parliament. Again, I would point out the amount of work that would be involved. At the present moment all local authorities, boards, etc., can pass by-laws at will. Generally speaking, they go straight to the Governor in Council and are approved. In my view, there needs to be some watch-dog. Those members within the Brisbane metropolitan area have only one local authority with which to deal, namely, the Brisbane City Council which is set up under a separate Act. Those members representing other parts of Queensland, generally speaking, have more than three or four local authorities with which to deal. I have five local authorities in my electorate. We find that a large number of legislative by-laws cause trouble.

Another problem in asking that this material be tabled is in determining which is legislative and which is administrative. Victoria has a system whereby it is left to the Attorney-General. The Parliament has said to the Attorney-General, "We only want to see tabled in the Parliament matters of a legislative nature.", so the Attorney-General then has the responsibility and the problem of determining the difference between legislative and administrative matters. Members of the committee have had great difficulty in determining what is legislative and what is administrative because there are grey areas. Speaking as a layman in the business—I am not a lawyer by any means—one of the things I would like to see is some definition arrived at as to what is a regulation, what is an Order in Council and what is a proclamation. Nobody has yet been brilliant enough to come up with a simple definition that leaves out one lot and brings in another lot.

Mr Kaus interjected.

Mr POWELL: The honourable member for Mansfield mentioned policy matters. They are not something that the committee has dealt with. Our brief has been to deal with matters that were either right or wrong and to determine whether they were in accordance with the law. At the present moment, local authority material does not appear before the Parliament. We are asking that that possibility be looked at. If it was a policy matter, we would not be involved. We would have to be involved in whether or not it was in accordance with the law.

I am happy to report that the committee has had a good deal of co-operation from the Ministers. In our report we mention some Ministers. It has been gratifying indeed, after a committee meeting, to recommend that certain things occur, to write to a Minister and almost immediately to have a response from that Minister.

As most honourable members would realise, under the Acts Interpretation Act the Parliament has 14 sitting days in which to consider an instrument of subordinate legislation and whether or not it should be challenged. However, the Acts Interpretation Act does not supersede many of the old Acts, of which some provide for 40 days, not 40 sitting days, others prescribe varying periods, and others do not mention any disallowance period at all. Some simply say that the regulation has to be tabled, and that is it.

One of our recommendations is that we ask the Government to consider tidying up that situation by providing that all Acts contain the same prescription. We are suggesting that all instruments of subordinate legislation should be tabled and should be subject to disallowance after a certain period. Perhaps 14 sitting days is too short. Although the committee meets weekly when Parliament is sitting, but not at the actual time when Parliament is sitting, we have difficulty in getting our letters out to Ministers and obtaining responses in time for us to decide whether we should move for the disallowance of a regulation or other instrument. We are asking the Government to tidy up those Acts that either do not mention disallowance or alternatively provide 40 clear days for disallowance. As honourable members will appreciate, a piece of subordinate legislation could be approved by the Governor in Council and the following period of 40 days could fall during a period when Parliament is not even sitting. It is impossible to move for the disallowance of an instrument if Parliament is not sitting.

The committee is very grateful to the Ministers who have responded. The Minister for Primary Industries, the Honourable Mike Ahern, quickly responded to our call and had the Primary Producers' Organisation and Marketing Act amended to meet the wishes of the committee. We thank him for that, as we thank other Ministers who have been so ready to assist.

As I said at the outset, the Subordinate Legislation Committee is not one that sets out to cause disruption to Government business. Rather, the reverse is true; it is a committee that sets out to assist Government business. Quite often, of course, something that needs further elucidation or simply is not allowed under the Act can slip through. We have drawn that matter to the attention of the Parliament.

I hope that other members of the committee will take part in the debate and will bring to the attention of Parliament matters that I have inadvertently missed.

As chairman of the committee, I should like to place on record my thanks to the officers who assisted. I mention Miss Dingwell, Mr Farina and Mrs Senior, and thank them for the work they have done. More particularly, perhaps, I would mention Mr Mike Batch, who is the legal counsel who gives us advice at all our meetings. It is most important that we have his services available.

I place on record my thanks to the Government for allowing this debate to take place today. This is the first time a report of the Subordinate Legislation Committee has been discussed. I look forward to listening to the debate and hearing honourable members' views on the work of the committee.

Mr SCASSOLA (Mt Gravatt) (4.46 p.m.): In seconding the motion moved by the honourable member for Isis, I, too, draw attention to this significant occasion in this Parliament. This is the first occasion on which a report of this committee has been the subject of debate or, indeed, discussion in this House. It is noteworthy that the report that is being debated today is the 11th report of the Subordinate Legislation Committee.

The committee is an arm, or an extension, of this Parliament. It is not an agency of the Government but an agency of the Parliament. As such it has a very important duty to perform, namely, the scrutiny of legislation made by the Executive Government to ensure that the elected Legislature retains the ultimate responsibility for the law and to ensure that individual rights are protected.

The importance of that function should not be underestimated. I believe that this committee and the function which it performs are of the utmost importance, particularly at a time when we are observing, not only in this Parliament, but in others, a great increase in subordinate legislation. It is also significant to note that people around the world, particularly in Commonwealth countries, no longer debate whether there ought to be delegated legislation. It is now generally accepted that delegated legislation is a fact of life. The discussion centres on the scrutiny of delegated legislation.

The importance of the function of the committee was underlined at the first Commonwealth Conference of Delegated Legislation Committees, to which I was privileged to be a delegate. That conference placed considerable emphasis on the need for parliamentary control over legislation made by the Executive. At that conference considerable discussions took place. One of the recurring themes was that the Executive authorities, by their very nature, have quite a different approach to the law from that of the Legislatures.

There is a tendency on the part of Executive Government to regard administrative convenience as the principal criterion of government. That was not seen at that conference as a cricitism of government or of the people who make up or serve government, but simply as a realistic assessment or appraisal of the circumstances in which Parliaments and committees of subordinate legislation find themselves.

That does not mean to say that Governments should not continue to govern or that administrative convenience need not necessarily be a legitimate aim. But it was said that parliamentary control was important in bringing to bear upon delegated legislation the sort of consideration which elected Legislatures such as this are best fitted to express, and which Legislatures like this are best able to look after, in particular matters such as the rights and liberties of citizens.

The committee, despite the severe restrictions imposed on it—and I shall make reference to them later—has achieved some success. It continues to establish a relationship of co-operation with the Executive, and the procedure adopted by the committee is that objection to instruments of subordinate legislation is put in the first instance to Government, and the co-operation of Government provides, I suggest, the soundest basis for the control of subordinate legislation. The measure of the success of this committee can be gauged from the fact that in a growing number of instances the views of the committee are accepted when subordinate legislation is being framed. But, of course, in a number of cases the views of the committee, expressed in report after report, continue to be ignored. I shall make some reference to them later.

The committee has avoided consideration of policy or the merits of delegated legislation. It is particularly concerned to ensure that the established principles of subordinate legislation are adhered to. As a result, the committee has operated on a non-partisan basis. I might say here that no member, while I have had the privilege of serving on the committee, has taken a political stance, although on occasions the opportunity might well have presented itself.

That approach was also the subject of comment in the report of the Commonwealth Conference of Subordinate Legislation Committees, to which I refer members. The following passage appears in the report—

> "Delegates agreed that the avoidance of the consideration of the merits or policy of legislation is important to ensure the non-partisan operation of the committees and the appropriate scrutiny of the means by which legislation seeks to achieve its ends."

While some success and some progress have been achieved, several important matters require urgent attention if the committee is to properly serve this Parliament and the people of Queensland. The committee is substantially hindered in its operation and in the discharge of its responsibilities to this Parliament by the combined effect of the prorogation of Parliament and the committee's appointment as a sessional committee only. As honourable members are aware, the rule or convention is that upon prorogation of Parliament all business before the House, including any business before any committee

of the House, comes to an end. Upon prorogation, the life of this committee expires, since it is appointed on a sessional basis only. In any case, its deliberations cease under the convention of prorogation to which I have referred.

This question has been raised in several of the committee's reports and, in particular, was referred to at length in the eighth report of the committee, to which honourable members are referred. That report contains a graphic illustration of the obstacles which can be placed in the path of the effective operation of this committee. In 1979, the Parliament was prorogued on 24 July; the new session commenced on 7 August; the new committee was not reappointed until 6 September and the committee was unable, therefore, to complete its consideration of certain regulations upon its reappointment, since 14 sitting days had elapsed following the tabling of those instruments in the Parliament. Moreover, on the first two sitting days of the new session, 208 instruments of subordinate legislation were tabled and the committee had only seven days to consider 112 of them and eight sitting days to consider the other 96.

It has been suggested that the difficulty can be overcome by the appointment of the committee immediately upon the commencement of a new session but, with respect, that suggestion ignores the effect of prorogation of Parliament, which terminates the committee's deliberations. Prorogation of Parliament may have had some benefits to absolute monarchs in the past for the purpose of terminating troublesome Parliaments, but in the 1980s it is an anachronism that a modern-day Parliament can ill afford.

Despite prorogation, Governments continue to govern and to make regulations affecting the rights of citizens. That being so, there is no justifiable reason for curtailing the work of important parliamentary committees. As J. A. Odgers says in the fifth edition of his "Australian Senate Practice"—

> "Any notion that prorogation may be necessary to provide a periodic opportunity to announce the Government's legislative programme is answered by remembering that the opening speech is prepared by the Government and much the same purpose can be served by ministerial statement. So perhaps prorogation could be discontinued and the Houses of Parliament left unhampered to get on with their work between periodic elections."

Apart from the question of prorogation, the difficulty of parliamentary recesses or adjournments for relatively long periods remains. Despite adjournments, Governments keep governing and continue to make regulations or other instruments of subordinate legislation. That difficulty has been overcome in Tasmania by a unique provision that is worthy of consideration here. In Tasmania, in effect, the Executive is obliged to amend or suspend the operation of delegated legislation on the recommendation of the Committee of Subordinate Legislation during periods of adjournment or recess.

At a time when the volume of subordinate legislation is increasing and when government has greater need to resort to it, urgent steps should be taken to ensure that the work of the Subordinate Legislation Committee is facilitated and not hampered. Only special legislation will ensure proper functioning of the committee. In all other States except New South Wales, the Committee of Subordinate Legislation, as far as I have been able to gauge, has power to operate from the commencement of a Parliament following an election to its termination immediately prior to the next election. In particular, in Victoria and in the Commonwealth, prorogation has no effect on the operation of the committee.

One other matter requires urgent action. The Parliament at the moment is precluded from scrutinising a substantial body of subordinate legislation because there is no requirement in relevant statutes that instruments be tabled or that they be subject to disallowance in the Parliament, and the list on page 3 of the report of this committee under discussion makes that point. There are many examples of legislation in which no provision is contained requiring that subordinate legislation made by bodies, such as local authorities and a whole host of semi-Government bodies and boards, be subject to the scrutiny of Parliament. As I say, we need only look at examples that abound in the forms of hundreds of boards and semi-Government corporations. The same could be said of local authorities.

Having regard to the large number of boards and semi-Government authorities, it can be readily seen that there is a substantial body of law in the form of subordinate legislation which escapes the scrutiny of this Parliament. Yet again, whilst some statutes

provide that instruments of subordinate legislation be tabled and be subject to disallowance, they are none the less silent as to the effect of non-tabling; and there has been a number of instances in recent times where instruments have not been tabled within the time prescribed and questions have arisen as to the validity of those instruments, as the statutes under which they were made make no provision for the effect of non-tabling. I again refer honourable members to the great number of examples that exist in the eleven reports of the committee.

Section 28A of the Acts Interpretation Act provides that unless the contrary intention appears in the Act empowering the making of regulations made under the Act, amongst other things, they are to be laid before the Legislative Assembly within 14 days of publication of the Gazette and if not so laid within that time they shall be void and of no effect. That section is very limited in its scope. Firstly, it applies only to regulations and not to other instruments of subordinate legislation such as proclamations and Orders in Council. Secondly, it operates only unless the contrary intention appears in the relevant statute. In my view, all instruments of subordinate legislation, whether they be in the form of regulation or otherwise, which are legislative in character should be the subject of tabling in the House and possible disallowance.

I am also of the view that failure to table instruments within the time prescribed should result in their being void and of no effect. I accept and appreciate that in some instances difficulties may arise in determining whether a particular instrument is legislative in character, but there are two ways of overcoming that difficulty. The first is to provide that all subordinate legislation be tabled in the House and subject to disallowance. It would then be left to the Subordinate Legislation Committee to determine whether a particular instrument ought to be looked at. Of course, that solution would place great strain on the committee, the resources of which are at the present time quite limited.

The second solution is to follow the Victorian example which its Subordinate Legislation Committee says works very well and which appears to have served that State well since its inception. The Victorian Parliament has passed legislation called the Subordinate Legislation Act (1962), which requires that all statutory rules be tabled in the Houses of Parliament and be subject to disallowance. A statutory rule is defined as including regulations or rules made by the Governor in Council, and regulations made by bodies corporate or unincorporate, the making of which are subject to the consent or approval or subject to disallowance by the Governor in Council. The Act contains a further provision which is worthy of examination—

> "Any instrument of a legislative character made pursuant to the provisions of any Act which is an instrument of a class which has been declared by notice in writing under the hand of the Attorney-General published in the Government Gazette to be statutory rules . . ."

But it does not include any regulation or rule made by a local authority. The essence of that is that in particular cases the Attorney-General as the chief Crown law officer of the State has the obligation of making a determination in a doubtful case whether the instrument is of legislative character. As I have already said, the Victorian committee—other members of the present Subordinate Legislation Committee who went to Victoria two years ago to discuss the matter will recall this—felt that that system worked very well.

The chairman of the committee adverted to the limit of 14 days in which the committee may consider particular instruments, and I concur with the comments that he made. The limit of 14 days, having regard to the mode of operation of the committee, is indeed too short. I might add that the Victorian committee is in the process of making recommendations to the Victorian Parliament for the enlargement of a time limit which is similar to the time limit in this State. The suggestion, as I recall it, is that in Victoria the time limit be enlarged to 21 sitting days to enable the committee to properly consider instruments.

It also is of importance that there be consolidation of regulations. That is a matter that ought to be considered. A citizen in this State who requires regulations under our statutes can obtain them, ostensibly, from the Government Printer. On occasions there are difficulties because they are not readily available. It is important from the point of view of both availability and ease of reading that there be consolidation of regulations, perhaps yearly. Certainly something of that nature ought to be considered.

I make a further suggestion. This Assembly ought to have power not only to disallow but also to amend instruments of subordinate legislation. That point was very well and

forcefully made at the Conference of Subordinate Legislation Committees and was raised by, if I recall correctly, the former Federal member for Hindmarsh. In certain circumstances a regulation could, for example, provide for social security payments to be made. It could well be that the Parliament might feel that the increase should have been greater than that provided for in the instrument, but it has no power to amend. It has power only to disallow. On the other hand, if charges were levied that the Parliament felt were in excess of those that ought to be levied, it has no power to amend them. At the moment it merely has a power to disallow. That is a matter that I believe ought to be considered. The Parliament ought to have that power.

I have adverted to some of the difficulties that the Committee of Subordinate Legislation has found in its period of operation. The solution in some instances certainly lies with Executive Government. Over a period we will certainly find a greater improvement as people become aware of the types of objections that are made. However, the solution to many of the other problems—and other members of the comittee, I trust, will advert to them—are in Parliament's own hands. Difficulties with such things as Henry VIII clauses or sub-delegation will be found upon examination to stem from the empowering provisions in Bills, and I believe that the Parliament ought to pay much greater attention—all of us ought to pay much greater attention—to the empowering provisions in Bills to ensure that the proper rules of subordinate legislation are observed, that the powers which are given to officials have objective parameters, that discretions are not totally unfettered and that Acts of Parliament may not be amended by subordinate legislation but only by the Parliament. All those things are really in the hands of the Parliament, and the Parliament alone.

I emphasise the need to examine closely those clauses in Bills that grant the power for the making of subordinate legislation. When it comes to the stage at which instruments are to be examined by the Subordinate Legislation Committee, it becomes extremely difficult to argue against the exercise of power if Parliament has granted to some officer or some body the right to exercise that power.

Mr CASEY (Mackay—Leader of the Opposition) (5.11 p.m.): First, I offer my congratulations to the members of the Subordinate Legislation Committee. It is obvious from the report that has been tabled that a tremendous volume of work has been done by the committee in the last 12 months and that the committee and its staff have done an excellent job.

I also congratulate them on the courage they have displayed in bringing down the report that we are debating in the House today. The significance of the report is that it is a clear indictment of the way in which the Queensland Government operates. A full examination of the report, especially the recommendations, shows clearly that the Government in Queensland today is executive government at its worst. It has taken unto itself powers to which it is not entitled, made decisions that have been wrong, and endeavoured to put before the House matters that have not been correct in detail. In addition, they have not been presented in accordance with the Acts of the Queensland Parliament.

Quite clearly, the report shows that the policy of the Government has been to virtually ignore the Parliament and continue to operate as it desires, especially by Governor in Council—executive government, if one wishes to use the term commonly accepted in the community. To put the matter into its true perspective, and to get to the point at which the Parliament is really saying something to strongly and firmly back up the decisions that have been taken by the Subordinate Legislation Committee, which has been non-political in its operations, as its deputy chairman has so recently pointed out, it is necessary for Parliament to now lay down how it desires the committee to operate.

I therefore move the following amendment—

"Add to the motion the words—

'and moves the adoption of the general recommendations contained therein.'"

To simply note the recommendations means nothing. The Parliament should take a firm stand to assert that it is the supreme body in Queensland, that it is the supreme authority elected by the people of this State to determine the manner in which they should be governed, and that the Executive Council—the executive committee of this

State—must be subservient to the Parliament. The amendment refers to the general recommendations contained on pages 3 and 4 of the report. If we look at them, we see quite clearly the intention of the committee.

In recommendation 1, the committee virtually admits that on occasions the Government has deliberately hidden its intent from the Parliament.

Mr Powell: Not at all; the committee has not said that.

Mr CASEY: The chairman of the committee says "not at all", yet the committee states clearly that not only the relevant Act but also the relevant section should be referred to. We all know full well what happens. If the amendment is to the Harbours Act, it is so stated. If a member refers to the Harbours Act to try to find the section to which an Order in Council, a proclamation or a regulation refers, he finds that the Harbours Act has not been consolidated for a number of years and therefore he has difficulty in finding the relevant section. An even worse example is the Local Government Act. The committee has stated that great difficulty is experienced in trying to locate a provision to which an Order in Council or other instrument refers.

This problem can be likened to that experienced by the community in relation to amendments to town plans. Advertisements set out the real property description, with the result that a person reading a newspaper learns that a block of flats is to be built, for instance, on lot 4 of allotment 5 of subsection 3 of portion 123, parish of so-and-so, county of so-and-so. He does not have a clue where the allotment is. It could even be the one next door. He is unaware of the fact that the proposed construction could affect him, so he does not lodge an objection. The advertisement is disguised deliberately in such a manner to lessen the number of objections. The wool is being pulled over the eyes of the people.

In exactly the same way, Orders in Council, proclamations and regulations that are tabled in Parliament do not refer to the particular portion of an Act that is relevant.

I believe that the committee's first recommendation is one that this Parliament would consider to be quite satisfactory. If an Order in Council, regulation, proclamation or rule is tabled in this Parliament, it should clearly indicate to all members which section of the relevant Act is referred to. No honourable member could object to the adoption of that recommendation; it is an excellent one. I fully support it and I know that all members of my party fully support it. We should say to the Government, "Instead of merely noting this recommendation, we accept it and we want you to adopt it." It is for that reason that the amendment is worded in the way that it is.

The committee's second recommendation is a damning indictment of the Government. It clearly states that certain Ministers have not laid before the Legislative Assembly Orders in Council or other instruments in accordance with the requirements of their relevant Acs.

I believe that the report should go further and name the Ministers who have deliberately infringed the rules of this Parliament by not telling it what is going on. Those Ministers should be pulled into gear by the Premier or by this Parliament. If they are guilty of a more serious offence than has been indicated in the committee's report, they should be sacked.

Certainly the report states that the attention of the relevant Ministers has been drawn to this matter and that in such cases they have undertaken to attend to the matter. Nevertheless, Ministers must have impressed upon them very strongly the fact that they are required to abide by the requirements of the relevant Acts.

I believe that there is a need for standardisation in Acts of Parliament. Every Act should provide that regulations, proclamations and Orders in Council are tabled in a standardised way. Some Acts provide for seven days, others for 14 days and others make no mention at all of any period. Those Acts are covered by the Acts Interpretation Act. The Acts in this respect are all over the place like Brown's cows and need to be brought into line.

The committee's third recommendation refers to the way in which Ministers have disregarded requests made to them by the committee, which, after all, is a committee of this Parliament. The report clearly says that the committee views with concern the

fact that certain instruments of subordinate legislation are not subject to tabling and disallowance by the Legislative Assembly. It also urges all Ministers to communicate with the committee promptly upon their attention being drawn to particular matters.

Mr Jennings: It also mentions the appreciation of the Ministers.

Mr CASEY: The honourable member is more used to the Victorian ways. He has not quite got around to Queensland ways, but being a National Party member he has dropped fairly quickly——

Mr Jennings: You can't even read.

Mr CASEY: The honourable member for Southport said something about reading. I presume he is a member of the committee. The report recommends—

"... all Ministers to communicate with your Committee promptly upon their attention being drawn to the particular matters ..."

In other words, quite clearly the committee believes that Ministers have not answered correspondence as they should or have not given the committee the information that it should have been given. I know from reports by our members on the committee to caucus that that has been the case. Clearly the recommendation shows that some Ministers—and I say "some" because certain Ministers have been very positive—have shown scant regard for requests made by the committee. The committee is a committee of the House, a committee of the Parliament.

The committee has expressed concern about some instruments of subordinate legislation that have not been tabled and subjected to disallowance by Parliament. The committee expressed its concern by listing 52 examples of proclamations, Orders in Council and by-laws made in the previous 12 months that have not been subjected to the proper scrutiny of Parliament.

They cover a number of important matters, such as the Animals Protection Act, the Building Societies Act and the Canals Act. The member for Southport interjected a little while ago. In the light of all the canal development on the Gold Coast it is noteworthy that Parliament has no way of objecting to any of them once they have been decided on by the department and the Minister. The regulations are not tabled in Parliament, or while they may be tabled, they are not subject to disallowance. The Fish Supply Management Act is in a similar category. We all know of the problems in the fishing industry. Some Orders in Council under that Act, which are changing the entire face of the fishing industry, cannot be debated by this Parliament.

The Main Roads Act, the Police Act, the Local Government Act, the Port of Brisbane Authority Act, which covers a very contentious area at the moment, have all been listed in the report as being altered by subordinate legislation agreed to by the Executive, over which this Parliament has absolutely no control. It is wrong that that should be so because these are all important matters that Parliament should have an opportunity to discuss.

Her Majesty's Opposition wants to ensure that all instruments of subordinate legislation are tabled and made subject to disallowance by Parliament. That is a clear recommendation of the committee in these terms—

"Because of this your Committee has submitted that legislation is required to ensure that all instruments of subordinate legislation are not only tabled in the Parliament but are also subject to disallowance."

Quite clearly the committee is concerned and has expressed its concern. This Parliament should not merely note the expression of concern but also adopt it as a recommendation, and the Government should move on the recommendation.

The committee has drawn the matter to the attention of the Minister for Justice and Attorney-General. If my amendment is accepted the Minister for Justice and Attorney-General would be obligated to this Parliament, not just to the committee, to actually do something about this matter and to introduce amending legislation to cover it. This Parliament must regain and retain its supremacy. It is the body that is responsible to the people of Queensland, and it must be allowed to carry out its responsibilities.

I fully agree with the deputy chairman of the committee that another unfortunate aspect of the disallowance rule is that members have no opportunity to amend a piece of subordinate legislation. In some cases only a small amendment would be required to overcome the Opposition's objection but, because of the stupid format, we have to move for the disallowance of the whole piece of subordinate legislation. Members should be given the opportunity to make a more effective input towards better government. That is what the recommendations are aimed at.

Parliament should adopt my amendment to indicate to the Cabinet gang of 18 that they must be subservient to Parliament and not have Parliament subservient to Cabinet. Government by regulation is the heritage of 24 years of National-Liberal Governments. It is the legacy of 13 years of a dictatorial Premier. This tragedy has been brought about in the main by Cabinet selection based on patronage and favouritism rather than ballot. I support the motion. I commend the amendment because it will give something back to Parliament if it wants to assert its superiority in our legislative procedures.

Mr HOOPER (Archerfield) (5.28 p.m.): I second the amendment moved by the Leader of the Opposition. I am firmly of the opinion that it is of vital importance to the people of Queensland. It is self-explanatory. All it does is seek to protect the Parliament from the heavy handed manipulation of parliamentary democracy by the Premier and his Cabinet.

The following appears on page 2 of the report—

> "Your Committee again reiterates its belief in the principle that no Act of Parliament should be amended without reference to the Legislature, and strongly urges that this undesirable practice should cease. The solution to this problem lies in Parliament's own hands, for as long as Parliament permits the inclusion in Bills of clauses which allow the amendment of Acts by Orders in Council, it will continue to place the scrutiny and control of its legislation outside its own power. Your Committee urges the Parliament to exercise continuing vigilance regarding such measures in future legislation."

Mr Yewdale: Definitely an indictment of the Government.

Mr HOOPER: It is certainly a shocking indictment of the Government. We have government by regulation and not by legislation.

The style of the Queensland Government makes it essential for this Parliament to have a watch-dog committee, such as the Committee of Subordinate Legislation, because in Queensland we have the most undemocratic Government in Australia and the most dictatorial Premier in Australia. We have government by Cabinet, government by decree, government by stealth and government by Governor in Council. The Government sneaks ordinances through when Parliament is not in session.

Mr Moore: You don't even sound convincing.

Mr HOOPER: Whether I do or not, it is pretty hard to get through the thick skull of the honourable member for Windsor.

Mr Moore: That's true.

Mr HOOPER: It is true, and the honourable member admits it. I suppose every Parliament has to have its clown.

As one of the longest-serving members on the committee, I can honestly say that it is one of the hardest-working committees. It is one of the few committees of this House that meets regularly. It meets weekly when the House is in session and regularly when the House is not in session. Committee members do their job in a very businesslike fashion and do not attempt to play party politics. In all the years that I have been a member of the committee, I have served under three chairmen. Each chairman has always tried to conduct the business of the committee in a very fair and impartial manner, and I think that is to his credit. I do not normally pay tributes to Government members because most of them are not too bright and most of their principles and scruples are not very high; but in the short period that the honourable member for Isis has served as chairman of the committee——

Mr Moore: You are imputing improper practice.

Mr HOOPER: I thought that I was doing quite a good job of imputing. I cannot be any stronger. If the honourable member talks to the average person in the street' he will discover that that person agrees there is a smell hanging over this Government, and particularly over the Cabinet gang of 18.

I think that the honourable member for Isis, in the short time that he has occupied the chair of that committee, has carried out his job in a reasonable manner. He gets up in this Chamber and makes dreary speeches, but he is a different person on the committee. He is reasonably capable when he is sitting on the committee, even though he is not when he is in this Chamber.

Mr Prest: He's got guidance.

Mr HOOPER: I do not know if he gets guidance. Let us be charitable; I do not think that one should character assassinate honourable members in this House.

Of course, the Government members on the committee are hamstrung. They know that if they make any recommendation or cause any ripples that upset the Cabinet, and the Premier in particular, their chances of gaining promotion to Cabinet are virtually nil. That is the problem with the Government members on the committee. I am prepared to hazard a guess and predict that when the vote is taken on this amendment the Government members on the committee will prostitute their principles and vote against it. So much for political integrity on the Government side of the House!

During my time on the committee I have found some Ministers to be quite co-operative. On the other hand, some Ministers seem to think that ministerial office carries with it divine right. They have reacted with high dudgeon when this committee has had the temerity to write to them and point out the error of their ways. However, to be fair, I must point out that not only do Ministers act in a very high-handed fashion to the committee's requests; some of the higher echelons of the Public Service are just as guilty. Last year some very high-ranking public servants, who were representing their Ministers before the committee, tried to treat it in a very cavalier fashion. Their attitude was that the committee was acting with impertinence in questioning them. It was necessary to remind those gentlemen that the Public Service is still responsible to the elected representatives of this Parliament.

Mr Moore: Hear, hear!

Mr HOOPER: I hear the member for Windsor say, "Hear, hear!" As I have said here ad infinitum, he is reasonably perceptive at times.

It is true that some public servants seem to think that they can do as they like. When one has the temerity to speak to some of them in the lobbies one finds that most of them are very courteous, but some of them believe that it is below their dignity even to speak to a member of Parliament.

It is a sad fact of life that after 24 years of Tory misrule, some members of the Public Service also seem to think that they have the divine right. The Premier is always espousing the Westminster system, but all honourable members—even those on the Government side—would agree with me privately——

Mr Booth interjected.

Mr HOOPER: The honourable member for Warwick has told me in the lobby that whilst the Premier espouses the Westminster system, he only gives lip-service to it.

Mr Prest: I heard him say that.

Mr HOOPER: Yes, the honourable member has said it on numerous occasions, but he has not got the courage to stand up in this Chamber and say it.

Mr BOOTH: I rise to a point of order. At no time did I say such a thing. That is similar to the allegation that the honourable member made about his having dinner with the Premier and plotting something before the election. I ask for a withdrawal.

Mr SPEAKER: Order! The honourable member indicates that the statement is objectionable to him and asks for a withdrawal.

Mr HOOPER: It is true, but if it is objectionable I will withdraw it.

Mr BOOTH: I am not prepared to accept that. It is not true. I am challenging that particular part of the statement. It is particularly untruthful, and it is on that ground that I am asking for a withdrawal.

Mr SPEAKER: Order! I ask the honourable member for Archerfield to withdraw without qualification.

Mr HOOPER: I do so accordingly.

Public servants should understand that they are answerable to the elected representatives of the people, in this case the Committee of Subordinate Legislation which acts as a parliamentary watch-dog against arbitrary decisions being made by a power-drunk Cabinet that treats this Parliament with contempt.

Mr Yewdale: They don't worry about the rules.

Mr HOOPER: They just tear up the rule book. The Premier believes that the rules are meant to be broken.

I take this opportunity to agree with the honourable member for Mt Gravatt and say that the committee is certainly not as effective as it could be. At present the committee is handicapped by being a select committee elected on a sessional basis. That means that when Parliament is prorogued so is the committee. That is a serious fault in the appointment of the committee. It certainly leaves the way open for a devious underhanded Government such as the Bjelke-Petersen Government to influence the committee unduly. I do not suggest for one moment that some of the Government members on the committee could be influenced directly but, as I have said earlier, some members of the committee are very ambitious. Outside of the House I have a high regard for the chairman. He is a very ambitious man who wants to get into Cabinet.

Mr Akers: You want to be Leader of the Opposition.

Mr HOOPER: I will deal with the honourable member for Pine Rivers in a moment.

It is only natural that an ambitious man such as the member for Isis wants to be elevated to the Cabinet.

Mr Prest: After this performance today, he won't.

Mr HOOPER: That is probably true.

Mr Prest: This report will lie on the books for ever.

Mr HOOPER: That is true. That is one of the problems. However, the honourable member for Isis realises that if he crosses the Premier his chances of getting into Cabinet are virtually nil.

The honourable member for Pine Rivers made some inane interjection about my wanting to become Leader of the Opposition. I do not know if that will ever take place but I predict that no matter how long the honourable member for Pine Rivers serves in this Parliament he certainly will not be elevated to Cabinet.

Mr SPEAKER: Order! I ask the honourable member for Archerfield to adhere to the business before the House.

Mr HOOPER: I will do so accordingly.

I suggest to the House that the Select Committee of Subordinate Legislation should be abolished to be replaced by a standing committee to be elected at the beginning of each Parliament and to last for the duration of the Parliament. I know most Government members of the committee agree with that. The committee is sorely handicapped by being a select committee and not a standing committee. If all members vote according to their consciences the amendment will be agreed to. Surely then the Cabinet will take cognisance of the vote and immediately take steps to replace the select committee with a standing committee.

Mr FOURAS (South Brisbane) (5.37 p.m.): Most of the matters that I want to raise have already been mentioned but, as a member of the Subordinate Legislation Committee, I want to make some brief points. In my opinion members of this Chamber have a responsibility to look at subordinate legislation, whether it be regulations, by-laws or orders in council, in the light of its effect on people.

The committee does not make decisions on party-political lines The role of the committee is governed by certain criteria under which subordinate legislation is looked at. One of the criteria is whether the regulations are in accord with the general objects of the Act. Another is whether they trespass unduly on rights previously established by law, would be more properly dealt with in an Act of Parliament or require elucidation.

Although under its charter the committee looks at instruments of subordinate legislation, individual members have a responsibility to the Parliament to look at all such instruments to see whether they ought to become part of an Act of Parliament. In Queensland the Executive Council believes it has some sort of divine right. It has so much power that it is important for individual members of Parliament to look at what regulations are intended to do, any rights that are being taken away from people and any charges that are to be levied. Apart from any action taken by the committee, if individual members believe that, in the political context, a regulation is not in the interests of their constituents, or of Queenslanders generally, they should act forthwith to disallow it. Unfortunately—and this was raised very capably by the member for Mt Gravatt—a large number of instruments that give powers to the Executive Council are not subject to tabling or disallowance. Sometimes nothing can be done even though they should be tabled and are not.

The power to create instruments of subordinate legislation is granted by individual Acts. We have a wide variety of proclamations, regulations and so on. No provision is made for uniformity under the various Queensland Acts. For some time the committee has recommended that something be done about developing uniformity. Section 28A of the Acts Interpretation Act states that, unless the contrary intention appears, all regulations be published, laid before the Parliament and subject to disallowance. It lays down what can happen in the event of that procedure not being followed. However, instruments other than regulations are not covered by that section. For some time the committee, in a bipartisan manner, has felt very strongly that all subordinate legislation ought to be brought under the umbrella of the committee's scrutiny and, what is more, under the scrutiny of the Parliament. The Parliament ought to have the right to disallow regulations and other instruments of subordinate legislation that come before it after they have been scrutinised by the Executive Council. It is important that something be done about that.

In that context I may say that the present Minister for Justice and Attorney-General (Mr Doumany) has had meetings with his officers and the committee and there has been a refreshing change in the approach of those officers since he has been Minister, compared with their attitude under the previous Minister. It appears that this Minister has sent his officers to committee meetings, not in an attempt to snow the committee or not do what is required, but in a spirit of co-operation to find a system under which we can have a much broader umbrella of legislation similar to section 28A of the Acts Interpretation Act that will cover instruments other than regulations.

The other issue that I find galling as a member of the committee—and I have been a member since I was elected to Parliament—is what happens when Parliament is prorogued. I believe, as we have said in reports as early as 1979, that special legislation should be introduced to ensure the continuity of existence of the committee throughout the entire term of the Parliament. The committee's effectiveness is severely restricted by the cessation of its activities when Parliament is prorogued. It is a cumbersome procedure that the committee should have to be reappointed at the commencement of each parliamentary session. In the report to the Parliament of 12 December 1979 we pointed out the difficulties that occur with the prorogation of Parliament when we said—

> "As Parliament was prorogued on 24th July, 1979, and the Committee was not reappointed until 6th September, 1979, the Committee was unable to complete its consideration of those regulations upon its reappointment as fourteen sittings days had elapsed since the tabling of the regulations in the Parliament.

112 instruments of subordinate legislation were tabled on 9th August, 1979, and 96 instruments were tabled on the next sitting day, namely 28th August, 1979. The Committee needs a full fourteen sitting days to allow proper consideration of the matters contained in instruments and especially to enable an exchange of correspondence between the Committee and the relevant Minister . . ."

That problem ought to be looked at. For too long the committee has been making reports to this Parliament without any action being taken. This is the first time—and I think it is a positive step—that debate on our report has been allowed. I think that that situation also ought to be looked at.

They are the issues that I, as a member of the committee, found important. I repeat that it ought not to be only the committee's responsibility to examine instruments of subordinate legislation—regulations, Orders in Council, and so on. As I have said, that is all the committee can do under the terms of its charter. All members of this Parliament ought to be very concerned about the encroachment on powers of the Parliament by that magic and massive figure known as the Governor in Council.

It has been an interesting and rewarding experience to serve on the committee. I reiterate that the committee does not operate on party-political lines. We are doing a job that is time-consuming but very important to the Parliament. I urge all honourable members to take an interest in it.

Mr PRENTICE (Toowong) (5.46 p.m.): It is 52 years since Lord Hewart, Lord Chief Justice of England, with his book "The New Despotism", brought into public focus the delicate balance between the need for effective executive government and the fundamental principles of our Westminster system embodied in the concept of the supremecy of Parliament. In the half century and more that has elapsed since Lord Hewart's warnings, legislators, academics and commentators have returned to the theme of proper parliamentary scruitiny of legislation and executive action. This Parliament is now joined with most Parliaments of the Commonwealth in that a Standing Committee of the Parliament operates to review the delegated or subordinate legislation of this State.

The issue of delegated legislation and the proper role of this honourable House has long been an interest to successive members for Toowong. My predecessor, honourable members will recall, was a consistent advocate of parliamentary reform and a major sponsor of the concept of a standing committee on subordinate legislation.

On 29 August 1945, during the Address-in-Reply debate, the then member for Toowong called upon the State Government to take heed from the lessons taught by the Committee on Ministers' Powers set up by the House of Commons in 1932. Specifically, that member advocated the establishment of a committee along the lines of that to which this report now relates. That honourable gentleman is now the Chief Justice of this State.

In the debate, we have heard a number of important areas canvassed by speakers on both sides of the House. I was a little surprised when I heard the Leader of the Opposition deliver his speech. I saw it as an effort to make a mountain out of a molehill. He went through the report and the recommendations, which even he said were good recommendations. He then tried to blow them up out of all proportion. If one goes through those recommendations, beginning with recommendation 1, one sees that if not only the Act but also the relevant section were referred to, that would facilitate the work of the committee as an arm of the Parliament. In no way could that recommendation be construed as an attempt by the Government to deliberately hide its intentions, as the Leader of the Opposition suggested.

As to recommendation 2—again the Leader of the Opposition came forward with conspiracy theories and suggestions that the Government was up to dirty work at the cross-roads. In reality, on only three or four occasions during the term of the committee have instruments of subordinate legislation not been laid before this Assembly. When they were not brought before the Parliament, the relevant Minister was notified and he undertook to attend to the matter. I should think that the action of the committee in remedying that situation shows the value of the committee. There was no need for the Leader of the Opposition to put forward conspiracy theories. I am sure that his only action in this case was designed merely to score political points. When it comes to matters as important as the report of this committee, the Opposition should think less of scoring political points and more about providing constructive comment and criticism to this Parliament.

The Leader of the Opposition spoke to the committee's recommendation number 3. The point I would make about all of the instruments that are listed as being ones that are not subject to tabling and disallowance is that discussions are taking place with the Attorney-General in relation to them and those discussions could well lead to a solution of the problem.

Each of the points that the Leader of the Opposition made concerning this report, and the recommendations that the committee makes for changes, are matters that are not unique to this Parliament; they are problems and difficulties that are confronted by committees of subordinate legislation in many of the Parliaments of the Commonwealth.

For the Leader of the Opposition to suggest that each of the recommendations in this report is an indictment of the Government is absurd. It is not an indictment of the Government. If it is an indictment of anybody, it is an indictment of this Parliament, because Parliament has the power in its hands to do something about the matter on a continuing basis. This is the first time for quite a while that a report of this committee has been discussed, and this Parliament has allowed that situation to develop.

I now address myself to a number of general principles that I believe are basic to the operation of good government in this sphere. Firstly, I look at draft legislation and its availability. The activity of government and, in particular, the operations of this Parliament should be matters for public awareness and public scrutiny. Constructive debate is not possible either in this House or in the wide community if the actions of government are not explained or presented in a reasonable manner to the public or their elected representatives.

The Commonwealth Conference of Delegated Legislation Committees, which was held in Canberra last year and was attended by the honourable members for Stafford and Mt Gravatt, in its printed report encourages a system whereby legislation is issued in draft form before it is enacted. The conference saw such a system as being very favourable to parliamentary control as well as being beneficial, naturally, to the public.

In view of the criticism that we see of this and other Parliaments, the more opportunities that we take to ensure that the public are aware not just of what the Parliament decided yesterday or the day before but, more importantly, of the matters that it will consider in the future, the more often we provide an opportunity to the public themselves to have a say in the running of this State. And surely that is what Parliament is all about.

One of the benefits flowing from such a system would be that opportunities for public comment could avoid the necessity for amending statutory instruments after they are made or the necessity for getting into the situation in which we must disallow and then wait for a fresh instrument to come forward. It is not only desirable that delegated legislation be published before it comes into force; it is also essential that regulations—delegated legislation—be published and available after being made. By "available" I mean available in a form that permits easy access.

Anybody who has attempted to search for a particular regulation that exists in this State would know what I mean. What we need is probably to go to the extent of a loose-leaf system in order of the governing legislation, so that when people want to know what the law is they can find out quickly. It seems a little absurd to me that in relation to regulations and legislation we have a situation that militates against finding out just what the law is.

If we are to make laws in this place, if we are to deliberate and to give consideration to what the law should be, surely not only should our actions be available for public scrutiny but also should the public know what we have decided and be able to find out what the law is at any time.

In terms of sub-delegation, one of the trends of government that requires special attention is the use, as has been mentioned, of Henry VIII clauses in primary legislation, that is, clauses empowering the making of delegated legislation to amend the provisions in the statute itself. There is an unanswerable objection to the use of such clauses. The honourable member for Mt Gravatt has referred to it in the past, but it is worth repeating.

If a matter is of such lesser importance that it can be amended by regulation then it ought to be left to the regulations in the first instance. If it is of sufficient importance to be put in the statute then it ought to be amended only by statute.

It should be noted that clause (c) of the resolution of this Assembly establishing this committee requires consideration as to whether the regulations contain matter which, in the opinion of the committee, should properly be dealt with in an Act of Parliament.

Professor Keetan, Professor of English Law at the University of London, in his book titled, "The Passing of Parliament" published some 30 years ago, expressed concern at the passing of power from Parliament. The second chapter of that book was headed "The Road to Moscow", and its message remains relevant today, especially to those who have a propensity for alerting the public to the dangers of Communism. I quote the following section from that chapter—

> "If we ask ourselves what are the outstanding political characteristics of the Soviet system, we should conclude that they are three:
>
> (1) a one-party organisation in which, although there is a wide power of criticism within the party, no external opposition is tolerated;
>
> (2) an all-powerful Executive, which can put into effect the programme decided upon by the party, without substantial impediment or modification, especially that which might emanate from an independent Parliament; and
>
> (3) an economy which is moulded within the framework of a comprehensive plan, and in which all the more significant activities are governed monopolies, subservient only to Executive control."

In short, we in this Parliament must be ever vigilant to ensure that our power and responsibilities are not syphoned away by an increasing use of subordinate legislation.

Executive Government is a necessary evil in that every time a decision is taken away from this Parliament without protest we head further down the road to becoming an irrelevant part of the process of government, unable to properly represent our constituents.

I must pay tribute to my colleagues on the Subordinate Legislation Committee. Having seen the political point-scoring so evident in this Chamber, it has been a pleasure to serve as a member of an all-party committee that puts political differences behind it. I must repeat that I was surprised today to see a member of this committee attempt to make political capital out of a report that can be construed only as benefiting this Parliament. There are problems, but they are not unique. We could solve those problems if we took a level-headed, non-partisan approach to the matter. The Opposition should realise that it is not a matter of attempting to score points on every single occasion. Sometimes there is merit in good, sensible debate. The Opposition should be aware of that.

If the committee is to be an effective and continuing watch-dog on behalf of this Parliament, there must be changes. Some have been referred to previously, but I mention them again if only to reinforce the necessity of these changes in attaining an effective parliamentary system.

One is that the committee must be able to continue for the life of the Parliament. Secondly, when the House is not sitting we should be prepared to adopt the Tasmanian situation and give the committee, effectively, the power to ensure that the regulations are not proceeded with during that time if the committee objects to them. Thirdly, and finally, I believe that all subordinate legislation of a legislative nature should be subject to review. If we could achieve that and attempt to reduce the sheer volume of subordinate legislation we would be well on our way to improving the Parliament as a whole.

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

Mr WRIGHT (Rockhampton) (7.15 p.m.): Like other honourable members, I am pleased to join in this debate. Firstly, I congratulate the members of the committee, who have worked so hard during a tough session, judging by the work-load listed in the report. I served on the committee for some years, so I can appreciate that it is not an easy task. It is somewhat onerous and time-consuming. It requires endless hours of meetings and considering the departmental reports and instruments that come forward. I am pleased that, for the first time, we are having a debate centring around the report brought down by the committee.

Mr Prest: It will never happen again.

Mr WRIGHT: What happened previously was that members had a task and responsibility to report the matters considered by the Committee of Subordinate Legislation to their respective caucus meetings or joint party meetings. No doubt members took notice of what was happening and the parties determined whether they would move for disallowance.

We now have a chance to gauge the work-load and also to consider the recommendations. That is the most important point. I bring to the attention of members that that is the reason the Opposition wants to debate the report and to see that something is done.

The report states that something like 650 instruments of subordinate legislation have been laid on the table since the commencement of the session and that 45 of them have required further consideration. Obviously the work-load has been heavy. It is obvious also from the report that we have come a long way, judging by the co-operation that is now forthcoming from Ministers. I can recall when Ministers refused to meet with us and departments were sent six or seven letters which they did not answer. I again congratulate the members who have been able to achieve that result.

This committee is only as effective as the Parliament allows it to be. Its effect is determined by three specific areas. The first area is represented by the terms of reference, which are listed at the beginning of the report and which this Parliament has accepted. Its effect is based also on the administrative procedures under which it must work. There has been some criticism tonight that it has been unable to work when the Parliament has been prorogued, and that certainly must be inhibiting. Its effect is based also on the willingness of this Parliament to act on its recommendations.

We ought to consider what one might look at as the end result. We as a Parliament have placed an immense responsibility on these members. We have made them the guardians of delegated legislation on behalf of the Assembly. We do not want confessions as to what we do and do not do. Very few members would have the time, with all of their other parliamentary tasks, to study every instrument or every piece of delegated legislation that is laid on the table. It is usually left to the members of the committee. We say that that is their task. We appoint them at the beginning of each Parliament and they act for us. We place a heavy responsibility on them in asking them to be our guardians, but it is a sheer impossibility for all members to carry out this task otherwise.

We must ensure that, given the job, those members have certain powers. Based on my own experience and on what I have read in the report, it seems that the committee is somewhat inhibited in what it can do. The role of the committee is to consider all aspects of delegated legislation. It is a watch-dog over the bureaucracy. Its members have to ensure that matters brought down by departments are not ultra vires, that they are in accordance with the Acts, and that they keep within the law. That might sound rather strange because they are in fact making law. It is because of this and because the committee has considered it so very carefully and has seen fit to bring down specific recommendations that we as a Parliament ought to adopt those recommendations.

That is the argument that the Leader of the Opposition has put forward. I see it as being a commonsense and practical approach. It will apply a test to the members of the committee, including Mr Powell, in regard to what they will do. The Government keeps saying that it is the Government's right to rule and legislate and that it does not want the Opposition doing it. Again, we are supposed to be representatives of the people, and if a good suggestion comes forward from the Opposition, the Government should act upon it regardless of who gets the kudos. When the vote is taken later it will be interesting to see which Government members of the committee and which Government members who have spoken so forthrightly in this debate will be prepared to see the recommendations adopted.

The point was made earlier that this should be an on-going committee, and I agree with that proposal. There should be no cessation of the committee's role as there is no cessation of regulations. I think back to a number of matters that have come before the Parliament over the years. We have risen in December and have had a three-months' break. During that period numerous laws have been introduced by departments. Those laws are enforceable. They can create difficulty for the public whom we represent, but the Parliament can do nothing about them until the documents have been laid on the table. We should have an on-going watch-dog, and I believe that the ideal group to do this work is the Committee of Subordinate Legislation.

I shall give one specific example. It was not so long ago that, in his wisdom, the Minister for Employment and Labour Relations (Sir William Knox) brought down some amendments to the hardware trading regulations. I think that the Premier was absent at the time. I will not go into the ramifications of how, at a later time, he was allegedly overruled by Sir Robert Sparkes of the National Party, but the fact was that the Minister brought down regulations that became law. They were enforceable and were acted upon. This Parliament could do nothing about them. I do not think that anyone wants to see that happen again. Therefore, we should have some type of control. The next time the regulations could be amended with worse effect for the public.

When we go into recess Cabinet could see fit to introduce six-day trading. I have heard the Government say that it certainly would not support such a proposition but, then again, we have also heard a very important Minister in the Cabinet say, "We must consider big business. We must be sure to look after the big business that we are trying to attract to this State." What would happen if six-day trading were introduced? I notice that the Minister for Commerce and Industry (Mr Sullivan), who is responsible, in part, for the small business interests in this State, is presently in the Chamber.

What would happen if six-day trading was suddenly introduced into Queensland? We could get the sort of report that was presented in Tasmania. A certain retail chain store in that State said that the request for six-day trading was based on consumer demand. The firm surveyed 138 people at a particular store down there on a Saturday afternoon. Some 41 per cent of the people said that if that particular store was not open they would not trade anywhere else; they would go to that store during the week. Another 28 per cent of the people said that they would trade somewhere else on Saturday afternoon. Some 30 per cent of the people said that they would not trade on Saturday afternoon. The firm came out with a massive headline saying, "Consumers demand six-day trading."

I can see the same type of activity taking place in this State. In fact, I prophesise that before very long, unless we get some clear indications from the Minister for Commerce and Industry and other Ministers, we will have all-day Saturday trading. The Minister for Commerce and Industry has given me an undertaking on this matter. He has clearly stated to me that that is not his desire. I have spoken to the Small Business Development Corporation, and its chairman, Mr Bill Lamond, has said that that is not his desire. At the same time, I have spoken to some other interests and they have told me that that is exactly what they want.

Mr Jennings: None of us want it.

Mr WRIGHT: I like to hear the honourable member say that. If the issue does arise, I would like to see him take a stand on it. I say that it could happen. No-one wanted the extended trading hours for hardware stores. We asked the Minister for Employment and Labour Relations, "Who required the amendments to the hardware trading regulations?" He said, "Oh, it was consumer demand." Yet the representatives of the hardware association and others said, "We didn't want the amendments."

What do we do in such cases? While the Parliament was in recess, the department, by way of regulation, could make an extended trading hours decision. That would become law and we could do nothing about it until this Parliament resumed. I do not want to see that happen. Whilst I realise that the committee would not be able to prevent Cabinet from bringing down such a regulation, it would at least be able to publicise what was going on. It would also be able to contact members from both sides of the Parliament and tell them what was happening.

There is a real need to have an on-going role for this committee. That applies not merely to the trading hours question, but it seems to be the most important issue at this time. There is also a need to control the bureaucracy. We have often said that, in the long term, we are the ones who carry the buck, especially when our three years are up. Departments can make laws but they do not suffer the consequences. I like to think that departmental heads are very responsible people who will listen and understand that one day they will have to face the Parliament if they are against the Parliament. The supremacy of this Assembly should be maintained. To do that, we need to understand what is going on.

I have a degree from a university and I was a school teacher, so I have had a reasonable education. However, in the 12 years that I have been here one of my greatest difficulties has been to keep up with the work. I do not know how much time other members get to read every piece of legislation that is presented or to go through every regulation. Although I spend 10 to 12 hours a day at my job, I do not have enough time. I suggest that the answer to that problem is that departments be required to produce explanatory notes with every regulation, ordinance or proclamation that is presented so that members have an overview of the reason for their introduction. At present a member sees something in the Gazette referring to a section of an Act. As most of us do not have a complete library we do not have the Act and cannot consider the amendment. Consequently, we run blind. Farmers and business people come to members of Parliament to find out what the amendments mean. I have lawyers who contact me saying, "What will it mean?" I am unable to tell them.

There should be an obligation on Government departments to supply explanatory material that would be available not only to members of Parliament and the Parliament as a whole, but also to the public. Unless amendments or new regulations are viewed as part of a whole, the task of understanding them is almost impossible. It could well be that some of the regulations are minor or insignificant ones, but if a department sees a need for a change by way of regulation I am sure it would be able to explain the reason for that change.

There is a need to broaden the terms of reference of this committee. It has done an excellent job. Regardless of politics, everybody would concur with that. I congratulate the members of the committee but I believe their role should once again be looked at because the task of watching over our bureaucracies and departments has become an immense one. If departments had an obligation to supply explanatory material and there was also the provision that what they wanted enacted did not become law until it was laid on the table, we could have greater control. As we have a watch-dog, let us use it.

Mr JENNINGS (Southport) (7.27 p.m.): This committee is an all-party committee based on co-operation between all its members. It is a watch-dog committee which has to do a job for every member of Parliament, not for any one party or any particular section. The committee has to ensure that the wishes of this Parliament are not circumvented in any way.

That is not an easy task, but the members of the committee have co-operated well. We have all agreed that this committee should always be non-political, and that it would always take the centre line to do the best for the House and the people in it. I compliment the member for Rockhampton for his genuine and constructive speech. This afternoon we heard a few speeches that were not, and I will refer to those in a minute.

The discussions of this committee have always been non-political. The members of the committee have enjoyed each other's company and the job before them. All members have a big job to do for the electorates they represent. It is a hack job that must be done and we are doing it. However, we are not here to be abused, as happened this afternoon in the speech of the Leader of the Opposition. What happened this afternoon was disgraceful. I can go to any member of this Parliament such as the member for Archerfield (Mr Kev Hooper) and discuss things and reach agreement. The members of this committee had an agreement—trust between us.

This afternoon that trust was broken by the Leader of the Opposition and the member for Archerfield. That was extremely low, as low as the statement of the member for Archerfield about the Lions Club in his electorate consisting of a lot of grubs.

I compliment the member for South Brisbane who this afternoon made a very constructive speech from his heart. Both the member for South Brisbane and the member for Rockhampton have shown the true spirit of the committee. This afternoon the Leader of the Opposition said that the report of the committee indicated that the policy of the Government is to ignore the Parliament. That is completely without foundation. He said that we as members of the Government parties have been influenced, pressured and all the rest of it. There has been absolutly no fettering of us or influence placed upon us in any way. We are in there to do a job as best we can for everyone—and that includes the Government.

It is unfortunate that the Leader of the Opposition should have done what he did this afternoon. He said also that Ministers have shown scant regard for the committee. That is completely untrue. Even the report itself says—

> "In all . . . cases the relevant Minister has undertaken to attend to the matter . . . Your Committee desires to express its appreciation to Ministers of the Crown for their co-operation."

That was not appreciation expressed by a few from our party. It was unanimous appreciation, from every member of that committee. That includes the member for Archerfield. It was the appreciation of all members of the committee. I think it was disgraceful—and I repeat that—that the member who is just now entering the House should have said those things this afternoon. It was agreed that it be absolutely non-political. We are here in the interests of this Parliament and the interests of the people of Queensland.

The member for Archerfield said also that this is the most undemocratic Government in Australia.

Mr Hooper: That's true.

Mr JENNINGS: I would just state a few simple facts. There are more questions asked and answered in this Parliament than in any other Parliament in the Commonwealth.

An Opposition Member: What about Victoria?

Mr JENNINGS: I will give some facts.

Mr HOOPER: I rise to a point of order. Would it be a breach of Standing Orders if I were to request that a breathalyser be put on the honourable member for Southport?

Mr SPEAKER: Order! There is no point of order.

Mr JENNINGS: That is the sort of remark one would expect from a member who called the members of the Lions Club in his electorate grubs.

The member for Archerfield said that this is the most undemocratic Parliament in Australia. I will give a few facts. Over the last two years in this Parliament the number of questions asked and answered——

Mr Hooper: Tell us why you got out of Victoria.

Mr JENNINGS: I will explain why. I exposed the corruption, the dishonesty and the deceit that the Labor Party would not expose because its members had accepted something. That has been proven.

As to whether this is a democratic Government or not—one thousand questions more have been asked and answered in this Parliament than in Victoria in a two-year period—4 500 compared with 3 500—yet they say it is undemocratic. What happens tomorrow? There is a debate on matters of public interest. Any honourable member can speak in that debate. Members can rise in this Parliament whenever they like and make a personal explanation—members of the Opposition do that. Everyone does it. That shows how democratic it is. It is the most democratic Parliament in the whole nation. It is completely wrong to say that it is undemocratic.

We were told that members of the Government on this committee are hamstrung and are under the influence of the Bjelke-Petersen Government. The point is that no Minister has ever spoken to me about anything connected with the committee. We are completely and utterly free and open. That is what it is all about. The reason is that everyone on our side of the fence wants to do a good job—that is why the committee was set up—and not be guilty of double-crossing, like the member for Archerfield. At least the member for South Brisbane stuck to the agreement that we had. He made a reasonable speech, as did the member for Rockhampton—but not the member for Archerfield, who double-crossed everyone on that committee, as did the Leader of the Opposition. The Leader of the Opposition knows nothing about truth and honesty. We had an agreement and he did not stick to it.

The Leader of the Opposition has moved to have this Parliament adopt the report. The committee only recommended, and the recommendations are to be considered. We have achieved much through reason and co-operation. Everyone knows that a lot of things slip through in administration. They have to be fixed up, and they are being fixed up. We have not had to wield a sledgehammer over anyone's head.

One of the most important queries that has been raised is which regulations are legislative in character and which are administrative. It is not very difficult to imagine the legal problems that might arise if the committee does not do its work properly. It is not very difficult to imagine some smart-cookie solicitor picking up some regulation that has not gone through this House and pointing out that it is invalid. It is most important that we protect individual rights.

I wish to make one comment about what happened with a regulation that was introduced in Victoria. While Parliament was in recess, an acting Minister designated 14 000 acres of land overnight. The land was then frozen for two years and people saw their property values destroyed. Bank managers wanted overdrafts reduced. The matter had not been discussed in Parliament or the party room; it was something that had never happened before in the history of the Parliaments of this nation. That occurred because there was no control. As we know, there has been an extremely rapid growth of the bureaucracy. This has been referred to by members on both sides of the House. Between one in three and one in four persons in the work-force are now employed in the Public Service, whereas it used to be one in four. We have an enormous number of bureaucrats in the Public Service as well as in the more than 100 local authorities throughout Queensland. We are the most over-governed democracy in the world.

It has been most interesting to serve on the committee, although I have had no legal experience whatsoever. The committee was impartial and non-political, which was important, and I was extremely disappointed to hear politics brought into the debate today. I express my appreciation to all other members of the committee.

Mr SIMPSON (Cooroora) (7.37 p.m.): I rise to support the report and to take an approach to the amendment moved by the Leader of the Opposition different from that of the honourable member for Southport, who preceded me in the debate. The Leader of the Opposition has used semantics. The amendment is a play on words and is another example of the honourable member's usual stage acting.

The report speaks for itself. However, the political points raised by the honourable member for Southport are very relevant because harmony on that all-party committee is very important in practical terms in view of the tremendous work-load that is imposed on it.

Mr Casey: Do you want the Government to implement your recommendations, or don't you?

Mr SIMPSON: Weren't you listening?

Mr Casey: Do you want the Government to implement your recommendations, or don't you?

Mr SPEAKER: Order! The Leader of the Opposition has had an opportunity to speak.

Mr SIMPSON: He has had his parade on the stage with his little frilly dress.

I think we should return to the important aspects of the report and the work that has to be done to see that the legislation that is passed in this House is not usurped in any way by regulations that can affect the well-being and the lives of the people of this State. I believe that the work of this committee could greatly improve the availability of legislation to the advantage of the people of Queensland, members of Parliament and those solicitors who must interpret the law and argue precedent in court. In fact, all our legislation should be put on computer section by section so that there is instant recall and instant print out of all Acts. This is already in train with new legislation. It is very difficult for the public or solicitors to obtain up-to-date legislation. Computers lend themselves to selection of material as some Acts contain many sections. In this way we could effectively streamline the system and make it easier for members to explain various parts of legislation to their constituents. It would make it easier for those working with the law, and those who make the laws. A more efficient way of recording our legislation should be implemented. That would streamline the work of the Subordinate Legislation Committee.

I would appeal to members of the Opposition to respect this all-party committee, which, if it is to achieve its maximum throughput, must work in harmony. As can be seen from the report, there are a great many aspects of legislation that have to be dealt with. It is on that basis that we presented our report to Parliament, with the objective of continuing to look after the interests of the people of this State.

Hon. C. A. WHARTON (Burnett—Leader of the House): I move—

"That the debate be now adjourned."

Question put; and the House divided—

Ayes, 39

Ahern	Jennings	Prentice
Austin	Katter	Randell
Bird	Knox	Simpson
Bjelke-Petersen	Lane	Stephan
Borbidge	Lee	Sullivan
Doumany	Lester	Tenni
Edwards	Lockwood	Turner
Elliott	McKechnie	Wharton
Fitzgerald	Menzel	White
Frawley	Miller	
Gibbs, I. J.	Moore	*Tellers:*
Goleby	Muntz	
Gygar	Nelson	Neal
Innes	Powell	Scassola

Noes, 24

Blake	Jones	Warburton
Burns	Kruger	Wilson
Casey	Mackenroth	Wright
D'Arcy	McLean	Yewdale
Davis	Milliner	
Eaton	Prest	*Tellers:*
Fouras	Scott	
Gibbs, R. J.	Shaw	Hansen
Hooper	Smith	Vaughan

Pair:

Glasson Underwood

Resolved in the affirmative.

REAL PROPERTY ACTS AMENDMENT BILL

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Real Property Act 1861-1981 and the Real Property Act 1887-1979 each in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (7.50 p.m.): I move—

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

In undertaking a review of the law dealing with succession, the Law Reform Commission also considered the effects it would have on related areas. Closely

associated with succession are the provisions of the Real Property Acts and the practices of the Registrar of Titles in entering transmissions, whether on intestacy or under a will.

The provision of clause 45 of the Succession Bill, in providing that land devised shall vest in the personal representatives in the first instance and not directly in the devisee, draws attention to the provisions of section 32 of the Real Property Act of 1877, which governs transmissions to devisees in most cases.

In particular, I refer to the practice of the Titles Office in allowing transmission to take place although no grant of probate is produced. That practice was connected with the law that land devised vested in the devisee, but was justified in any case by the wording of the section.

I regard the practice whereby the Titles Office enters transmissions in simple cases without requiring probate of the will as a practice which is beneficial to the community, since it means that many small estates can be administered without the expensive process of obtaining a formal grant of probate.

It may appear to be somewhat anomalous that the Titles Office acts as a kind of probate court in this connection, but I consider that the co-operative role which the Registrar and Master of Titles have performed is in the public interest and I am anxious that the change in the law provided by clause 45 should not affect that practice in general, although it will bear upon it to some extent.

In future, since realty devised will vest in the personal representatives as trustees, subject to the administration, for the devisees, the personal representatives will be able to have transmission entered in their own names, and there is nothing in the present section 32 to prevent the Registrar of Titles from acting as he has done in the past without necessarily requiring production of the actual probate, since there is nothing in section 32 which says that probate must be produced; nor is there anything which prevents a devisee from applying for transmission even though the land is not vested in him by operation of law. So that it is arguable, at least, that section 32 may continue to be used as before to justify informal transmissions either to personal representatives or direct to the devisee.

However, it is considered by the Law Reform Commission, with the agreement of the Law Society and the Bar Association, that the Registrar of Titles should be able to rely on a rather less questionable interpretation than this, and I therefore recommend that sections 32 and 32A be updated to take into account the changes brought about by clause 45 and to make it clear that the present practice of informal transmissions may continue.

The Law Reform Commission has, therefore, combined the present section 32 with the most recent legal rethinking in this area, which is provided by sections 93 and 95 of the New South Wales Real Property Acts, introduced in 1970.

Clause 32 subclause (4) has been added to make it clear that the registrar may dispense with production of the grant of probate or letters of administration. The decision must, however, rest with him, and it is not to be expected that he will exercise his discretion lightly in the case of intestacies, although it is hoped that he will continue to exercise his discretion in the case of wills as in the past but with the added formality of consents as provided by clause 32 (2). That added formality must be included to provide the personal representative with an opportunity to consider whether the realty sought to be transmitted is needed for the purposes of administration or not.

The Bill also retains the provision of the existing section 32 that the applicant shall produce and surrender any existing grant unless production or surrender is dispensed with.

At present, applications for transmission are limited to estates valued up to $12,000. This figure has been increased to a figure of $50,000 to be in line with the Succession Bill, also being a more realistic figure in view of today's monetary values.

A second matter to which I would like to draw to the attention of honourable members is clause 7, which will exempt the assurance fund from being liable for any claim as a result of a subsequent breach by a registered proprietor of any trust, whether it be express, implied or constructive. This is a result of the change of law to which I have previously referred, in that, under clause 45 of the Succession Bill, land devised shall vest in the personal representative in the first instance and not directly in the devisee.

The Registrar of Titles is, in fact, a registering authority, and while he does supervise the transmissions to ensure that they comply with the requirement of the testator, the fidelity fund should not be held liable if the trustee or personal representative, who would be registered as the registered proprietor of the estate, subsequently deals incorrectly with the land.

Finally, clause 6 of the Bill deletes the words "into ten or more subdivisions" from section 119 (4) of the Real Property Act 1861-1981. This amendment will ensure that a separate certificate of title will exist for every new subdivision created and, in doing so, will eventually do away with the troublesome partially cancelled deeds allowed by the subdivision in its present form. The additional benefits will be that, as certificates of title are now issued in loose-leaf form with static references, every newly created parcel of land will have its own individual title reference, thus facilitating its incorporation into any future land data bank.

I commend the Bill to the House.

Debate, on motion of Mr R. J. Gibbs, adjourned.

SUCCESSION BILL

Second Reading—Resumption of Debate

Debate resumed from 7 May (see p. 1030) on Mr Doumany's motion—

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

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (7.57 p.m.): Since the introduction of the Succession Bill, a number of proposals for its amendment have been received. The proposals were circulated to the Law Reform Commission, Bar Association, Queensland Law Society and all the trust companies for their consideration. As a result of their submissions, the Bill will be amended for the following reasons.

Clause 29 (B) of the Bill will be amended by the addition of the words "in fractional parts" after the words "a residuary disposition". Clause 29 (B) was intended to have the effect that where a testator left the whole or the residue of his estate between a number of persons and one of those persons predeceased him, or for some other reason was unable to take the benefit of the gift, there should not be an intestacy but the share that that person would have taken should pass among the other nominated beneficiaries.

This is quite reasonable where the gift is a straight out one between a number of persons. However, it would go further and cover such a case as a life interest and a remainder interest. A man might leave his second wife, whom he married late in life, a life interest in his property (with the intention that it should not, on her death, pass to her family) and the remainder interest, say, to one child of his by a previous marriage to whom he felt a particular obligation. If that child predeceased without issue, the effect of clause 29 as presently drafted would be that the whole estate or residue would pass to the widow—something which the testator most certainly would not have intended in such a case. The addition of these words will rectify this problem.

The second amendment is to clause 33, which substantially alters the present law. However, an enormous number of wills have been drawn over the years having regard to the present state of the law and containing provisions to achieve the wishes of the testator. In attempting to cure the present defects in the law, clause 33 will operate retrospectively to set at naught the intentions of the testator and produce a result which was not intended.

In its report, the Law Reform Commission suggested that a short period of time be allowed before the Act comes into effect to give testators and their legal advisers an opportunity to make changes in wills. It is considered that this may be unrealistic, when it is considered that the Public Trustee, for example, has over 300 000 wills which it holds to see whether the question of a revision might arise; and thereafter to contact the testators in question in regard to this. Trustee companies and solicitors face similar problems though on a lesser scale.

The simplest way of remedying this situation was to add a further sub-clause as follows—

"(3) This section applies only to wills executed or re-published after the commencement of this Act".

The third amendment is to clause 52, which deals with the duties of personal representatives. It is clear that interest should not be payable on a future pecuniary legacy from a date antecedent to its vesting. It is also desirable to allow the testator to make some contrary provision respecting the common law rule which has been reproduced in clause 52 (1) (e).

It was therefore agreed that the clause should be amended in these respects. Nothing in the amendment abrogates any rule or practice deriving from the principle of the executor's year, or any rule or practice under which a beneficiary is entitled to receive interest upon any legacy from the date of the testator's death.

The fourth amendment is to overcome an error which has inadvertently occurred in respect to clause 66. Because of the Family Law Act, part of the original draft was deleted. However, in doing so, survival actions for defamation and seduction were also excluded for the benefit of his estate. The amendment overcomes this accidental deletion.

The final amendment is to the schedule to allow an annual interest rate of 8 per cent on the spouse entitlement. The reason for this amendment is that where a person dies intestate leaving a spouse and no issue but certain other next of kin, the effect of clause 35 and part 1 of the second schedule is to give the spouse a first charge of $50,000 and half the residuary estate.

In England and other Australian states (other than South Australia), the legislation provides for the spouse to receive interest from the date of death. Bearing in mind the high rates of interest presently obtainable, a spouse who obtains a prompt distribution of an estate and is able to invest the funds is obviously, under the existing Queensland law and the provisions of the Succession Bill, in a much better situation than one where for one reason or another (for which the surviving spouse would not usually be responsible) distribution does not take place until some time (possibly years) after death.

As clause 52 provides for interest on a general legacy at the rate of 8 per cent per annum, this was regarded as a suitable rate to adopt in regard to a surviving spouse's first charge. In keeping with the rest of the Bill and the principle of an executor's year, interest shall be payable for the first anniversary of the death of the intestate. This will provide an incentive to wind up the estate by that time.

There are also a number of minor drafting amendments to the Bill.

Mr R. J. GIBBS (Wolston) (8.2 p.m.): In the main, the Opposition is happy to support the legislation. Honourable members will recall that the Bill was introduced approximately 12 months ago by the former Minister for Justice and Attorney-General (Mr Lickiss). At that time the legislation contained a number of problems.

In fairness to the present Minister, I must say that his more open-minded approach to this very technical and, in many instances, confusing legislation has been welcomed not only by the Opposition but also by many members of the public who, at some time in their life, will be affected by it. There is no doubt in the minds of all honourable members that this has been a most contentious issue, particularly for people who have been directly affected by the Family Law Act and have had recourse to legal action over certain problems in this area of the law.

In the last 10 to 15 years, not only in Queensland and Australia but also throughout the whole of the Western world, people's values have changed, and so legislation dealing with these matters must also change. I have discussed this legislation with a large number of people representative of the community. I assume that departmental officers have also had discussions with wide cross-sections of the community. One of two community groups with which I have had discussions is Zonta International, a body of businesswomen that formulates policy and dissects legislation that is likely to have a marked effect on women within the community. I also had discussions with representatives of the Women Lawyers Association of Queensland.

Of the various aspects of the legislation that were discussed, the most disturbing one was de facto relationships. From a legal point of view, that is becoming a very marked problem within the community. I think it is fair to say that society has become more tolerant of people who live in de facto relationships than it was a number of years ago, when it was considered somewhat unsavoury to live with somebody to whom one was

not married. The Government has a responsibility to be realistic. As I said before, people's values change as society realises that different things affect the moral fibre of the world today.

I am certainly not here this evening to attack, even by insinuation, the sanctity of marriage or the institution of marriage. However, de facto relationships are becoming more prevalent in our society. Figures available from various bureaus throughout Queensland and Australia and from the Family Court of Australia indisputably show an increase in the number of divorce cases handled by the Family Court. Therefore, fewer people are formalising relationships. Often the needier members of society are those most affected in these cases, as they are the ones less likely to make wills and thereby make provision for their partners in de facto relationships.

As I said before, I acknowledge that the Bill certainly is a marked improvement on the legislation previously brought before this Assembly. Honourable members would be aware that there is no provision in the existing Succession Act making allowances for people living in de facto relationships. I recognise that the Minister for Justice and Attorney-General has been prepared to insert in this Succession Bill the provision that a woman must live in a connubial relationship with a man for some five years before being able legally to make a claim on his estate. It is here that I differ dramatically with the Minister and the Government. Already Queensland has a clearly established precedent where people are living together. The Workers' Compensation Act 1964–1974 spells out very clearly that provision is made for a woman who at the time of the death of the worker had lived in a connubial relationship with him for a continuous period of at least three years, terminating on his death. It then goes on to describe various other requirements of the Workers' Compensation Act. It clearly establishes a precedent under a law that this Government has been prepared to accept for many years that a woman living in a relationship with a man for three years is entitled by law to claim a lump sum under the Workers' Compensation Act if the man should meet his death.

In my opinion, a similar provision should be adopted in the Bill now before the House. The period of three years should be included as a provision in this legislation, and I give notice to honourable members that I have a typed amendment to clause 40, which will be circulated to honourable members and to The Clerk of the Parliament at the appropriate time when we go into Committee to consider the clauses, to test the feelings of honourable members.

There are a number of problems in the Bill. The term "connubial relationship" has always intrigued me, and I have just quoted to honourable members exactly what it covers. I think it is clause 40 of the Bill that includes the requirement for a person to have lived with the deceased person for periods aggregating at least five years in the previous seven years to establish a connubial relationship with that person. It would be extremely difficult to go into court and try to define a connubial relationship. Does it mean, for example, that people living together must be cohabiting regularly in order to build up a connubial relationship over that period? What would happen, for instance, if a woman or a man had to go to hospital for, say, six months, when a physical relationship would be impossible? Could that appropriately be termed a connubial relationship? If the woman happened to spend six months in hospital out of the five years required under the Bill for her to be deemed a dependant, would it be interpreted that she spent that time in a connubial relationship or in some other relationship with the de facto partner of her choice?

When one refers to the relevant sections of the Law Reform Commission report on succession, it becomes very obvious that to some degree the Law Reform Commission put up a very good case for recognising people living in the type of relationship that I have already mentioned, but one problem arises that I shall mention shortly.

It is my intention at this stage to quote to honourable members some relevant sections from the report of the Queensland Law Reform Commission on this subject. In one passage the report states—

> "No doubt, in many cases, a relationship of dependence during the lifetime of a person does attract some moral responsibility to make provision for the dependant by the will of the deceased."

It further states—

> "We, therefore, recommend that three classes of dependants only should be enabled to claim, and that in all cases the claimant should be wholly or substantially dependent on the deceased at the time of his death."

It is reasonable to assume that in most de facto relationships the claimant would be wholly or substantially dependent on the income being brought in by the deceased person in that relationship.

The following points in the report of the Law Reform Commission probably are more relevant—

> "In any case we take the view that these issues are not as such strictly issues for a Law Reform Commission because they involve considerations of current sociological trends and questions of public and political decision rather than legal correction or improvement. While we have therefore drawn a line within the general boundaries of the existing legal method we stress that the provision which we offer is one on which those engaged in making political decisions may wish to take a different view."

That is the greatest cop-out that I have read in any report by the Queensland Law Reform Commission that I have taken time to peruse. If ever there was a case for the Parliament, not the Government of the day, to give briefs to the Queensland Law Reform Commission, it would be based on that particular point. It indicates clearly to me—and I believe it would do so to any other clear-thinking member—that the members of the Queensland Law Reform Commission have on this occasion found themselves hamstrung. They have not brought down a hard and fast recommendation in this regard because they are afraid that the Government of the day might reject it on some political, sociological or moral basis. Indeed, if we had a system in this Assembly under which, on an all-party basis, members gave the briefs to the Queensland Law Reform Commission, problems relating to legislation of that type could be avoided. It happens to be the policy of the party to which I belong that briefs given to the Queensland Law Reform Commission should come from the floor of this Parliament, not from the Government of the day.

Reference to the Supreme Court is made throughout the Bill. The Australian Labor Party believes that all matters affecting the family unit should be dealt with by the Family Court.

During this session a maintenance Bill will come before the Parliament. That Bill will have to come before this House for debate primarily because of overlapping Commonwealth and State laws relating to the jurisdiction of the Family Court, the Supreme Court and the Magistrates Court.

I am sure that the Minister will agree that these overlapping problems between the Commonwealth and the State in relation to the Family Court continually cause legal problems not only for members of Parliament, who at least have some idea from the legislation of what the problems are and what steps are being taken to correct them, but also for the members of the public who have absolutely no idea or very little idea of the law. They face an uphill battle all the time.

I hope that the Minister will see fit to raise this matter at the next meeting of Attorneys-General, with a request to the Federal Attorney-General that Commonwealth legislation be passed to allow the States to pass complementary legislation so that the Family Court can handle across the board all property disputes and those problems confronting the family unit.

I want to refer to certain of the Bill's provisions to which we have some objection or in relation to which I would make some inquiry from the Minister. For example, clause 17 deals with the revocation of a will by marriage. It provides that once a person who has made a will marries, that will is cancelled. Certainly there is some wisdom in that provision; however, it also contains a pitfall. Again I refer to a de facto relationship. What will happen if persons who are living in a de facto relationship and have made wills subsequently marry? It is highly unlikely that they will race off and make new wills. Are we led to believe that upon the death of one of the partners in such a relationship the will that he or she made prior to the marriage will no longer apply? If so, that could create a problem. Indeed, I predict that it will create a number of problems in the future.

I am particularly pleased that the Minister saw fit this evening to introduce complementary legislation by way of amendment to the Real Property Act. The Bill brought forward by the Minister will amend sections 32 and 33 of that Act. They are important sections. If the Government had not brought forward the amendments, the Opposition would have been entitled to express the strongest condemnation possible of the Government.

Queensland has always had a system of informal transmissions. This scheme is peculiar to Queensland, and it is one that should continue for all time. It is a pity that other States, including New South Wales and Tasmania, did not take a leaf out of our book.

Under the system, where a testator dies and leaves real property, which in most instances is the family home or car, the surviving spouse or children can go directly to the Titles Office and have the real property transferred on an informal basis. Naturally this eliminates the problem of having solicitors charging monstrous fees. The matter can be attended to by the surviving member of the family acting on his or her own behalf.

This scheme was the result of a recommendation brought forward by the Queensland Law Reform Commission. As I have said, I am pleased to see that tonight the Minister introduced complementary legislation. It will ensure the total success of the legislation before Parliament once the Bills are passed as complementary legislation.

If the system of informal transmissions was done away with, every will devise in real property would have to go to probate, which would involve the average person in considerable legal costs.

The last matter that I wish to raise with the Minister relates to clause 66 of the Bill. Once again, the Minister referred to this when speaking about the amendments he proposes. Perhaps he will clear up two points for me. I am somewhat perplexed about his speech concerning the amendments wherein he said, in relation to the fourth amendment—

> "However, in doing so, survival actions for defamation and seduction were also excluded for the benefit of his estate."

The Minister may care to clarify for me and other honourable members where seduction is referred to in the legislation. The Minister might also clarify subclause 66 (c), which reads—

> "In the case of a breach of promise to marry, shall be limited to damages in respect of such damages as flow from the breach of promise to marry;"

I understand that this was revoked in 1975 by the Family Law Act; it did away completely with the problems entailed in breach of promise to marry. It is only right that that should be done, because this action is stupid, antiquated and totally out of date.

The Opposition is quite happy to support the legislation with the exception of one area on which I have spent some considerable time in outlining it to the House. When the Minister introduced the legislation he outlined quite adequately the benefits to be derived from it, and the Opposition is more than happy to support it.

Mr INNES (Sherwood) (8.22 p.m.): I rise in support of the Bill firstly to commend the Minister, the Government and the Minister's predecessor on the device adopted in this case. The reform of something as important as the succession law cannot, and should not, be hastened. The method adopted in this case is exemplary. I know that members on both sides of the House would like to see it adopted on more occasions when we are dealing with important legislation, particularly that which seeks in a wholesale sense to reform the previous law and to consolidate and amend law of long standing.

The time available to members of Parliament, and more particularly to the technicians who have to work with this type of law, has clearly been used valuably. Indeed, it has led to proposed amendments relating, in some instances, to minimal matters of art and in more important instances to matters of substance. There have been constructive and important suggestions that the Minister has seen fit to accept. The whole machinery that has been followed in this instance has been beneficial to the law-making process.

Any proposed legislation repealing 11 existing statutes and over 200 provisions, and replacing them with a single Act of 72 sections is to be applauded. Speaking as a member of the legal profession, I do not think that any member of that profession finds any comfort in the increasing size of the volumes incorporating the law of this and other States. None of us takes any comfort from the increased complexity of primary and subordinate legislation.

Indeed, we should have more illustrations of wholesale review of the law, of consolidation, of the removal of dead wood and of the upgrading of the law to reflect contemporary machinery, contemporary standards and contemporary mores.

The important matters have been set out. The honourable member for Wolston made certain observations, with many of which I agree. However, he has shown that ambivalence between asking on the one hand that the law be certain and on the other hand asking that the law be simple enough for the layman to understand. I do not think that I am being unduly solicitous of my profession when I suggest that quite often it cannot be achieved. The same applies to internal combustion engines which, of necessity, are complex things that are intelligible to mechanics but have to achieve a certain complexity to account for their reason for being. So it is with the law. The law cannot be simplified to the extent of a, b, c. It should always be the intention to try to achieve that, but it cannot be achieved in many important areas. To achieve the certainty which is also demanded of the law sometimes involves a certain complexity and maybe a little convolution of the language.

Mr R. J. Gibbs: It could be written in a more readable way.

Mr INNES: That should always be the intention but it cannot always be achieved.

This legislation seeks to deal with the sort of problems that occur when people resort to the language they customarily use. The sort of person who makes his own will is no doubt encouraged to do so by sentiments of the type expressed by the honourable member for Wolston. He is told that he can go to the newsagent and buy a will form and that he should make his own will and save the dreadful fees charged by the avaricious solicitors. In fact, the fees charged for the preparation of a simple will are usually surprisingly low; something like $20.

It is because people are exhorted, sometimes against their interests, to resort to the easy device—the do-it-yourself will—that they come unstuck. It is because they come unstuck—because they are not used to dealing with legal terms or terms reasonably used by the courts or the law—that the provisions in effect destroy the difference between "personalty" and "realty". For a person intending to make a distinction between his land and his other sorts of property, the two terms are useful; but for a person who does not understand the difference, they can be an impediment.

It is because the layman uses language with which he is not familiar or does not have sufficient knowledge to use the appropriate language that we have to recognise the oversight and propose devices so that, if he mentions personalty and realty, in the absence of all other things they are treated as one and the same thing. But that is a reflection of the problems of those two demands put upon the draftsman and the law; simplicity on the one hand and certainty on the other. This law does, in a proper and up-to-date fashion, attempt to come to grips with those two sentiments which will sometimes be in conflict.

Mr R. J. Gibbs: You are giving me an absolute guarantee on that?

Mr INNES: That there will be conflict? Nothing is more sure. Constructive conflict, I hope, is the order of the day.

The other matter referred to with some criticism by the honourable member for Wolston was the attitude of the Queensland Law Reform Commission. Again there are two approaches. One could take the approach of the commission which says, "We are reviewing the law. We find this wrong with the present law. These provisions are dead wood. They no longer reflect anything which is of use. These are provisions which we believe can be altered, having regard to our experience of the uncertainty of the law in a technical sense." Then they very clearly identified for the Legislature an area which they said was policy. They did not venture into a value judgment. They did not recommend what period should be set, or what other specific proposals we might entertain to give some recognition to de facto relationships. They identified the area and said, "If you, the Legislature, wish to act, no doubt motivated by the Government, then that is an area in which we give the ball to you."

Perhaps that is not the approach of Mr Justice Kirby and the Australian Law Reform Commission—it is a different type of approach—but I suggest, as this legislation has shown, that the alternative approach can be just as productive. In fact, in some ways it more clearly leaves the Legislature with its duty and task completely in hand. There is no doubt that there might be a danger or a benefit, depending on

what the issue is. The approach taken by Mr Justice Kirby is very much a tendentious one. In some cases it very much reflects his subjective view of in what direction the law should go. No doubt the two approaches are equally valuable. It is valuable in this community to have two different approaches available, often reporting on precisely the same, or a similar, area of the law; but no harm is done.

In fact, I would suggest that the fact that one can substantially support the reform of the law on this occasion and the fact that the law was exposed to so much scrutiny by any interested person who had both the time and the opportunity to make a submission show the validity of the Queensland Law Reform Commission's approach. It is one of two different approaches. On this occasion it has been just as constructive as any value judgment taken by the Australian Law Reform Commission and sought to be imposed upon us. We saw where they suggested, "If you want to do something, you can"; and the nettle has been grasped. That is the most far-reaching social change that is wrought by this legislation.

The sort of problem with which we, the Legislature, have been confronted is to give some recognition to society and the importance that it attaches to the institution of marriage. To have said that any couple who lived together, or who were living together at the date of death of one of the couple, shall be equated to the situation of a married couple could have wreaked some terrible injustices. It might have been a relationship of little standing and absolutely no future, about which nobody intended to have any permanent legal relations. Of course, that is one of the old definitions of marriage.

Mr R. J. Gibbs: I am not questioning that, but you know that there have been such cases. Say a young woman married an aged fellow. She is married to him for 12 months and he dies. She certainly has not married him out of love; she has married him for a fat bank account. Legally, she then becomes entitled.

Mr INNES: I would say that it would be very dangerous for us—in fact I would reject the suggestion—to replace a subjective attitude or analysis of what that relationship was supposed to mean, or what was intended, or what a cynic might say about it, or the legal formality and the reality of the solemn contract of marriage into which they entered. If they were prepared to attend that living together with the preliminary formality of marriage——

Mr R. J. Gibbs: My friend, you have spent most of your life under a mushroom.

Mr INNES: Whatever the motivation might have been, it is perfectly clear from the formality of marriage that they were both prepared to attach certain legal consequences to that association.

Certainly the motivations of people in a variety of situations, including marriage, can be suspected. However, the reality is that partners in a marriage have exchanged the formal indications of knowing what they are about and of accepting what they are going into. The problem before the Legislature on this occasion is which relationships other than marriage should be recognised. On this occasion we have not opted for the workers' compensation approach, we have gone for an arbitrary period which would seem to us to reflect a substantial union of people—not a casual relationship—for five out of six years, including the time of death, during which people have cohabited.

Some people would reject any extra-marital relationship, any de facto relationship, but of course we know in this day and age that such an attitude wreaks terrible hardship. Several honourable members would have come across the experience, particularly with relationships that commenced in wartime or amongst refugees, of one spouse not being able to prove whether the other spouse of a marriage entered into in some middle European country before the war was still living. In some cases that certainty could never be reached and so, dislocated by war, time or distance the spouse entered into a relationship of long standing in this country that produced children who always believed that they were the offspring of a married couple, that is until after the death of one of the parents. That caused some dreadful injustices and hopefully this legislation will seek a balance between respect for a vital and important social institution, that of marriage, with the realities of the type of situation that I posed or, in fact, the realities of a long-standing connubial relationship, which must be given some recognition upon the death of one of the spouses.

The principal sections have been more than adequately covered by the Minister. I totally support the amendments which he has foreshadowed. I commend him for the method of propulsion of this legislation through Parliament which has been very "steady as she goes" with the obvious benefit that the course has been more certain in the end. I commend the Government generally for its approach in this very important area. I reserve any further comment for the Committee stage.

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (8.38 p.m.), in reply: I thank both the honourable member for Wolston and the honourable member for Sherwood for their contributions to this second-reading debate and for their constructive comments.

One of the matters raised probably relates to the operation of the Queensland Law Reform Commission as opposed to the Australian Law Reform Commission. The honourable member for Sherwood might well have put his finger on the very valuable method that has been adopted in this instance. As this legislation consolidates quite a number of existing statutes it is complicated and extremely intricate. By exposing it for a sustained period and by inviting comments from all quarters, I think we have achieved a very good result, despite the fact that, as the honourable member for Wolston pointed out, because of the origin and construction of the Government's brief the commission might have confined itself strictly to that brief.

The suggestions of both honourable members probably have their merits, but we have demonstrated that what we are doing in this case can work provided that there is the sort of exposure, public debate and comment that has in fact occurred with this legislation. It is a good example of the co-operative approach to what is really fairly difficult and contentious legislation.

I am very pleased to hear from both honourable members comments supporting the de facto provisions in this Bill. The honourable member for Wolston raised the term of the de facto relationship and foreshadowed an amendment in respect of it. The specification in the Bill is in fact based on the South Australian legislation. After a good deal of consideration it was felt that that was about the best specification that we could draw on. It was a difficult area of judgment, I must say, but we arrived at it on that basis.

The honourable member for Wolston raised the matter of physical separation of the parties, say, by hospitalisation of one partner for a period of six months. That would not necessarily break the period of connubial relationship if it were clear that the spirit of the relationship still existed. There would be ways and means of demonstrating that through the continued interest of the other party in the hospitalised party. That would not be a problem in counting a period under the arrangements that are specified in the relevant provisions.

In speaking to clause 17 the honourable member for Wolston raised certain matters, and I would like to comment briefly on them. It would be impractical to set out in legislation all the cases where marriage should not revoke a will previously made. If a will in favour of a de facto spouse was revoked by the subsequent marriage of the parties, the spouse would have the usual rights that exist on intestacy. Also the spouse could apply to the court under section 41 for a greater share if she chose to do so. So there is that possibility; but it would be very difficult to try to delineate in the legislation all the possible exceptions. Some are sure to be missed.

The honourable member for Wolston made certain comments about clause 66. It has long been policy not to allow actions of such a personal nature as, say, damages for seduction or defamation to survive the death of either party. The Law Reform Commission intended that that policy be continued, but it was through an oversight in drafting that this was left out of the Bill. All that we are really doing is making certain that there is no confusion about the continuation of that policy.

Finally, the honourable member for Wolston raised the matter of the Family Court in respect of clause 66(2)(c). Whether the Commonwealth has constitutional power to legislate on breach of promise to marry, which is really a breach of contract, is a very moot point. Even if the Commonwealth attempted to do that under the guise of its power to legislate with respect to marriage, until that point is tested through litigation there is no clarity as to whether in fact the Commonwealth does have the constitutional power to move in those directions. Therefore, the member has referred to a very grey area.

I would like to again thank the two honourable members for contributing to this debate on what is a very complicated and detailed piece of legislation. I am very pleased that we have had the opportunity of subjecting this Bill to a very lengthy period of exposure and scrutiny. Some interesting comments have come back to us from various quarters, as I mentioned in my speech at the beginning of the debate tonight. They have led to certain amendments that I will be bringing forward in the Committee stage of the debate. It has been a very good exercise in how to deal with complex legislation that affects a great number of persons. It is very intimately connected to the everyday lives of all families in the State. I am pleased that the exercise has proceeded the way it has, and I am sure it has given us a very useful precedent for handling similar complex legislation in the future.

Motion (Mr Doumany) agreed to.

ASSOCIATIONS INCORPORATION BILL

Second Reading—Resumption of Debate

Debate resumed from 7 May (see p. 1033) on Mr Doumany's motion—

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

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (8.47 p.m.): Since the introduction of the Associations Incorporation Bill, the Bill has been considered by a number of parties including the Law Reform Commission. The commission has recommended two changes which, it feels, will clarify the effect of the Bill.

The first change is to clause 7, subclause 2, which clause deals with pecuniary gain. As honourable members will appreciate, the purpose of the Bill is to allow non-profit associations only to incorporate under its provisions.

Clause 7 subclause 2 specifically ensures that associations which might obtain pecuniary gain by indirect means cannot avail themselves of the provisions of the Bill.

The Law Reform Commission feels that the present wording may be too wide and suggested an alternative which has been adopted in this amendment. In my opening speech to the House on the Associations Incorporation Bill, I referred to a number of difficulties being experienced by unincorporated associations and their members. One such area of difficulty is the rights of the members as opposed to those of the club. The Law Reform Commission has recommended the inclusion of clause 41 dealing with rights of members because of its concern that the Supreme Court, following an earlier decision on this point, may hold it has no jurisdiction to enter into "domestic" disputes concerning the rules of associations.

Paragraph 1 of this clause provides that the rules of an incorporated association shall constitute the terms of a contract between the members from time to time and the incorporated association.

By paragraph 2, where those rules confer a right on a member of the association, the Supreme Court may be called upon to adjudicate upon the validity of a decision taken by the incorporated association depriving such member of such rights. In particular, where a member's means of livelihood are dependent upon his membership of the association, he could not be expelled without having the right, in appropriate circumstances, of appealing to the Supreme Court.

Subparagraph 3 of this clause incorporates the general rules of natural justice into decision-making procedures of incorporated associations. The other amendments result from the amendments to the above provisions or are drafting amendments only.

Mr R. J. GIBBS (Wolston) (8.49 p.m.): This legislation is basically sound and will at least make an attempt to hold public associations accountable.

The Bill raises a rather vexed question that people who are associated with the law in this regard have looked at for a long time, that is, whether or not there should be some compulsion concerning the incorporation of associations. Such compulsion would protect those people in the community who deal with associations on a fairly regular basis.

Many honourable members would be aware of the fact that past experience has shown that 90 or 95 per cent of bad debts that are owed to small businesses such as small printing

firms are owed by unincorporated associations that cannot be held responsible for their bad debts. I am sure that many honourable members would know from experience in their electorates that a large number of associations fall into the hands of small greedy cliques that very often grab at the power that they can have within those associations and abuse it unreasonably, quite often to the disadvantage of the rank-and-file members of those associations.

It is because of that that I raise this matter of compulsion in relation to the incorporation of associations. Such compulsion will ensure the fair use of moneys within those associations, the democratisation of those associations and indeed the accountability of them. That is most important to many people in the community.

The aspect of compulsion would probably be most unpalatable to many associations, in that some of the provisions contained in the Bill would, because of the financial outlay that could be involved in incorporation, most likely eliminate some of the smaller associations. So I believe it would be worth while for the Minister to give consideration to the introduction of further legislation covering those very small groups within the community such as progress associations, and to laying down some very strict guide-lines to cover a number of the points that I have outlined. I am sure that, generally speaking, honourable members would agree with the points that I have made.

I want to refer to the Law Reform Commission's report on draft associations, an aspect that has been adequately covered by the commission in its report. Under the heading "The desirability of provision for incorporation" the commission says—

> "It has been observed that generally these uncertainties stem from the failure of the law as developed by courts to reconcile with facility the corporate nature of an association with its lack of legal personality.
>
> It is submitted that the adoption of legislation of a general character which will in effect make it possible for various unincorporated associations to gain recognition as legal entities by some process of registration or formalisation allowing such bodies to obtain legal status, will remove in a satisfactory way these uncertainties for these associations which do obtain legal status.
>
> Thus to be effective, the system requires public acceptance and general adoption of its facilities.
>
> It should be noted that the proposed system deliberately leaves to the members of the unincorporated association the choice whether they will take the steps to incorporate. What this system does not do is confer automatic incorporation on all unincorporated associations upon formation of the association. Since an unincorporated association is, after all, no more than a physical fact of the association of persons each of legal status, the effect of such an approach might well have the result that the formation of a cricket team or a car club or a choir, any one of which might have the most transient existence, would cast upon the members an obligation to file returns and otherwise to subject themselves to the provisions of the legislation. One can foresee that there would be many corporations that would come into existence but of which no formal record ever be kept because the members, through unawareness of the fact of incorporation or otherwise, would fail to file returns; and there would be many corporations that existed as a matter of law long after the association itself, as a physical fact, had ceased to exist. Seen in this light, that kind of approach is quite impractical and it is for this reason chiefly that it has been rejected in favour of the approach contained in this draft Bill."

A copy of that draft Bill is appended to the report.

As I said, the Opposition has no objection to the approach recommended by the Law Reform Commission, but I again make the point to the Minister that, stemming from the points made by the Law Reform Commission, it is desirable that the Minister give consideration to looking at the possibility of legislation to cover the smaller organisations in the community.

I will now outline a case in point that lends some weight to that argument. Earlier I spoke about the need for accountability of organisations and companies. I have some comments to make concerning an organisation known as Big Valley Bingo. In early 1979 a meeting was called of organisations participating in Big Valley Bingo. At the time of the meeting it appeared that there was some problem relating to the Valley Business

Council's involvement with Big Valley Bingo. It was disclosed at the meeting that the major retailers, that is, Myers, Waltons and others, had withdrawn their membership in the Valley Business Council for various reasons.

Those present were led to believe that the main reason for withdrawal of membership was the manner in which the bingo was being conducted. Following much discussion it was moved that the Valley Business Council obtain a lease from the State Government Insurance Office, the owner of the property in the Valley Plaza where the bingo was being conducted, and that the bingo sessions be managed by the Valley Business Council on behalf of the participating organisations. A further meeting was to be called when details of the lease were available. To date no such meeting has been called, nor has any meeting of the organisations involved been held since that date.

Quite a number of charitable organisations within the community are involved. It is interesting to note that the Valley Business Council employs a private company to manage and handle its administration. Mr Edgar Hawthorn is the nominee of this company and acts as secretary/manager.

Following the meeting referred to, bingo sessions functioned satisfactorily. The organisations were satisfied with the return from the sessions allotted, until a request or demand was made—quite frankly I am not so polite as to use that terminology; I say it is out-and-out blackmail—by Mr Hawthorn and his son Terry to the effect that organisations participating in the $1,000 a week jackpot sessions donate half of the net proceeds from the sessions to the Valley Centre of Culture.

With the assistance of various people in the community I have carried out an in-depth search of company records, and no such organisation as the Valley Centre of Culture has ever existed. It is a non-existent organisation established by Mr Hawthorn and his son who were taking money on a 50:50 basis from the participants—from the charitable organisations trying to raise money from Big Valley Bingo.

Many of the participating organisations submitted to this demand in fear of losing their weekly session, returns from which are a major source of their income. It has been brought to my notice that a number of leading charitable institutions in the community covering crippled children, blind people and so on have pulled out of Big Valley Bingo because of the financial demands made by Mr Edgar Hawthorn and his son Terry.

Early in 1980, following a complaint to the Justice Department, an inquiry was held into the running of Big Valley Bingo. The Fraud Squad was called in to investigate. It is my understanding that the investigation of Big Valley Bingo was taken out of the hands of the Fraud Squad and was carried on by the Corporate Affairs Office. To date, no report, either public or otherwise, has come from the Corporate Affairs Office in relation to the operations of Big Valley Bingo, or of its investigations and findings relative to the affairs of Mr Hawthorn and his son.

Mr Hawthorn was duly suspended from his position during the inquiry, but the result of the inquiry is not known. Later on Mr Hawthorn was reinstated. He continues today as secretary of the Valley Business Council and as the manager of Big Valley Bingo.

While the inquiry was being held in 1980, it was significant that the return of half of the net proceeds ceased. That is an interesting point. Why, during the investigation by the Office of the Commissioner for Corporate Affairs, were these blackmail demands not made as a premise for organisations being entitled to participate in Big Valley Bingo? Immediately the investigation ceased, the blackmail demands started again.

Following Mr Hawthorn's reinstatement, the same demand was made and the organisations were required to donate back, not as previously to the Valley Centre of Culture but to the Valley Creative Arts. He changed the name of his bogus company. Again I have made a thorough check of company records and there is no registered organisation named Valley Creative Arts.

I believe that the Government, the Minister and his department have a responsibility to investigate these points: Are these organisations controlled by Mr Hawthorn and his son and what is the function of those organisations? The amount of money now being received by Valley Creative Arts from this source is between $100,000 and $250,000 a year. Some 30 organisations participate in Big Valley Bingo and 15 to 20 of them

participate in the $1,000 jackpot sessions each week. Each $1,000 jackpot session nets approximately $425 for the participating organisation. To participate in a bingo session, an organisation must have a permit from the Justice Department.

Does the return of this money to Valley Creative Arts Centre contravene the Act covering bingo permits? Is the demand for a donation to the Valley Creative Arts a legitimate request or is it sheer blackmail? I believe that, as well as being blackmail, it is a standover tactic that is being adopted by two criminals operating under the guise of assistance to charitable organisations within this city.

As I have pointed out, Mr Hawthorn and his son are pocketing a handsome amount of between $100,000 and $250,000 per year. In fact, three of the organisations I have spoken to have told me that when Mr Hawthorn makes his demand and they cough up, no receipt is given. The only reason why many of these organisations pay over this amount of money is that they are afraid Mr Hawthorn and his son will evict them from their premises and they will no longer have a weekly income to assist the organisations they represent.

I ask the Minister to conduct a full inquiry into the operations of Big Valley Bingo. I intend to follow up this speech with a number of questions in the House. I give notice to Mr Hawthorn that I intend to further investigate his activities over the past couple of years and to expose him in this Parliament for what I believe him to be.

In the main, the Opposition will support the Bill. There are a number of areas about which we have some reservation. Our primary reason for support stems from the uncertainties that arise in the law with respect to unincorporated associations. In recent years a number of decided cases have illustrated the uncertainties that confront members of unincorporated associations and the people who deal with them. The uncertainties arise from the anomalies which flow from the operation of the present legal rules applicable to unincorporated associations. Many cases can be outlined to give members an appreciation of these uncertainties.

In the main, they have fallen into four categories when the cases have come before the court for determination. They are (a) the devise or gift of property to unincorporated associations; (b) the policy of associations to contract and hold property; (c) the liability of committing members of associations and (d) the rights of members of associations to maintain legal actions against fellow members and/or committeemen.

I am aware that those members of the legal profession who sit in this Parliament have read in some detail, or perhaps briefly, the reports of a number of the legal cases that touch on these areas. The reports indicate very clearly the complexity that faces unincorporated bodies in the community today.

Once again, I would seek from the Minister clarification of various parts of the legislation that is before the Parliament this evening. Firstly, I refer to clause 13 (2), which reads—

> "Notwithstanding the provisions of subsection (1), it is the duty of the secretary, prior to the commencement of any legal proceeding by the incorporated association—
>
> (a) to obtain legal advice in writing from a legal practitioner, who is not a member of the incorporated association, in relation to the circumstances in question; and
>
> (b) to table that legal advice before a meeting of the Management Committee."

This is an overcautious approach. Whilst I can see some merit in it, I believe that those associations that are not in a particularly strong financial position and will be incorporated under this legislation will have to go outside their own committees for legal advice. Not all associations within the community have members of the legal profession on their committees. If an association is operating in a responsible way under the auspices of this legislation, and if it has on its committee a member of the legal profession, I can see no reason why that member should not be able to advise the committee or the association of the legal position on certain questions that might arise from time to time.

I also have some reservations about clause 15 which refers to the ministerial review of determinations. It reads—

> "In the event of an application made under section 9 being granted subject to conditions imposed by the Under Secretary, or being refused, the Minister may review the determination made with respect to the application . . ."

In my opinion, that is an offensive clause, and I think that many fair-minded people in the community would hold the same view. If the Under Secretary refused to grant an application, I believe that it would be fruitless for the aggrieved person to then go to the Minister, because obviously the Minister would be briefed and advised by the same Under Secretary who refused the application in the first place. It would have made more sense if the Bill had provided for an appeal directly to the courts instead of to the Minister. It appears to me that this is something of a Catch 22 situation.

I have some reservations about clause 38 which refers to insurance cover for incorporated associations. It states—

> "(1) Forthwith on receiving a certificate of incorporation, the Management Committee shall effect insurance in respect of damage to property, death or bodily injury occurring upon the property of the incorporation for a cover of the prescribed amount, or if not prescribed, $100,000, and shall keep such insurance cover current at all times."

I do not believe that it is practical to consider a coverage of $100,000. Honourable members would have seen in recent times claims against associations of well in excess of $100,000. I recall one case in New South Wales where the judge, in his summing up, said quite clearly that $100,000 was a paltry sum to pay to a person who had lost the use of limbs through an accident.

It would make more sense if the Minister considered the introduction of some no-fault liability scheme by which a collective policy could cover all associations registered under this Bill. All the associations that decided to incorporate would be covered by the one policy taken out on their behalf. The policy could be paid for by a levy based on the membership of clubs involved so that each club paid its share into a central pool. That would be a far more sensible arrangement than having an insurance cover of $100,000, or for a prescribed amount. In many cases the prescribed amount could be less than $100,000.

I am somewhat amused by the provisions of clause 40. Although I see merit in them, I am amused because they provide a perfect opportunity to challenge both political parties on the other side of the House to incorporate as associations. One can well imagine the effect on those political parties. Clause 40 states—

> "The Management Committee of an incorporated association shall, within three months of the close of the financial year prescribed, or more frequently if the rules of the incorporated association so provide—
>
> (a) prepare, or cause to be prepared, a statement containing the following particulars . . ."

Those particulars are then listed. Wouldn't it be a wonderful exercise if the Liberal and National Parties were to incorporate under the provisions of this Bill and we compelled them to reveal to the Parliament and the public the financial donations that they receive at election-time and, of more recent times, the amount of money that goes into the Bjelke-Petersen Foundation?

Numerous cases of that sort of thing have been put before this Parliament. If some honourable members still think that type of thing does not go on, I will offer one more instance. I refer to the recent case of Cecilia McNally versus the Spring Hill Branch of the National Party. All the people who spend money at the so-called Spring Affair at Spring Hill each year should be made aware of the fact that they are in fact donating to the coffers of the National Party. As reported in "The Courier-Mail" of 22 May 1981, in evidence Miss Cecilia McNally said that she had once given the Liberal Party a $1,000 gift before switching to the National Party. Perhaps $1,000 was not good enough for the Liberal Party, hence the switch. The article continues—

> "The Spring Affair was my own idea and I gave the National Party donations of $600 and $750. When the National Party people wanted money I said they would have to run other events.
>
> Proceeds of the Spring Affairs were banked as fixed deposits and I said they were to be used for election campaigns only. I discussed a $400 donation to the Sherwood election and the committee agreed."

It is probably just as well that a $400 donation was made to the Sherwood by-election. The dramatically low vote gained by the National Party candidate in that by-election

(Mr Des Draydon) probably handsomely assisted the present honourable member for Sherwood to win that by-election. Mr Deputy Speaker, I notice the honourable member for Sherwood at your elbow. He is nodding and grinning in agreement. I am glad that my comments have pleased him.

In future those people who take part in the Spring Hill Spring Affair each year to raise money for their own organisations would be well advised to consider what happens to the money that they pay for their booths and permits. It goes directly into the coffers of the National Party.

Mr Warburton: Is that the same Mr Draydon who is the chairman of the Films Board of Review?

Mr R. J. GIBBS: It is the same Mr Draydon. In the last few weeks some alarming things in relation to the distribution of some of those R-rated video movies have come to my attention. I believe there is some association there as well.

Mr DEPUTY SPEAKER (Mr Miller): Order! The honourable member will return to the principles of the Bill.

Mr R. J. GIBBS: I have never left them, Mr Deputy Speaker.

As I have said, we do have some reservations about clause 40, and clause 49 which relates to the appointment of inspectors and gives wide-ranging powers to inspectors to confiscate books, as I would interpret it, and to audit them. For the benefit of those honourable members who have not read the clause, I will do so—

"49. Appointment of inspector. (1) Where it appears to the Under Secretary that—

(a) it is desirable for the protection of the public or of members or other persons interested in an incorporated association; or

(b) it is in the public interest,

to appoint an inspector to investigate the affairs of the incorporated association he may by instrument in writing appoint such an inspector."

That is an alarming provision in this legislation. It is extremely vague. It should be clearly spelt out under what conditions it is considered to be "desirable for the protection of the public or of members or other persons interested in an incorporated association". With the type of record that this Government has in relation to civil liberties, the mind boggles at the extremes that could be invoked under the terms of this legislation. It is not spelt out clearly enough exactly what "public interest" means. I would ask the Minister to spell out very clearly to me the terminology contained in that clause, because we have serious reservations about it. Finally, I express my concern about clause 67 (j) and (k), which provide—

"(j) the form and manner in which books of account of an incorporated association shall be kept;

(k) providing for the inspection, examination and audit as prescribed by authorised officers and others of all or any records required by the regulations to be kept;".

That clause comes under the side heading "Regulations", and it commences "The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to". When we are dealing with the making of regulations covering the inspection of books, audits and so on, the Minister and the people responsible for drafting the legislation have a responsibility to bring before this Parliament more clearly defined laws. I do not accept that the Governor in Council should have such wide-ranging powers.

As I have indicated, the Opposition will not be opposing this legislation. We realise its importance in many cases to very many small organisations in our community which have waited for a long time for legislation of this type. However, I repeat that we have reservations about it. I hope that, when the Minister replies, he will allay the fears that I have outlined on behalf of members of the Australian Labor Party in this House.

Mr SCASSOLA (Mt Gravatt) (9.19 p.m.): In participating in this debate, one ought to commend the Minister for his general approach to this legislation. It has been on the table of the House for some time and has been widely circulated in the community. I think it is fair to say it has been well received in the community. It has certainly been well received by members of the many community associations in our society, the people most likely to be affected by it.

This Bill is very timely and is designed to meet the needs of our contemporary community. The necessity for its introduction arises from the inability or the unwillingness of the common law to meet social change and to deal with somewhat outmoded legal concepts. The need for the Bill has certainly been exacerbated by the proliferation of community associations of varying interests that abound in our society. We all know of the many hundreds of those groups everywhere. The common law had an entrenched and inflexible approach, namely that an unincorporated association was not a legal entity, despite the fact that an unincorporated or community association existed in fact and that people belonged to it and participated in its workings and activities. The law simply did not recognise these associations. That led to a great deal of confusion and an enormous number of decisions which were contradictory, as well as uncertainty in the law. Despite all that, the common law has not moved from its underlying base that an unincorporated association or body has no existence separate from that of its members. That refusal has permeated the whole fabric of the law in that area and it has been the cause of the difficulties that exist. It has also created some unanswerable problems; hence the need for legislation of this kind.

If one examines some of the decisions that have been handed down in this area and articles written about it, one can graphically see the inconsistency, the uncertainty and the confusion which exists. In the area of contract the law draws a distinction between the liability of committee members in clubs and non-committee members. For instance, the law has said that a floor member of an association, if one can call him that, has no liability beyond the amount of his membership subscription, but at the same time it has imposed a much more onerous liability on the member who happens to be a committee member of the same organisation, no doubt in part because the member of the committee happens to be one of a group which is clearly identifiable and can be easily pinpointed, whereas the overall membership is fluctuating and members who may have been a part of the organisation just weeks ago may not now be members.

All of those types of things have led to great difficulties for associations. They have been unable to hold property in their name. There have been a number of instances of litigation relating to leases and the holding of other property. I suspect that the approach of the law to the liability of committee members has meant that a number of community-minded people have not taken on the task of administration of the organisations to which they belong. They have been somewhat reticent to do so because of the uncertainty of their positions should they take on that responsibility.

There have been instances where members of a committee have been held liable in contract or in tort to both members and outsiders. The honourable member for Wolston has adverted to a number of the categories of matters that have created difficulties. This legislation will remove that uncertainty, it will remove substantially the confusion that exists, and it will bring certainty to this area of the law. It will enable a group of people to create a legal personality separate from the individual personality of the membership.

An association will, if it chooses to incorporate, be able to hold property and enter into contracts. No longer will the committee members be personally liable for contracts entered into on behalf of the assóciation. An incorporated association will be able to enter into leases for premises and a whole lot of other legal arrangements that have not until now been possible. For example, because it was not a legal entity, an association could not hold property in its name. It was usually the case that trustees were appointed. Of course, that has its practical problems. Trustees have a habit of dying or of ceasing to be members of the association. In these times, people have a habit of moving fairly frequently. So considerable difficulties are created. The legislation will remove many of them.

The Bill will certainly mean that a group of people will have to come to a decision whether or not they want to incorporate. I believe strongly that that choice ought to remain. It is clearly a matter of choice for groups of people whether they want to incorporate their association or not. It may well be that it would suit a particular group of people not to incorporate. For example, a group of people may come together for a specific purpose for a very short period. Certainly there would not be any necessity for them to incorporate. One could cite a variety of other circumstances in which groups may not wish to incorporate. However, the great many associations that have a role to play in society and are ongoing would, for the variety of reasons that have been canvassed, certainly consider incorporation.

But clearly it is a matter of choice, and it ought to remain a matter of choice. I do not believe that one ought to be compelling groups within the community to follow one course or the other.

It is the function of this Parliament to create rules by which there can be an orderly arrangement of affairs. Certainly it is the function of this Parliament, in the public interest, to say to groups that want to incorporate, "If you incorporate, you will be subject to certain rules, you will be subject to certain accounting and you will have to undertake certain procedures." That is reasonable and it is the general fabric of this legislation.

As to the question of whether the secretary of an organisation should be required to table an opinion prior to instituting legal proceedings, I suggest that it is important for an association to have before it objective and independent legal advice on which it can make an independent and objective appraisal. Frequently it is found that groups of people will be encouraged either by the particular circumstances or their own feelings to undertake proceedings against someone or some group of people in circumstances in which, if they had had ıdependent and objective advice, they would not have done so. It is important for them) obtain it because it allows a period of time and they then will have the benefit of ıdependent and objective advice.

The basic fabric of this legislation will remove the grave problems that have confronted ssociations and unincorporated bodies in the community. It will help facilitate their work. believe it will also help the community in the broad sense in that there will be much reater confidence. In many instances community-minded people will be attracted into ositions of some importance in the organisations. In the overall result the community 'ill certainly benefit.

Outsiders will have far greater confidence and obviously much greater certainty in ıeir dealings with incorporated associations. In short, this is timely social legislation. It /ill considerably benefit the community as a whole. It is important to note that Queensland /ill become another State with this type of legislation, but the two most populous States n Australia still do not have such legislation.

I commend the Minister on its introduction and also for allowing it to lie on the table o that it could be scrutinised by the community. That can lead only to better legislation n the long run.

Mr WRIGHT (Rockhampton) (9.32 p.m.): Like previous speakers I welcome the egislation before the Assembly. My attitude to the unincorporated associations is an echo of the Minister's comments in his initial speech when he said that unincorporated associations olay a very significant part in community life, covering as they do a diversity of public ıctivities with memberships which range from large to small. He went on to talk about he need for simplification and the need to overcome the difficulties from a legal aspect, specially as they pertain to contracts and the liability of those who take part in such ıssociations.

I welcome this measure mainly because on one occasion I played a part with one ıssociation that had to become a friendly society in order to get some legal protection and status. What we are doing tonight will achieve that status and protection.

As our Opposition spokesman and other speakers have said, the legislation is much ıeeded. It has been well canvassed. I handed out 60 to 70 copies of it throughout Central Queensland hoping for some sort of report back. Admittedly I did not receive a great response. I like to think that that indicates acceptance of the proposal rather than apathy. It seems that the proposals were well accepted.

One point that was raised by people with whom I discussed the matter concerned costs. When we start legalising things and having some sort of statute backing for any organisation I believe the community fears that costs are involved. Associations that raise money will have to get their books audited. It was pointed out to me by one group that the cost to it last financial year was in the vicinity of $600 because it had to go to a public accountant. I see a deterrent in that. Those organisations that want to do away with the idea of trustees, want to remove liability from those people who play a role on their executives and want to develop confidence among the business community by way of contract, will have a financial deterrent placed on them by the one requirement concerning auditing. I do not know the answers. I realise that there must be a sustaining of public confidence in the correctness of the books held by these associations. But it would seem that this could be a deterrent to the small associations. The Minister might have some way round it.

Another question which arose—and it came from a legal person in my area—is why the Under Secretary should be responsible for determining whether an association could become incorporated when that is normally the role of the Commissioner for Corporate Affairs. Why separate? Why distinguish between the two? Why can't it be done within the Office of the Commissioner for Corporate Affairs, because it is generally the role of the commissioner?

Another question was raised by a group in a nearby electorate. It is the thought of model rules. The Bill contains some reference to rules being required to be presented upon application. According to the comments made to me, there is a need for a set of model rules to be prepared by the department, the Commissioner for Corporate Affairs or the Crown Law Office.

Many years ago I was party to setting up a community service club in my area. I spoke to Corporate Affairs and asked if that office could establish for me a set of ideal rules for a community service club because, being a Labor member, I knew I would cop criticism from everywhere and be accused of rorting the system. I am not having a go at myself but that is the sort of thing we get in politics. Corporate Affairs drafted a constitution and we have adhered to it. I have since been told that those rules are being used throughout the State. They are very stringent. They allow the club to become registered under the Collections Act. We can hold our heads high and say, "They are not our rules. They were prepared by Corporate Affairs."

The same could be done to overcome all of the difficulties in communication. We are dealing with people who are not in the major areas where they would have access to legal advice. We are dealing with organisations in small towns which might have an itinerant lawyer visiting once every three months. They will not have access to top legal advice. They will not have the necessary advice on drafting rules that will be acceptable by the Under Secretary. So there is some merit in the suggestion that model rules be prepared by the Minister or his department and made available to the organisations that required them. That would overcome delays and a good deal of error. It might also reduce costs. I know that we have some members of the legal fraternity in this Assembly, but what concerns me most when we bring new law into the Assembly is its possible advantage to the legal profession because it always seems to get involved. No doubt lawyers play a significant role in providing a service but costs seem to rise significantly. I ask for those model rules and again question the need for public accounting for all the associations that will eventually incorporate.

One other matter might be a hot potato. I have wondered about the credibility of this Assembly and all of the political parties of which we are members, when we know very well that moneys are raised day in and day out—usually before elections—quite illegally. I say to you, Mr Deputy Speaker, to the Ministers and to every other member that there would not be one of us who has not participated in some way in an illegal activity when it comes to fund-raising.

Mr R. J. Gibbs: Oh, Mr Wright!

Mr WRIGHT: I take the interjection. I separate him as a man of such dignity and status that he would not become involved in any such thing.

Mr R. J. Gibbs: The Liberal Party came into my electorate before the last election campaign. People stood at the traffic lights with mugs in their hands hounding motorists and causing a road hazard as they stood over them for donations.

Mr WRIGHT: Some years ago in my area a certain political party—not the ALP—ran a gambling night. The main event was crown and anchor. There was also a major raffle in which a magistrate won the prize.

Dr Lockwood interjected.

Mr WRIGHT: I know how the member for Toowoomba North feels about such matters. I know that this would not happen in the electorates of Toowoomba North or Ithaca. The honourable members who represent those electorates would not raise money in that way; but regrettably it does happen.

To get away from the frivolity of it—I am saying to the Assembly that we are involved, knowingly but possibly because we have no choice, in either using funds that have been raised illegally or participating in the raising of funds illegally, and it is time that we

came clean about it. We hear the argument that the moment we allow political parties to become registered in some way as fund raisers by way of association under the various Acts they will be competing with local organisations, but the fact is that we are competing now.

Mr Innes: Can I send this voluntary confession to McDonald in New South Wales?

Mr WRIGHT: I have made no voluntary confession. I am suggesting that the member for Sherwood would be a party to the same type of activities that I am referring to, and if he wishes to deny that in this Assembly, then let it be recorded.

I am sure that the point I am making is a valid one. When it comes to fund-raising, members of Parliament are participating in illegal activities, and it ought not be so. All right, we are going to compete with various organisations, I accept that, but there is no reason why we should compete in some way that is unfair. The members of the public realise that we need to raise money. They are prepared to contribute to our fund-raising activities; they are prepared to assist us in the raising of funds. It is wrong that the National Party should link itself in some way with the National Heart Foundation in some type of raffle and get some percentage of the proceeds. I do not want to single out the National Party, but I know that that sort of thing has happened, and it will continue to happen until we in the Assembly say, "Let us recognise political parties for what they are. Let us allow them to be registered so that they can raise funds legally."

I would like to believe that this Bill will allow political parties or clubs associated with political parties to become incorporated in some way or at least registered to raise money. It continually bugs me that we have to go to the people saying that we believe in the law, that we make the law, when in fact we as members of Parliament either break the law or benefit from the breaking of it. There could be some reaction to my comments, but I believe that the issue is a valid one. We are being somewhat hypocritical in the eyes of people, and, as I have said, it is time that we came clean.

I welcome a number of points in this legislation, but it seems to me that we need to ensure that it is interpreted in such a way that it covers the total needs. We need to ensure that the legislation is not a costly deterrent to the smaller clubs that wish to incorporate. We have to ensure, too, that those people who want to incorporate can do so in a simplified manner, and that is one of the points that the Minister made. He said that we need to simplify the law. We need to ensure that people are able to get some type of legal protection and exemption from liability. To do this, we must ensure that the rules that people put forward to the Under Secretary—as I said before, it is a pity that they are put forward to the Under Secretary—are in keeping with what is required. Therefore, model rules will be needed. It might even be necessary for the Minister to consider the preparation of some type of advisory booklet to clearly explain what is going on. It is not as simple as we would like to think. There are some very interesting aspects here relating to liability of people who in some way give false information or break the rules.

At the moment the proposed legislation provides for an appeal to the Minister if the Under Secretary sees fit not to accept an application for incorporation. I worry about that provision. Whilst I respect the Minister's individuality and the fact that he would be impartial, it would be extremely difficult for any Minister in any department, in any area of his portfolio, to override his Under Secretary without very good reason. There is good reason in this instance to have some type of appeal tribunal. As we are not using the Commissioner for Corporate Affairs under this legislation, why not have him as one of the persons on the tribunal? Why not allow an organisation that feels aggrieved to appeal to some other person in the Crown Law Office? Otherwise, I totally support the proposal that has been put forward by the Minister.

Mr INNES (Sherwood) (9.45 p.m.): One would think it takes some imagination to convert the Associations Incorporation Bill into a matter of entertainment. But one has to give compliments when they are due. The member for Wolston, with a performance from the "High Chapparal", and the member for Rockhampton, with his exercise in Chinese group confession therapy, have managed to bring a little humanity into the debate. I remind the member for Rockhampton of the old legal maxim de minimis non curat lex, which means that the law takes no account of small things. That is probably what has saved the honourable member and me and all the football clubs we

attend from prosecution for their small pecadilloes with raffle tickets. The reality is that there is some truth in what the member for Rockhampton says. Fortunately, however, the law is not so blind that people are prosecuted or persecuted for offences of no real social consequence or culpability.

The question of association incorporation generally is a matter which impinges upon far more serious and extensive consequences. I am not suggesting that high-grade fund-raising outside the law is a matter of no account but I suspect what the honourable member referred to is pretty small beer involving a few 20c raffle tickets that might not have been authorised by the Minister for Justice.

The Associations Incorporation Bill is an attempt to bring a bit of order into society. As the member for Mt Gravatt said earlier, it is a matter of centuries of frustration and difficulty in relation to the legal position of unincorporated associations.

The uncertainty of the legal position of unincorporated associations is one thing; the difficulty of pursuing legal procedures, even if a person thinks he has an action against such a body, is another. The problem is that all persons are members of unincorporated associations so that if any one of them wants to sue he has to sue a group of people, including himself. That is only one of the problems. If a person thinks he has identified a group, he has to go to court to try to get a representative action and perhaps try to serve numerous persons in what might well be an undefined group, because the membership of societies and clubs comes and goes with the wind. It is not like a register of shareholders. It is not like sueing a particular person or a partnership, for which there are simple and practical rules. The need for incorporation is self-evident.

One of the ways to make this legislation intelligible to the ordinary member of Parliament and the ordinary member of the community is to look at the question of insurance. I have often been concerned about precisely what is being insured when a voluntary association such as a p. and c. association takes out insurance. P. and c. associations will not be covered by this legislation. There is good reason for that. I suspect that many honourable members have been to p. and c. meetings and have heard the debate on the renewal of the insurance policy and the premium to be paid.

The question must be asked: what are they insuring and against what risk? If the normal rules of subrogation apply, that is that the insurance company takes over the rights of a person, one ends up with the question of who the insurance company is sueing and for what risk. If the members of the p. and c. association think that they are insured when they attend the school, a fete or a fund-raising function, I believe they are on very doubtful ground. They would not be covered by anything other than a gentleman's agreement on the part of the insurance company to ignore the legal realities and out of the goodness of its heart, or because it wants next year's premium, to go ahead and indemnify. As we know, there are occasions when insurance companies do more than they are legally obliged to, although one would hope that it would be difficult for them to say, "We accept the premium, but there is really no risk involved which is covered by the contract."

There are very real legal problems; that is the point. If a member of a football club is injured because of some defect in the construction of the clubhouse or a member of a p. and c. is injured because of the way a fete has been set up, can he sue and recover for the injury? It is very doubtful that he can. The courts have tried to invent ways of getting around this problem by saying that the property officer on a committee is the person primarily responsible for such things. He can therefore be identified and sued because he has special responsibilities in a position of trust, shall we say, to a lot of other members; but these are somewhat artificial. The law has developed artificially, and for this reason many people have failed to prove their cases.

The problem of contracting with an unincorporated association is obvious. Every member of Parliament would have been asked to become a trustee of something, with all the problems that that brings. It is a very onerous duty to become a trustee of an organisation, particularly an unincorporated association, where one might be the person primarily in the firing line if anything goes wrong. The member for Mt Gravatt said that the legislation is timely. The legislation is overdue. This is a vexed area.

The member for Wolston suggested that perhaps we should go further and make it obligatory to incorporate. I for one would totally reject that approach. There seems to me

to be a fine line between the point that we reach when we force people to be accountable because they are doing something which requires accounting and the point at which we allow people freely to come together to pursue some matter of common interest and, if they so wish, to loosely come together and acquire perhaps minimal property or put together minimal amounts of money about which they are not terribly concerned. It seems to be a jaundiced view of society that presupposes that everything will go wrong; that every device will be exploited, that somebody will be ripped off and that everybody comes together to get at some other group in society—the lowest-common-denominator approach. The reality is that vast numbers of loose groupings of people come together to form associated societies and clubs, and a vast number of them do nothing but good, either directly for their members or even broadly at large for the public.

We should not shackle that human emotion or desire. We should not inhibit or prevent the benefits that flow to society. What we should do is offer the legal vehicle by which those people, if they wish, can assume extra obligations and can clarify the situation of being responsible to their members if their members happen to be hurt as a result of something the club, association or society has done; to clarify the situation so that it is not the same two or three faithful old trustees who are in the firing line in all financial and contractual matters into which the club enters. If they wish, this will provide the legal vehicle out of which they can assume more responsibilities or better order their responsibilities both to each other and to the community generally, and that is desirable.

To suggest that one should force people who come together to incorporate is the 1984 approach happening now. The idea that the Government will decide, wherever two or three people gather together, what label they should be given and what legal obligations shall attach to them is to be rejected. That is not what this legislation is all about. It has not been introduced just to stop rip-offs or to force accountability in a suspect area of the operations of human beings. The reality is that the great preponderance of clubs, associations and groups come together for nothing but the social or personal benefit of the members. The legislation will facilitate the great majority of people in these clubs and associations to do the right thing for the protection of themselves and others. To go that step further is to assume that the Government has formed a ground plan to insist that people shall carry labels and obligations they never had any intention of carrying, and as a result will deter people from coming together for those numerous social benefits for which people group together in our community.

The legislation is long overdue. It will prevent simple injustices, and overcome all sorts of short-comings both in the substantive law, that is the law that relates to people dealing one with the other, and in the procedural law, that is being able to pursue a legal remedy, if there is one, either for or against the club, which is very costly.

A point was raised about legal advice. Perhaps I am arguing on the other side. After all, it is not unknown for some clubs, particularly when they lose their initial impetus, perhaps reduced by personalities to a small number, to become subject to problems caused by a small in-group pursuing a personal bias, vendetta or hobby-horse. The requirement for the legal advice is to make sure that if they are going ahead with very small assets and funds, they are doing so only after they have had objective advice and they do not risk all the club has built up or the few assets the club has in pursuing some fobia or bias of three or four members of the controlling committee. Because they are dealing with such small assets and perhaps do not have in-house objective advice from professionals, this requirement will ensure that they do seek advice before they dissipate the assets. Of course, if they go ahead against the advice, then the balance of the club members probably have a legal remedy against those members for dereliction of their duty.

Those are the main points which were raised by the members of the Opposition. Once again, it is very reassuring to see the bipartisan approach to imaginative and constructive legislation that is presented by the Attorney-General.

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (9.59 p.m.), in reply: I thank the honourable members who have contributed to the second-reading debate. In particular, I am pleased that there has been a general acceptance of this legislation even though we have had quite a few comments about the fact that it is overdue. I think honourable members generally will be happy to see this option available to organisations throughout Queensland. It is pleasing that Queensland is taking an

initiative in this matter which, in fact, has not been taken in other States. On this occasion we can claim to be a bit ahead of the eight-ball, and even the Opposition, I think, has been willing to concede that point.

The honourable member for Wolston recognised that responsibility would be more effectively and firmly sheeted home by means of this incorporation. At present many bodies are rather loose and fragmented and it is very hard to pin down responsibility for contractual arrangements. The honourable member for Sherwood referred to this aspect.

I agree with the honourable member for Sherwood that it would be folly to move towards a compulsory situation. There will be smaller organisations that, for various reasons, will choose not to enter into the arrangements that are covered by this legislation. It may be that their existence is temporary; it may be that the nature of their activities is such that they would find it difficult to meet the conditions and the rules that are spelt out in the legislation. The idea of leaving it as a voluntary option, a matter of choice, is preferable.

The whole purpose of the Bill is to allow small associations that want to incorporate to do it as inexpensively as possible instead of having to revert to the Companies Act to obtain the full benefit of incorporation. The honourable member for Rockhampton raised the cost of audit. Clause 40 (6) (b) gives the Under Secretary a discretion to exempt an incorporated association from the lodgment of audited statements. So the Bill contains machinery for making it a little less onerous for a small organisation or any other organisation that might be having difficulties in that direction.

The honourable member for Wolston digressed from the Bill and talked about the Big Valley Bingo. The only comment I would make at this point is that that operation is under scrutiny and investigation. I will be taking into account the matters raised by the honourable member. I shall refer the material to my officers. If the honourable member wishes to convey any other information to me, I will be quite prepared to have it properly assessed, investigated and, if necessary, followed up.

The honourable member for Wolston referred to clause 14. That was a policy decision to ensure that, in the heat of the moment, a committee did not take legal action that it might regret later. This aspect was referred to also by the honourable members for Mt Gravatt and Sherwood. It could well be that in an organisation there are hotheads who, given sufficient reason to get up a head of steam, might rush into legal action. As is known, legal action can consume funds at an alarming rate, particularly if such action is taken in a foolhardy manner. It may well be that the necessary step of getting an informed opinion from an objective and independent source will quell that sort of action in a situation in which it is ill-advised or not warranted. That could save the organisation much heartache and a good deal of money. That is the main thrust of that provision.

The honourable member referred also to clause 15, which deals with the referral of matters to the Under Secretary and then to the Minister. The purpose of this clause is to try to minimise costs. If we had a court as a resort for appeal, we could again be starting to run into the area of costs. We are trying to maintain an inexpensive system. I am willing to consider the point raised by the honourable member and to examine and discuss with him the arguments that he has presented. I can see some of the pros as well as some of the cons. However, I want to inform the House that the thrust of clause 15 is towards minimising costs. That is its main purpose.

The honourable member for Wolston then dealt with clause 38. The figure for insurance was taken as a minimum and will be subject to review. A higher figure may be prescribed if needed. It is not the be-all and end-all.

The honourable member for Wolston also spoke about the appointment of inspectors. The special conditions governing their appointment are spelt out in clause 49 (2). The powers of the inspectors flowing from that subclause are spelt out fairly specifically in the Companies Act, and the precedent is set under the Companies Act. In effect, the inspectors will be working under very much the same rules as those which apply under the Companies Act.

The honourable member for Wolston then referred to clause 67 (j), which ensures that books will be kept in a proper form. For example, if an ethnic organisation set out its books in a language other than English, we might want it to set them out in

English so that they are clear and can be scrutinised. Regulations are required that will ensure that an audit can be carried out easily. I think that answers the question raised by the honourable member.

The honourable member for Mt Gravatt stressed the need for free choice. I have dealt with that already. He also stressed that the quid pro quo is that if members of an organisation choose to incorporate there is an obligation on them to accept the discipline and procedures that go with incorporation. That is an important point that they should accept.

The honourable member for Rockhampton spoke about audit costs. I have dealt with them. I am pleased to note that he circularised the Bill in his electorate. That was the whole purpose of holding the Bill over after it was printed.

The honourable member referred also to model rules. They will be introduced by regulation. When they are brought in, I am sure that they will assist all bodies contemplating incorporation under the Act.

As to this legislation's ultimately coming under the jurisdiction of the Under Secretary, as distinct from the jurisdiction of the Commissioner for Corporate Affairs—when the legislation dealing with the national companies and securities scheme was introduced some months ago, reference was made to the new role that the Commissioner for Corporate Affairs would play because we had taken from the corporate affairs area many of the Acts, duties and functions that in other States had not been part of the responsibility of the Corporate Affairs Office. That was done to promote effectiveness and efficiency. Frankly, because of the complexity of the new national companies scheme, the co-operative scheme and the very specialised nature of the companies and securities legislation, it will be preferable for the commissioner to specialise and, as far as possible, devote his attention to the corporate arena. That is one of the major reasons why this responsibility, which is fairly fragmented, has been taken away and placed in the Department of Justice.

I make the point that political parties may seek to incorporate under this legislation. The honourable member raised the matter of political fund-raising. If he wants to pursue that matter with the ALP, he is at liberty to do so. I imagine that he would have to convince the management of that party of the need to do so. There is no reason why a political party should not seek to incorporate under this legislation.

It is intended to produce an information brochure covering the major and salient points of this legislation so that organisations will know what they are up against and what they have to do to obtain this sort of incorporation.

The honourable member for Rockhampton suggested a tribunal as an alternative to the Minister as the last resort in appeal. That suggestion may have some merit but again we are trying to keep costs down and to simplify the system. At this stage I am not convinced that the Minister cannot do the job effectively.

I again thank those members who contributed to the debate for their comments and suggestions. I express my appreciation to those members who have assisted in the preparation and drafting of this Bill. It is a very complex and difficult Bill. I express appreciation to my officers, too, who worked very hard to produce a piece of legislation that is practicable and will provide an avenue for protecting many small organisations in the community which, until now, have not been able to avail themselves of incorporation.

Motion (Mr Doumany) agreed to.

ADJOURNMENT

Hon. C. A. WHARTON (Burnett—Leader of the House): I move—

"That the House do now adjourn."

Purchase of Units Before Construction

Mr BURNS (Lytton) (10.13 p.m.): I want to speak tonight on the question of buying off-the-plan units in Queensland. Today I received a letter from Mr Barry Headland of Victoria who wrote to advise me of the problems he had experienced in buying units in

"Riverton" in Maroochydore. He said that on 3 October 1980 he placed a deposit of $5,200 on unit 53 on the ninth floor of the 81 unit "Riverton" to be built on the banks of the Maroochy River, Maroochydore, Queensland. Construction was to start in November 1980. It was advertised in the "Sunshine Coast Daily", which said that 14 of the units had been sold prior to construction.

The $5,200 deposit represented 5 per cent of the purchase price and an additional $5,200 was to be paid within 14 days of notice in writing advising that the construction of the roof on the building had been completed. The balance of $93,600 was to be paid on notice in writing that the building units plan had been registered.

In May 1981 he went to Maroochydore and the building had not been started. In a real estate office on 14 May 1981, he met Mr Doug Mabin who was mentioned in the "Sunshine Coast Daily" as the syndicate secretary. Mr Mabin gave him a new price list for the "Riverton" units and said that commencement would be started within the next day or so. The unit price had increased by approximately $60,000.

"The Australian Financial Review" of Tuesday, 4 August, 1981, at page 56, listed for urgent sale the "Riverton" site with plans and drawings for 81 units and mentioned a profit of at least $3m. The price was $1.65m.

On the same day—4 August 1981—this gentleman's solicitor received in the mail the $5,200 deposit, together with $320.67 interest and a letter stating that the project was not going ahead. He was concerned about the advertisement in "The Australian Financial Review". He telephoned the planning department of the shire at Nambour and was told that it was more a legal problem than a local authority problem. He was also told that "Riverton" had received council approval in August 1980, that the permit would lapse at the end of August 1981, and that in order to receive final approval the foundation design tender would need to be submitted and approved, but this had not been done.

On 6 August 1981 he telephoned the Under Secretary of the Justice Department in Queensland and explained the situation. He was referred to Corporate Affairs. He spoke with the Corporate Affairs Office in Queensland and was told that they did not think they could do anything, although they had received another complaint. They said that they were holding their breath about what could happen in selling off-the-plan units and believed that there was no Act to cover the situation. He told me that he spoke to Graham Barber and Mr Cook of the town planning section at Nambour, to Colin Young, the Under Secretary of the Justice Department and to Mr Watts of Corporate Affairs. They are the public servants to whom he said he spoke. They said to him that they were holding their breath, which is a fairly good way for a department to operate over selling off-the-plan-units.

Mr Headland makes the point that people are not protected at all in selling off-the-plan units in Queensland. He said that many times we read in the newspapers how fortunes are made; people put down 5 or 10 per cent of the selling price and the units are sold and resold many times before they are completed. It is a very dangerous situation, because a lot of money is involved. Mr Headland points out that the selling price of the "Riverton" units increased by approximately $60,000 between October 1980 and May 1981, yet the units were not built. He asks, "How many transactions could have occurred in this time, sales, resales, etc.?" He says that people make immediate cash settlements for the different price increases; real estate agents get their commission; solicitors are paid their costs. All of this takes place in the hope that the building might be completed, but "Riverton" was not.

Mr Headland understands that over 40 units out of a total of 81 units, were sold in "Riverton", mostly all at the original lower prices, which were about $96,000. The prices ranged up to about $220,000. He points out that there could be many sales and resales, yet when the project did not go ahead all that was returned to the end purchaser was the original deposit plus some interest. That is what happened to him. He put down $5,200 in October 1980, and six months later he was given his money back plus $320 and told, "We are not going ahead with the proposal."

It seems to me that somewhere along the line the people who sold this proposal to him, Mr Mabin and the others who were mentioned in the advertisements in the

newspapers, were setting out to defraud other people because they did not intend to go ahead with the proposal. Mr Headland is entitled to get back more than just his deposit. A similar thing could happen many times in the future. People could buy a block of land, put forward a proposal to build a number of units on it, sell those potential units and then not go ahead with the proposal. This will create chaos if we allow it to continue without imposing some control over it. It will be like a deck of cards: it will collapse around our ears. The Government must act quickly to protect potential buyers.

(Time expired.)

Tourist Tax on the Gold Coast

Mr BORBIDGE (Surfers Paradise) (10.18 p.m.): I rise tonight to express the strongest possible concern over the repeated attempts by the Gold Coast City Council to implement a tourist tax or tourist levy.

Mr Davis: Why?

Mr BORBIDGE: If the honourable member cares to listen, I will tell him. The proposal could cost many jobs, and I am sure that is something that is very close to the honourable member's heart.

I find it incredible that in a year in which we have had the Boeing report, and when the University of Queensland and many other bodies have come out and referred to the enormous potential of tourism in this State, particularly in the area of employment opportunities, the Gold Coast City Council should decide to embark on a plan of attack on the tourist industry. I note that the Minister for Tourism is in the Chamber tonight, and I welcome the assurances that he was able to give to the Parliament this morning.

Mr Davis: He gave you a brief.

Mr BORBIDGE: He did not. This has been a long fight. I have been on record for a long time as opposing the proposal. I think that we, as a Parliament, have an obligation to defend jobs. If the honourable member for Brisbane Central does not think that that is important, I do. It is an established fact that for every 400 visitors to a tourist region or destination, one job is created. It follows that for every 400 visitors who are given an incentive to go elsewhere, one job is lost.

I am disappointed that the Gold Coast City Council has not recognised the overwhelming weight of evidence from bodies all over the world on the harmful effects of such sectional taxes. The questionnaire included with the rate notices is loaded. The council claims that it is spending $3m on tourist-related facilities but in that figure it includes money that would have to be spent anyway. Several hundred thousand dollars has been included for beach replenishment. The total budget for parks and gardens is also included. In fact, the city council already levies accommodation houses $15 per room per year. The council is not happy with that and now seeks to embark upon a program that is worse than a bed tax—a tourist tax.

Such a tax would mean that when the honourable member for Brisbane Central went to the Gold Coast and stayed in a motel, he would pay X amount to the city council. When he had a hamburger he would pay X amount to the city council. When he had a cup of coffee he would pay X amount to the city council. Those are taxes he would not have to pay in Brisbane or in any other part of the State. I can see that the honourable member agrees that that is totally unacceptable.

I am very sorry that the council did not agree to include readily available information from the QTTC. This matter is being pursued as an election gimmick by people who do not really have the tourist industry at heart, people who know that the State Government, the Minister for Tourism and the Minister for Local Government will accept their responsibilities and act to ensure that a tourist tax is not implemented.

I wish to refer briefly to the gallant activities of a very brave lady on the Gold Coast, Alderman Eileen Peters. She is an independent member of the Gold Coast City Council who has felt sufficiently strongly on this matter to take on the might of the machinery of the

public relations arm of the Gold Coast City Council and the great bureaucracy that it includes. She is a very brave lady and she alone on the council has decided to stand up for the tourist industry on the Gold Coast. The council has not acted fairly in this regard.

It should seriously reconsider its position because it will be the ratepayers of the Albert Shire and the City of Gold Coast who will lose jobs. Statistical evidence of every type is available to support that. If this plan goes ahead the local people will lose jobs. Tourism has brought great benefits to the Gold Coast. It has created many jobs, benefited the Gold Coast by increases in real estate values, and brought many people to the area.

(Time expired.)

Northern Freeway

Mr AKERS (Pine Rivers) (10.23 p.m.): I speak on a decision made yesterday which was one of the most irresponsible acts of the Queensland Government. I refer to the decision to abandon all residents to the north of the Royal Brisbane Hospital to total traffic chaos and to doom them to traffic snarls for ever more. That decision was made for very selfish and false reasons.

The only reasons that have been made public were a reduction in the funds from the Commonwealth Government, the high cost of petrol and lower traffic numbers. The last one is not true. In fact, the number of vehicles using the northern roads of Brisbane at present is far higher than the number of vehicles on southern roads before the South East Freeway was constructed. If the need was there for the South East Freeway, it is most certainly there in the northern suburbs at present.

Funding as a basis for the argument is false. The residents of the northern areas of Brisbane and the near-northern shires pay the same registration for their vehicles as do people on the southside of Brisbane—and that is high enough as it is. They pay the same petrol tax. They pay the same State taxes generally. In fact, many of them pay more in stamp duty. Because houses in the northern suburbs of Brisbane are $3,000, $4,000 and $5,000 dearer than on the southside the stamp duty paid on purchases and mortgages is higher than that paid on the southside. All the other items of taxation that we pay in the northern areas are exactly the same as or higher than those paid by people on the southside, yet we are deprived of State Government funds for roads.

The change in the method of powering vehicles is also a false basis. As petrol costs have risen, I have not noticed any great reduction in the number of people using the roads. The counts taken by the Main Roads Department all prove that road use is increasing rapidly in the northern suburbs. Money has been spent on the southern side of Brisbane because of the increase in traffic there. Vehicle numbers are still increasing and the increase will not stop as petrol gets dearer. There has not been any reduction in the number of new registrations. In fact, they are skyrocketing. Obviously, the number of vehicles is not being reduced, so that basis of the argument is false.

Alternative methods of powering vehicles are being developed. Electric and steam cars are well on the way. We have heard a lot in this place about the development of a hydrogen car. God help us if that gets going! If for some reason or other it is developed, and all the claims about it are proved to be true, there will be a large number of them on the road. Certainly electric cars are well on the way. If one attempts to travel on the existing roads by bus, one has real problems. Even bus users will need adequate roads on the northside. The residents of Brisbane's northern suburbs and the Pine Rivers, Caboolture and Landsborough shires deserve far better than yesterday's decision from their Government.

Mr Simpson: What about Noosa?

Mr AKERS: Yes, Noosa. I could keep on going all the way north.

At least one-third of the motorists of Queensland have been totally disadvantaged by this completely irresponsible decision. The Lord Mayor, the Minister for Main Roads and the Minister for Transport stood proudly in front of the public yesterday damning one-third of the motorists of Queensland to a nerve-racking drive for the rest of their lives if they want to drive into the centre of Brisbane to work.

Fraser Island Management Plan

Mr HANSEN (Maryborough) (10.28 p.m.): Following the decision on sand-mining on Fraser Island, a meeting was held under the sponsorship of the Co-ordinator-General to monitor the expenditure of the compensation funds over the following three years. From that meeting there evolved a recommendation for an overall management plan for Fraser Island, incorporating those interested Government departments and the local authorities of Hervey Bay and Maryborough. It is over 18 months since the last meeting of that committee. I believe that another meeting should be called. A tremendous amount of goodwill and encouragement and many expressions of co-operation emanated from that meeting I attended as the representative of the city of Maryborough.

Mr Goleby: Did you support mining on Fraser?

Mr HANSEN: Yes.

The plan adopted received acclaim. However, that is as far as it went. Problems have arisen that show that, whilst there might have been a great deal of goodwill at the time, there is certainly a lack of co-operation. It is true that some departments are more involved with people on the island than others, and some departments have only a passing interest because of the control they have over various parts of the island. Recent events indicate that co-operation is not present in the manner initially expected. For that reason, both the Maryborough City Council and the Hervey Bay Town Council have requested a reconvening of the committee.

I shall give some examples of what has happened. First, the Maryborough City Council saw a need for some control of camping along the ocean beach. Therefore, it sought to obtain an area where it could put camping facilities that could be maintained. It would then become evident that erosion, litter and other problems in other areas were not being caused by the campers. The council looked along the ocean beach for some 60 miles and decided that a likely spot would be near Poyungan rocks, where freehold land was held. After making application to resume that land, the council was told by the Land Administration Commission that it could not have the land. It remained freehold land because the Land Administration Commission said there was plenty of other land available.

The city council asked the Land Administration Commission where other land was available. The council had been looking along the beach front for some suitable area, and the commission indicated one portion of land to it. When the council looked into it further, it found that it was necessary to cross a mining lease to get access to this land. Assistance was sought from the Mines Department to obtain access to that land. The only assistance forthcoming was a suggestion that the council might discuss the matter with the holders of the mining lease with a view to obtaining access to the land. Nothing definite was agreed to and no assistance was given.

Most people who have been associated with local councils would know that a council budgets for a 12-month period. Money that is not spent in that period is held over to the next 12-month period. There could be some other jobs that could have money spent on them during the first 12-month period.

Further down towards the bottom end of the island at Hook Point, where the barges from Inskip Point land, is the Hook Point lighthouse-keeper's residence, which is vacant. The council thought that it would use that. It thought that it could set it up as an information centre where people could obtain details about where to go. The council thought it could also be a place where people could leave litter so that it could be properly disposed of before they went back to the mainland. It also thought that it could be a place for people to leave unwanted or unlawful goods in custody whilst they went further around the island.

That proposition was put forward over 12 months ago. No reply has been received from the Harbours and Marine Department as to what plans it has for that residence.

(Time expired.)

Driver Training

Mr STEPHAN (Gympie) (10.33 p.m.): Driver training is a subject that has been receiving a considerable amount of attention and support lately. I have spoken on

this subject previously, particularly the aspect of training young people, including schoolchildren. At various times many reasons have been given for the high road toll and the fact that it stays at the present high level. Factors contributing to this are road conditions, the speed at which a car is driven, the condition of the car itself, the liquor that is consumed before the driver takes his place behind the wheel, the carelessness of the driver in his operations and the irresponsibility of other road users.

Young people tend to take their lives into their hands by riding their push-bikes on the wrong side of the road. Perhaps some children are used to riding on a BMX track and consider that they are still on an obstacle course, with the cars being the obstacles; but it is a totally different situation on the road.

The Gympie combined Rotary clubs have accepted the challenge to give pre-driver training to young children.

It is expected that the complex they have built, which to date has involved the expenditure of $75,000 to $80,000 and a tremendous amount of voluntary labour, will train approximately 2 000 schoolchildren in the 1980-81 year. Demands are being placed upon the complex to commence driver-training courses for the general public. Both of these aspects have been put into their correct perspective. One portion of the complex remains to be developed, namely, the administration block.

It is one thing to teach a person how to drive a car; it is another to instruct him on the rules of the road and the conditions that can be expected on the road, together with the need to be alert at all times. It is hoped that this driver-training complex will be run on lines similar to those at Shepparton, where such a complex has been in operation for a lengthy period.

Incidentally, we are looking for some Government support, perhaps by way of subsidy. If the Government can see its way clear to contribute $100,000 by way of subsidy on a dollar-for-dollar basis, it will go a long way towards reducing the road toll among the younger generation.

Young people will be trained at an early stage in the skill of driving cars and riding push-bikes. The aim is to instil in them what is expected of a road user and what the other fellow on the road is likely to do. They will be taught to drive, in effect, 30 seconds ahead so that they can remain alert and be prepared for the unexpected. They will be made aware of the capability of the vehicle itself as well as their own capabilities. They will also be made aware of the various types of road surface. All these things have an enormous bearing on driving, and it is hoped that by giving young drivers proper tuition in handling motor vehicles we will achieve a lessening of the road toll.

In these days when motorists spend more time behind the wheel of a car than in years gone by, we must do all we can to keep ourselves alive. Motor vehicles can be dangerous missiles. It is my earnest hope that the Government will contribute towards the cost of establishment of this complex.

(Time expired.)

Fraser Island Management Plan

Mr HANSEN (Maryborough) (10.38 p.m.): With your indulgence, Mr Speaker, I should like to continue with what I was saying a few minutes ago concerning the Fraser Island Management Plan. I would urge all departments that were concerned with the original concept of the management plan to reconvene the committee. Such a step would be in the best interests of the island itself and of all people.

I have been advised by the Director of Local Government that he had recommended the reconvening of the committee, and the two local authorities involved are pressing for it. They see this as being the only way in which they can obtain the co-operation of the departments. So I would ask the Premier and the Co-ordinator General to reconvene the Fraser Island Management Committee as early as possible.

Motion (Mr Wharton) agreed to.

The House adjourned at 10.39 p.m.