

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 23 MARCH 1982

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

PRIVILEGE**Investigation of Applications for Enrolment, Brisbane City Council Election**

Mr CASEY (Mackay—Leader of the Opposition) (11.1 a.m.): In accordance with Standing Order No. 115, I rise on a point of privilege.

In this House at question-time on Thursday, 18 March, in reply to a question by the member for Stafford regarding allegations of "phoney enrolments, roll-stacking and electoral fraud" the Minister for Justice and Attorney-General, by inference and innuendo, launched a malicious and ill-founded attack on the ALP candidate for the Brisbane City Council ward of Hamilton, Miss Barbara Dawson, and her campaign director, Mr K. Cruickshank.

The Minister claimed that 11 letters sent to persons recently enrolled were returned from the dead-letter office—he did not state how they came into the possession of the member for Stafford—and, with a tirade of suggestive comments, he indicated that he had investigated the matter and endeavoured to assert that Miss Dawson and Mr Cruickshank were enrolling phantom voters.

The nine persons whose tabled enrolment cards were witnessed by Barbara Dawson and Mr Cruickshank have either been located or their presence at the time can be verified by reliable witnesses. In fact, one couple have now shifted to the suburb of Annerley in the Minister's electorate of Kurilpa and one of their children is in the same class at school as one of the Minister's children. They are anything but phantoms.

The only two who have not been traced are those whose enrolment cards were witnessed by J. Pond, an elector of the State electoral district of Nundah, who happens to be the electorate secretary of the Minister for Transport and member for Merthyr.

I believe that the Minister for Justice and Attorney-General deliberately misled this House last Thursday and that he conspired with the Minister for Transport and the member for Stafford through the dirty tricks department of the Liberal Party to use this House for party-political purposes to discredit Barbara Dawson and her campaign director for the Hamilton ward.

In view of recent statements in this House by both the Premier and the Deputy Premier that all members should check their facts before making outrageous claims, I am most surprised that a person so senior in the Liberal Party as the Deputy Leader would stoop so low in the dirty tricks department with his cohort, the Minister for Transport, from whom we expect such conduct.

I therefore move—

"That the matter be referred to the Select Committee of Privileges in accordance with Standing Order No. 46."

Hon. D. F. LANE (Merthyr—Minister for Transport) (11.4 a.m.): I seek leave of the House to make a ministerial statement.

Mr SPEAKER: Order! I shall give the Minister for Transport an opportunity, at a later stage, to make a ministerial statement. I have a motion which must be dealt with.

Mr LANE: I rise to a point of order. May I speak to the motion, Mr Speaker?

Mr SPEAKER: Order! As I said, I will give the Minister for Transport an opportunity to speak later on. I have a motion to deal with, and I must adhere to the correct procedure.

Question—That the motion (Mr Casey) be agreed to—put; and the House divided—

Ayes, 22

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

Noes, 46

Ahern	Harper	Randell
Bertoni	Hartwig	Scassola
Bird	Hewitt	Scott-Young
Bjelke-Petersen	Hinze	Simpson
Booth	Jennings	Stephan
Borbidge	Katter	Sullivan
Doumany	Kaus	Tenni
Edwards	Knox	Tomkins
Elliott	Lane	Turner
FitzGerald	Lester	Warner
Frawley	McKechnie	Wharton
Gibbs, I. J.	Menzel	White
Glasson	Miller	
Goleby	Moore	<i>Tellers:</i>
Gunn	Muntz	Neal
Gygar	Powell	Prentice

Pairs:

Wilson	Austin
Wright	Row
Underwood	Nelson

Resolved in the negative.

PAPERS

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

Reports—

Public Accountants Registration Board of Queensland for the year ended 31 December 1981

Queensland Tourist and Travel Corporation for the year ended 30 June 1981

The following papers were laid on the table:—

Proclamation under the Adoption of Children Act 1964-1981

Orders in Council under—

Financial Administration and Audit Act 1977-1981

Ambulance Services Act 1967-1975

City of Brisbane Act 1924-1980

Water Act 1926-1981

State Housing Act 1945-1981

State Housing Act 1945-1981 and the Land Act 1962-1981

Regulations under—

Hospitals Act 1936-1981

Local Government Act 1936-1981

By-laws under—

Water Act 1926-1981

Brisbane Forest Park Act 1977-1981

MINISTERIAL STATEMENTS

Investigation of Applications for Enrolment, Brisbane City Council Election

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (11.15 a.m.): In response to statements made by the Leader of the Opposition and the so-called matter of privilege that he raised this morning, first I reject totally any imputation of impropriety. I am advised by my officers that through clerical error two cards were incorrectly given to me to table in the House. Those two cards related to two letters that came from the dead-letter office and are the ones that were the subject of publicity attributed to the ALP candidate for the Hamilton ward. I assure honourable members that that was caused by a clerical error and certainly does not reflect any of the taint that was so assiduously cultivated by the Leader of the Opposition.

Investigation of Applications for Enrolment, Brisbane City Council Election

Hon. D. F. LANE (Merthyr—Minister for Transport) (11.16 a.m.): I welcome the opportunity provided to me by the Leader of the Opposition to tell the full story of the ghost enrolments for the Brisbane City Council election in the ward of Hamilton.

The two cards referred to by the Leader of the Opposition, which were tabled in this place last week by the Minister for Justice and Attorney-General, were tabled, as he said, owing to a clerical error within his department. They were photostats of two legitimate cards filled out in my official electorate office by people who voluntarily walked into that office and asked to be enrolled in the electorate of Merthyr. My electorate secretary, carrying out her official duties as a public servant, witnessed those cards and posted them to the Electoral Office. So they were legitimate cards, quite different from the ones that were filled out by the ALP candidate in the ward of Hamilton who, in fact, on her own initiative canvassed enrolments in boarding-houses and substandard accommodation in the suburb. I intend to tell the House the results of her canvassing from sleazy rooming-house to sleazy rooming-house.

The matter was raised in the Parliament so that the people of Queensland would know something of the underhand tactics of the Labor Party prior to election-time. In relation to 11 enrolments, the Minister for Justice and Attorney-General tabled letters that were returned from the dead-letter office marked "Not known here" or with similar notations. Three of the people referred to in those 11 letters are a Mr Missingham, who occupied room 25 at 677 Brunswick Street, New Farm; a Leo W. Sharp, who occupied room 15 at that same address; and a Mr McAlorum, who occupied room 26 at that address. Those three people filled in cards on 28 November last year, just a few weeks before the closure of the rolls for the Brisbane City Council election. All those enrolment forms were witnessed by the ALP candidate (Miss Dawson), who sought these people out in the rooming-house. Their enrolment was unlike that of the people who voluntarily walked into my official electorate office. She sought those people out to enrol them. She witnessed the forms and certified the declaration on them to be true and correct, and then she submitted them to the Electoral Office.

Since the matter was raised in the House, I have had time to make some inquiries about the people at 677 Brunswick Street, which until about the middle of last year was known locally as "Skid Row". Missingham occupied a room at that residential from 7 November 1981 to 5 December 1981. He left the place after being enrolled by Miss Dawson and has not been seen or heard of since.

Mr Sharp, who occupied room 15, moved in on 18 November 1981 and moved out on 9 December 1981. He was there for only three weeks. He has not been seen or heard of since.

Mr McAlorum moved in on 25 November 1981. He was there for only one week—sufficient time for Miss Dawson on her tour of the sleazy boarding-houses to put him on the roll. He moved out and he has not been seen or heard of since.

Honourable members who are well versed in the practices of the Electoral Office know that in this State there is a residential qualification period of three months for enrolment. The three persons enrolled by Miss Dawson resided at that address for four weeks, three weeks, and one week, respectively. Even the dullest person on the Opposition benches would know that that is less than three months. Miss Dawson falsely enrolled those three persons, who did not have the three-months' residential qualification. The Leader of the Opposition has fallen flat on his face on that matter.

I know so much about the matter because the ownership of the residential changed hands in the latter part of last year. It was purchased by some very respectable citizens of New Farm. They have since cleaned up the premises so that it is no longer known as "Skid Row" and they have made available to me the rent books for my examination. Those books provide the proof of enrolments without the three-months' residential qualification.

I intend to challenge those enrolments. On election day, if anyone attends a polling place to vote in those names—any ALP stooge or any member of the Labor Party claiming to be Mr Missingham, Mr Sharp, or Mr McAlorum, or anyone who is a party functionary of the Labor Party—he will be asked to declare himself on a form 13 under the Elections Act to prove that he is the person he says he is.

The purpose of the exercise was to reveal the tactics adopted by the Labor Party at election-time. Members of that party visit people in boarding-houses or in parks and people who sleep under bridges and put them on the electoral roll whether or not they have a permanent address. Knowing that those persons will not turn up on election day because they will either be in gaol, too drunk or forgotten, the Labor Party sends its functionaries round to vote in those people's names. That has been revealed by the exercise I have recently carried out.

This is not the first election in which it has happened. It occurred in the last State election in December 1980. In November 1980 I wrote to the Electoral Office and drew attention to the fact that 24 people who had been enrolled could not be contacted by letter. The dead-letter office returned the letters that were sent to those 24 persons. Mysteriously, those persons voted on election day. That is revealed by an inspection of the marked rolls.

Following the election, I received a further 25 letters from the dead-letter office. They concerned people who had been enrolled just before the election. Once again, those persons mysteriously turned up and voted. However, letters sent to them were returned by the dead-letter office. I was advised by the Chief Electoral Officer by letter that, following his investigation into the roll, an attempt was made to wipe the ALP "ghosts" off the Merthyr electoral roll. I have been informed that, under the current provisions of the Act, it takes five months to erase a fictitious name that has been put on the roll. The Minister for Justice has some amendments in the pipeline to deal with such circumstances before the next election to stop that type of rort by the Labor Party.

I was informed that some further letters were returned to the State Electoral Office by the dead-letter office. I wrote to the State Electoral Office. I have in my possession a reply dated 11 December in which the Chief Electoral Officer referred to 28 people whose letters were returned by the dead-letter office—all ghost voters enrolled by the Australian Labor Party candidates and their functionaries in the electorate of Merthyr. That will not happen again. Irrespective of what the Leader of the Opposition tries to say, fair elections will be conducted in this State.

Alleged Interference by Minister for Justice and Attorney-General in Criminal Prosecution

Hon. S. S. DOUMANY (Kurilpa—Minister for Justice and Attorney-General) (11.25 a.m.): Mr Speaker, I find myself again reluctantly having to divert the attention of this House from its normal tasks. Last Sunday, 21 March, an article in "The Sunday Mail" newspaper headed "Minister orders man free" implied that I had interfered with the proper course of justice by overruling both police and the Crown Law Office.

It was alleged that after I had made unsuccessful representations to the Police Commissioner and Police Minister on behalf of a constituent I used my discretionary powers to have the charge dropped.

Mr Bertram Phin and Mr Gino Ghion were jointly committed for trial to the District Court, Brisbane. At the time of the arrest of the accused, I asked the Solicitor-General to make certain inquiries as to the circumstances, and I agreed with the Solicitor-General's recommendation that the matter be left to the court.

Messrs Phin and Ghion were committed for trial to the District Court, Brisbane, and a joint trial commenced on 22 February 1982. Both defence counsel had sought separate trials. The applications were rejected at that time, but on the third day His Honour Judge Grant-Taylor reviewed his decision and granted Phin a separate trial. The trial of Ghion continued for a further three days.

Notwithstanding that the jury found Ghion guilty, His Honour Judge Grant-Taylor considered that because of the circumstances a conviction should not be recorded, and Ghion was discharged on a recognisance to be of good behaviour for a period of one year.

At the conclusion of the trial of Ghion, Mr Cuthbert, counsel for Phin, asked that no further trial be undertaken because of the inconclusive nature of the trial of Ghion when no conviction was recorded and the virtual certainty that, even if Phin were found guilty, no different result would ensue.

In the case of Mr Phin, after reference to the Solicitor-General by the Crown Prosecutor, the Solicitor-General decided that, as there was no likelihood of any different outcome in the event of a verdict of guilty, the expenditure of both time and money to have the matter fully canvassed again would be grossly wasteful and unjustified. It is to be noted that Phin had to endure three days of an abortive trial and had incurred expense in respect thereof.

The Solicitor-General has informed me that he makes no apology for his recommendation in the case of Mr Phin and would do the same if a similar situation arose.

"The Sunday Mail" article refers to the fact that both police and Crown Law circles were shocked at the withdrawal of the charge against Phin. As far as Crown Law is concerned, the highest circles made the recommendation. The Solicitor-General, after consultation with the Acting Crown Counsel, made the recommendation. I am advised that, far from being shocked at the decision, the most senior Crown Law officers have agreed that it was the correct one.

At all times I as Attorney-General have the discretion as to whether or not a prosecution should be proceeded with, and I will never shirk that responsibility. I and my officers resent and reject totally the suggestion that I have used my position to influence the possible decision of a court.

New South Wales Power-supply Problems

Hon. I. J. GIBBS (Albert—Minister for Mines and Energy) (11.28 a.m.): There is a great deal of concern in the community at the effects of the drastic power-supply problems in New South Wales. Because of this concern, there is also a great deal of speculation that perhaps Queensland could help out by extending its electricity supply across the border.

This does happen between New South Wales and Victoria, where the grids are interconnected because of their proximity. However, I stress that the same cannot happen at the northern end. The Queensland and New South Wales grids are far apart and there is no way of interconnecting them. In fact, some parts of northern New South Wales are so remote from that State's power generating system that they are actually supplied with electricity from Queensland on a normal daily basis. These communities include the Tweed Shire and areas of inland south of Warwick and involve some 14 000 consumers.

Despite the wartime-like restrictions and rationing in New South Wales, these communities are enjoying a reliable supply of power from our State, and should not be involved in the industry shut-downs.

It is very sad to observe what is happening in New South Wales, because it is a case of both the Government and a section of the union movement having pursued their sectional interests to the great loss of the community generally. The unfortunate effect is that the damage is not confined to New South Wales. The damage to industry and reputations affects us all.

CONSTITUTIONAL CONVENTION

Mr BJELKE-PETERSEN having given notice of motion—

Mr CASEY (Mackay—Leader of the Opposition) (11.33 a.m.): I make it clear that the Labor Party, in this Parliament, unequivocally supports constitutional reform.

Mr SPEAKER: Order! I am not sure why the Leader of the Opposition has risen to speak.

Mr CASEY: Has the Premier given notice of a motion, or has he moved it?

Mr SPEAKER: Order! The Premier has given notice of a motion that will appear on the Business Paper in due course.

PERSONAL EXPLANATIONS

Mr POWELL (Isis) (11.34 a.m.), by leave: On Thursday, 18 March 1982, I reported to the Temporary Chairman as follows—

“An honourable member was holding open the door to a lift on Level 5, stopping that lift from proceeding to the upper floors of the tower block for use of members when the division bells were ringing. I draw this matter to the attention of the Committee because it is a most important matter.”

The Temporary Chairman suggested that I bring this matter to the attention of the House, and I now do so.

Since that time I have spoken with the member, who was not named. He has assured me that he had no malicious intent and was simply listening to the tape-recording advising that the lifts were for the use of members only. Even though the recordings have been there for some time, I am willing to accept that I may have misinterpreted the member's actions and apologise for any unnecessary discomfort that may have been caused.

Mr Speaker, I draw your attention, however, to the fact that the system of calling lifts during a division is open to sabotage, and I ask you to urgently review the system.

Mr R. J. GIBBS (Wolston) (11.35 a.m.), by leave: I have great pleasure in responding to the charge, as it were, laid by the honourable member for Isis in the Chamber last Thursday. May I point out to honourable members that there is certainly no need for that honourable member to extend an apology to me in any way in this House, because I believe that, by his actions, he set a precedent for lowness and skulduggery in this Chamber.

The plain facts of the matter—and honourable members may decide themselves whether they want to believe them or not—are that I have never used the parliamentary lifts at any time during a division. Last Thursday was the first time in my years in this Parliament that I have walked past the lifts and heard the tape-recording in the lifts explaining that, at that particular time, they were available only for the use of honourable members.

For a few brief seconds I put my ear to the doorway and put my hand into the lift to stop the door from closing. I would estimate the time taken to be six seconds at the most. I point out that that happened to be the first division on a matter before the Chamber, and I understand that honourable members have four minutes to get to the Chamber prior to the closing of the bars. Therefore, I consider that I caused very little inconvenience to any honourable member. Certainly, to suggest in any shape or form that there was any intention on my part to sabotage is a total fabrication.

Some time after the incident I called the honourable member for Isis from the Chamber and explained my position. I make no apology for saying so, but I did, in no uncertain terms, tell him exactly what I thought of him and his actions in this Chamber. At that stage, much to my amazement, being the oversized sissy that he must be, he turned and fled. He promised to come into the Chamber and report me for threatening a member. That indicates the fabric of that particular member.

It is my intention to be a member of this Parliament for the next 15 years. I would appreciate it, Mr Speaker, if, through your good offices, you would convey to that honourable member that, during the next 15 years, it is not my desire in any way at all to mix with him socially or even to have him acknowledge me in the Chamber. I believe that, by taking that action last week over such a trivial matter, he has proven to all honourable members on both sides of the House that he is truly entitled to be described as an ill-spawned thing.

PETITIONS

The Clerk announced the receipt of the following petitions—

State Service Superannuation Scheme

From Mr Gygar (19 signatories) praying that the Parliament of Queensland will remove all discrimination from the State Service Superannuation Scheme.

Federal Government's Education Funding

From Mr Shaw (237 signatories) praying that the Parliament of Queensland will restore education funding to 25.6 per cent of the State Budget and endeavour to increase the Federal Government's commitment to education.

Bus Services, Chandler/Gumdale/Capalaba Area

From Mr Shaw (25 signatories) praying that the Parliament of Queensland will restore and improve bus services to Chandler, Gumdale and Capalaba and provide services to the Manly Road area.

Petitions received.

QUESTIONS UPON NOTICE

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

1. Discrimination Against Handicapped Persons

Mr Casey asked the Minister for Welfare Services—

(1) As 1981 was the International Year of Disabled Persons, what research has been carried out by his Government on discrimination against physically and intellectually handicapped people in the provision of goods and services including (a) credit, (b) finance, (c) recreation, (d) accommodation, (e) travel and (f) access to public conveniences?

(2) What were the results of this research?

Answer:—

(1 & 2) During the International Year of Disabled Persons, funds were made available from my department for research to be conducted into various areas of possible discrimination against disabled people. The results of this research have not as yet in all instances been analysed.

However, in relation to access to public buildings, facilities etc., a report has been forwarded to my Cabinet colleague the Honourable Minister for Local Government, Main Roads and Police. I am advised that the contents of this report will be forwarded to the Australia Uniform Building Regulations Co-ordinating Council, which is currently looking at all aspects of the problems involved in obtaining access to buildings and facilities for disabled persons.

Another report regarding equal opportunity legislation for disabled persons will be examined by me shortly and forwarded to relevant Ministers for consideration.

In so far as recreation for disabled persons is concerned, facilities have been available for quite some time through the Queensland National Fitness Council and these facilities have been well patronised by disabled people. A wealth of information,

including a newly released film commissioned by the Government regarding recreation for disabled persons, is available from the council. This film is freely available to groups wishing to promote recreation for disabled persons.

I would add that the IYDP was an outstanding success in Queensland, and the honourable member may be assured that I propose to continue the momentum which was generated by that year. I am currently looking at proposals in this regard within my own department. The honourable member may be further assured that should any areas come to my notice where disabled persons are suffering discrimination, early action will be taken to review the situation.

2. Refrigerated Freight Containers for Railway Department

Mr Muntz asked the Minister for Transport—

With reference to the supply of the 50 additional SRC containers for transport of fresh fruit and vegetables, will the Railway Department be able to fulfil the demand within the industry for a total of 200 SRC units on rail, by June 1982, without the offer the industry has made to assist in financing these units, and will he, before the industry's offer is declined, give an assurance of supply for the commencement of the season in June 1982, in order to avoid the repetition of severe losses incurred in 1981 within the industry?

Answer:—

Delivery of the additional 50 refrigerated containers is scheduled to commence in June next at a rate of three per week and to be finalised by September 1982.

As I indicated on 17 March in response to a question from the honourable member for Gympie, negotiations are proceeding with a view to having this order increased by a further 50 refrigerated containers with delivery to follow completion of the initial order. This will increase the complement of refrigerated containers to 200.

I would explain that the offer by the industry, to which the honourable member refers, was to advance funds repayable by the Railway Department for the purchase of the additional 50 refrigerated containers. As the department has since found the means of funding the purchase from its own resources, the need to accept the industry's offer, which was greatly appreciated, ceased to exist.

3. Entertainment Machines

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

(1) Is he concerned at the number of entertainment machines being installed and conducted at so-called fun-parlours and corner stores?

(2) Will he consider introducing a scheme similar to that contained in the City of Brisbane Town Planning Act requiring advertising and notification to ensure that local residents are informed of the making of an application for the installation of such machines?

(3) Will he assure the House that his department will not approve installation of machines unless full reports are obtained by his officers which reveal that no objections are raised by local residents to the installation of such machines?

(4) Will he take action to remove machines installed where complaints are received from residents with respect to noise emanating from sites where machines are installed?

Answer:—

(1) The proliferation of entertainment machines does cause me concern.

To ensure a measure of control the following requirements must be met—

An entertainment machine can be located only in premises approved by the Under Secretary.

Site approval for premises where more than two entertainment machines are conducted is given only where separate male and female toilets are provided.

These toilets must be additional to any other toilets provided for use by the tenants.

(2) At present those effected by the proposed installation of the machines and who are in the immediate vicinity are interviewed by the Art Unions Inspector inspecting the site.

However, consideration is at present being given to a scheme whereby every applicant seeking approval to provide and conduct entertainment machines in any premises would require the prior approval of the local authority before making application to my department.

Such an arrangement would avoid duplication of effort. Negotiations are in progress with the Local Government Association of Queensland in regard to this proposal.

(3) Each application for approval to provide and conduct entertainment machines at particular premises is dealt with on its own merits, and where, after all reports are to hand, the site is considered unsuitable, the application is refused. Views are obtained from the local authority, police, nearby residents and local school principals. Where it is considered necessary, conditions are imposed on the hours of operation of machines at certain sites.

The controls exercised in Queensland are far more stringent than those applying to entertainment machines in other States. The South Australian Minister for Community Welfare, the Honourable John Burdett, recently stated in the Press, when commenting on a departmental inquiry into amusement machines, that Queensland has the most "draconian and heavy-handed" attitude of all the States.

(4) Every complaint received concerning the operation of entertainment machines is investigated by my department and existing approvals may be cancelled should the circumstances warrant it.

4. Naming of New Suburban Development Projects

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

(1) Will he take positive action to discourage the practice of some real estate developers to adopt totally unacceptable names for new suburban projects in Queensland, particularly with regard to the latest name monstrosity, Robina City, on the Gold Coast?

(2) Will he encourage real estate developers to use more Aboriginal names in proposing names for new developments?

Answer:—

(1) Yes. The Queensland Place Names Act 1981 will be proclaimed to commence on 27 March. Honourable members will recall that this new Act makes provision for more severe penalties than those existing under the repealed Act.

I have requested the Place Names Board to take firm action against any developer found committing an offence under the Act. Regarding the Robina project, the area, as far as the Place Names Board is concerned, is within the boundaries of the locality of Merrimac in the Albert Shire. These boundaries were officially adopted after consultation with the shire council on 30 May 1981.

The name Robina is nothing more than a project name and the board will strongly resist any attempts to popularise it as a place name. At my direction, the Place Names Board has prepared a letter to real estate developers asking them to take more care in choosing names for their projects. The letter seeks the developers co-operation by pointing out the desirability—in fact, the necessity—of rational place-naming.

(2) The Place Names Board strongly favours the adoption of Aboriginal names where appropriate, and has my full support.

5. SEQEB Sales Centre, Westfield Indooroopilly Shoppingtown

Mr Prentice asked the Minister for Mines and Energy—

With reference to the SEQEB sales centre that has opened in Westfield Indooroopilly Shoppingtown—

- (1) What rental is being paid per square foot?
- (2) What is the term of the lease?
- (3) What options have been granted in the lease?
- (4) Will he table a copy of the lease?
- (5) When was the lease signed?
- (6) In what ways does it differ from the Cooper report recommendations?

Answer:—

(1 to 6) As the premises are primarily used as an appliance sales centre, I am not prepared to give a detailed answer to this question. It would be unreasonable, in the light of the Government's requirement that the SEQEB appliance sales organisation operate on a strictly commercial basis, to disclose details of a commercial arrangement in this House and thus make these available to SEQEB's competitors.

However, I do think it important to tell the House that I have been informed that the terms of the lease incorporate the standard conditions for a lease of space of this kind in Indooroopilly Shoppingtown.

The lease was negotiated before the Cooper report was presented.

6. Moreton Island

Mr Prentice asked the Minister for Tourism, National Parks, Sport and The Arts—

(1) With reference to the interest in the future of Moreton Island, what progress has been made with the declaration of a national park over the majority of Moreton Island as recommended by the Cook inquiry endorsed by the Government?

(2) At what stage are negotiations with the mining companies concerned, and when will leases in the areas set aside for national parks or purposes other than mining be forfeited or revoked?

Answer:—

(1) Declaration of the national park will proceed when the necessary areas are released from mining tenements and when the Moreton Island Planning Advisory Committee has determined suitable boundaries in the vicinity of settlement areas and reported to the Government thereon. This committee's work is nearing completion and a management presence is being established on the island, but formal gazettal of the national park extensions must await release of the mining tenements.

(2) This is a matter entirely for my colleague the Honourable the Minister for Mines and Energy.

7. Proposed Queensland Heritage Act

Mr Prentice asked the Minister for Tourism, National Parks, Sport and The Arts—

With reference to his Press release of 9 March 1981 regarding the proposed Queensland Heritage Act—

- (1) Who was invited to submit proposals or suggestions to his department?
- (2) How many submissions were received?
- (3) What stage have his department's investigations reached?
- (4) When does he expect to introduce legislation on this matter?

Answer:—

(1) I asked that all parties and organisations with an interest in the subject submit their views.

(2) Quite a number, including some from organisations and some from individuals who asked that their privacy be preserved.

(3) I am in the process of preparing an appropriate Cabinet document.

(4) Questions of legislation and its introduction are matters of Government policy. However, as mentioned in (3), I would hope to initiate Cabinet consideration of the matter in the near future.

8. Appointment of Mr Jack Lacey as Mediator in Power Industry

Mr Yewdale asked the Premier—

With reference to the appointment of Mr Jack Lacey at the time of the power industry dispute of July 1981—

Was Mr Lacey appointed as a Government mediator and, if so, (a) who made the appointment, (b) is Mr Lacey still acting in that capacity, and what is the term of his appointment, (c) is Mr Lacey employed at an hourly rate of \$45, plus expenses, (d) how many hours has Mr Lacey been paid for on a weekly or fortnightly basis since his appointment, (e) at what level are Mr Lacey's expenses paid, that is, Public Service level, (f) what department is responsible for the payment of Mr Lacey's salary and expenses and to whom is he directly responsible in regard to his duties and (g) what results, if any, have been achieved by Mr Lacey in his capacity as mediator?

Answer:—

(a) Mr Lacey was appointed by Cabinet authority.

(b) Yes. It is expected he will complete his task in the near future.

(c) Yes.

(d) Mr Lacey has been paid remuneration of \$11,385.

(e) Mr Lacey has been paid actual expenses incurred.

(f) Remuneration and expenses are paid initially by the Department of Employment and Labour Relations. However, the costs are reimbursed from the Electricity Trust Fund.

(g) An agreement has been reached on pay and conditions for power-station operating staff.

9. Staff Shortage, Division of Occupational Safety

Mr Yewdale asked the Minister for Employment and Labour Relations—

With reference to the obvious lack of staff within his department, particularly in the Division of Occupational Safety and inspectors of machinery—

(1) Is recruitment of staff within these two levels being frustrated because of salaries and conditions being offered for these positions by private enterprise?

(2) Are staff ceilings imposed by the Public Service Board in fact allowing the rather acute shortage of inspectors to remain, thereby jeopardising the safety of workers throughout the State?

(3) Have applications been called for the position of Inspector of Machinery and Construction Work for the purpose of an assignment to the Gold Coast, thereby leaving the rest of the State undermanned by inspectors?

(4) Has the Government an intention of initiating plans on an overall State basis, whereby sufficient inspectors will be appointed to provide safe machinery and safe work places throughout Queensland?

Answer:—

(1 to 4) There is a problem in the recruitment of inspectors of machinery in the Division of Occupational Safety of my department. Persons appointed to these positions are required to have an extensive background in the engineering trades but are not qualified engineers.

Traditional sources of recruitment have been marine engineers, power-house engineers and sugar-mill engineers. Many marine engineers in the past gravitated to the position of inspector of machinery when they desired to settle down in a land-based position offering security of tenure. However, such are the generous leave provisions now given to marine engineers that there is no incentive for them to seek a land-based job. With the integration of electricity generation in Queensland under a single statutory authority, it has been possible to provide a career structure with attractive superannuation to technical staff involved in power generation and with salary scales not limited by Public Service considerations. Against this scenario, merely increasing the salary classifications of inspectors of machinery would have practically no effect in increasing the intake of inspectors of machinery but would, at the same time, have widespread relativity repercussions upon other inspectorial positions throughout the Public Service. The Public Service should not be a pacesetter in wages and conditions, as did happen in the tragic years of Whitlam and which resulted in a wages explosion, galloping inflation, and a lowering in the living standards of the Australian workers who allegedly were to have benefited in real terms from that wages explosion.

Staff ceilings are imposed but it was possible during the current financial year to have one additional position of inspector of machinery and one additional position of inspector of construction work created. The best administrative policy to adopt, when there are staff limitations in safety inspection, is to concentrate activity in the areas of greatest risk, and this policy is being followed. It is quite irresponsible of the honourable member, however, to allege that because of the assignment of additional inspectorial staff to the Gold Coast area the rest of the State is left unmanned. This is definitely not so.

There are several areas of my department that have a direct nexus to the industrial growth that is now occurring in Queensland, and the safety inspection service is but one of these. Further strong representations are being made to the Public Service Board for additional staff in these areas.

In so far as the matter of recruitment strategy and salary classification of inspectors of machinery is concerned, I will deal with that more specifically in the next question standing in the honourable member's name.

10.

Reclassification of Inspectors of Machinery

Mr Yewdale asked the Minister for Employment and Labour Relations—

With reference to an application for reclassification of inspectors of machinery, lifts and welding presented to the Public Service Board in 1975 and 1977, which was followed by a further approach in 1980—

- (1) Were separate approaches made in 1975, 1977 and 1980?
- (2) Was the Under Secretary not informed until June/July 1981?
- (3) If so, what has been done about it and, if not, will he give an explanation of the position?
- (4) Was a commitment made by his department to reach a decision on such matters by early February and, if so, what decision, if any, has been made?

Answer:—

(1 to 4) In recent years there have been a number of individual and collective applications to the Public Service Board by various inspectors in the Division of Occupational Safety for salary reclassifications. The Public Service Board has rejected these applications and has sound grounds for its decisions. However the board has

also agreed to increases in classification for some supervisory inspectorial positions. The Under Secretary of my department is aware of all applications by officers of the department for reclassification that go to the Public Service Board.

In October 1981 the Under Secretary formed the view that the salaries and recruitment of inspectorial staff in the Division of Occupational Safety needed to be looked at on a broader basis than a Public Service Board investigation into claims for reclassification as and when applications for reclassification were made. He suggested to the board last October that an independent committee ought to be established to have a wider look at the problem than is possible by solely considering Public Service relativities. The Public Service Board has now accepted this suggestion and a committee of four has been established with two professionally qualified engineers among its number to look at the problems of recruitment and salaries paid to inspectors of machinery. After the committee has looked at problems relating to inspectors of machinery, consideration may be given to expanding its charter to look at other inspectorial positions in the Division of Occupational Safety. I do not know what the honourable member means by his reference to commitments. Positive action is now under way.

11. Legal Liability of Members of Parliament for Advice to Constituents

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

With reference to public comments by the Federal member for Fadden, Mr Don Cameron, drawing attention to a recent court decision indicating that Federal members of Parliament are legally liable for advice given to constituents, to what extent are members of this Parliament legally answerable for advice given to constituents?

Answer:—

As this is a question seeking an expression of opinion on a matter of law, it is not one for me to answer as the courts rather than Ministers are competent in such matters.

I refer the honourable member to "Erskine May" 19th edition at page 331.

12. Availability of Transport from Coolangatta Airport

Mr Borbidge asked the Minister for Transport—

(1) Is he aware of difficulties being experienced by people arriving at the Gold Coast (Coolangatta) Airport when endeavouring to obtain transport to their destinations on the Gold Coast?

(2) What action has been taken by the Government in regard to this matter?

Answer:—

(1 & 2) Yes, I am aware that some people have experienced problems in getting transport from the Coolangatta airport to other destinations on the Gold Coast. When this matter was first brought to my attention by the honourable member, I arranged for departmental officers to have immediate discussions with him on the extent of the problem and how it could be resolved.

As a result, applications were invited by public advertisement for a bus licence or licences to provide an additional service between the airport and hotels, motels and other accommodation centres on the coast. Those applications closed on Monday 15 March and a total of six applications were received. The applications are being examined in my department with a view to an early decision being made. It is proposed that a new service will be similar to that presently operating between the Brisbane International Airport and the Brisbane central business district.

13. Hospital Facilities, Miami

Mr Borbidge asked the Minister for Health—

(1) What further progress has been made in regard to the provision of limited hospital facilities at Miami?

(2) Are any estimates yet available on the anticipated year of commencement of the Miami facility?

Answer:—

(1 & 2) Planning of the proposed facility at Miami is proceeding but commencement of construction will be scheduled by the Gold Coast Hospitals Board in the context of its overall development plan and the priorities determined in relation to individual projects.

14. Commonwealth Government Land Purchases in Queensland

Mr Hartwig asked the Premier—

(1) Is he aware that the Commonwealth Government is purchasing huge areas of land in the north and north-west of this State?

(2) If so, is this land purchase part of Sir Robert Sparkes's plan to have Aboriginal land rights implemented in Queensland?

Answer:—

(1) No, but I am aware that the Aboriginal Development Commission is attempting to purchase a pastoral holding in that region as it has in other parts of the State. The whole question of Aboriginal land rights and the buying of land is of deep concern to me because large tracts of land are progressively coming under the control of a small group of militant activists. It is unfortunate that part of the plans of this group is aided and abetted by the vast sums of money provided by the Commonwealth Government. Another unfortunate development is, of course, the fact that this nation—people and land—is becoming effectively divided on the land rights issue by the support from some State Governments and the Commonwealth Government.

Mr Moore: By the taxpayer.

Mr BJELKE-PETERSEN: Yes, by the taxpayer.

Answer (contd):—

(2) No, I am not aware of any such plan.

15. Imports of Pineapple Products

Mr Hartwig asked the Minister for Primary Industries—

With reference to the pineapple industry's concern about the imports of canned pineapple into Australia—

(1) What quantity and value of pineapple products have been imported into Australia in the years 1978-79, 1979-80 and 1980-81?

(2) From what countries did most of these pineapple products come?

(3) What action can be taken if these imports are excessive?

Answer:—

(1) The quantity and value of canned pineapple imported into Australia in the last three complete financial years is as follows:—

1978-79	1 260 187 litres	\$758,889
1979-80	667 556 litres	\$290,768
1980-81	1 281 906 litres	\$617,523

In the first seven months of 1981-82, imports have totalled 954 269 litres valued at \$483,300.

(2) The major countries of origin of these imports are Thailand, the Philippines and Taiwan.

(3) In my opening address to the Australian Agricultural Council meeting in February this year, I highlighted the potentially dangerous situation which the rising import trend has created for the canned pineapple industry in Queensland. I called

upon the Commonwealth Minister for Primary Industry to take action to establish a separate and effective mechanism to deal with these imports which are threatening the future of domestic producers.

In addition, my department proposes to submit evidence next month to the Industries Assistance Commission inquiry into the canning fruit industry. The department's submission would detail the pineapple industry's requirements in relation to tariff assistance.

16. Loans from Department of Commercial and Industrial Development

Mr Hansen asked the Minister for Commerce and Industry—

With reference to the Annual Report of the Department of Commercial and Industrial Development where Schedule VII lists companies receiving financial assistance, and which includes some instances where no repayment has been made since 1974 when the guarantee or advance was approved—

(1) What is the usual period of such loans?

(2) Where the Government, through his department, has acted as guarantor, is the borrower required to make regular repayments to amortise the debt, or may the total borrowing be repaid at the end of the loan period?

(3) What is the position of the guarantor where no payment has been made for a decade or more?

Answer:—

(1) The terms for Government-guaranteed loans depend on the Department of Commercial and Industrial Development's assessment of the viability of the project and the type of finance available. Different financial institutions have different loan periods.

(2) Guarantees are only given in favour of eligible borrowers when an applicant has unsuccessfully explored all avenues of finance in his own right. As a general rule, first-mortgage security is required and the Government-guaranteed portion of loans is required to be repaid in the first instance. Although interest only may be charged by a lender in the early stages of a loan, the Government insists that principal should be reduced over the term of the loan or that sinking-fund arrangements have been entered into.

(3) In those instances, in Schedule VII of the department's annual report, where there is an apparent non-reduction in principal over a reasonable period of time, this reflects those guaranteed loans with sinking-fund repayments, companies in receivership, or companies under reorganisation.

17. Buses for Handicapped Persons

Mr Hansen asked the Minister for Welfare Services

(1) Is he aware of assistance by way of subsidy offered by the Victorian Government for the purchase of buses specifically for the use of handicapped persons confined to wheelchairs?

(2) What assistance is given to Queensland groups with similar objectives to help provide community access buses for handicapped persons?

Answer:—

(1) I understand that subsidy assistance is made available in Victoria to special development schools, day training centres and activity therapy centres for the purchase of buses for the use of disabled persons.

(2) From the funds available for the International Year of Disabled Persons, grants were provided to a number of Queensland organisations to subsidise the purchase of buses for the transport of disabled persons. Unfortunately the funds were not sufficient to meet all requests received. Various forms of assistance are, however, provided to disabled persons in this State. In particular, I refer to the transport costs that are met for the intellectually handicapped persons attending special schools and sheltered workshops. Aids and appliances are also freely available.

18. Licensing of Motor Vehicles Using Fraser Island

Mr Hansen asked the Minister for Transport—

With reference to a Fraser Island Management Committee meeting of 21 September 1981, at which the Transport Department was requested to seek an urgent reply from the Solicitor-General in relation to precedence of the Motor Vehicles Control Act over the Forestry Act and the Fisheries Act and to advise the Department of Local Government accordingly—

- (1) Has such an opinion been given?
- (2) When was it relayed to the Harvey Bay Town Council and the Maryborough City Council to assist in their implementation of the licensing of vehicles using the island?

Answer:—

(1 & 2) I am advised by the Commissioner for Transport that the reply of the Solicitor-General was obtained and, as agreed by the Fraser Island Management Committee meeting of 21 September 1981, referred to the Department of Local Government to convene a meeting with the Queensland Tourist and Travel Corporation, Hervey Bay Town Council and Maryborough City Council as well as other State Government departments, with an interest in the declaration of Fraser Island as a declared area.

On 14 January 1982, the Town Clerk, Council of the Town of Hervey Bay, and the Acting Administrator, Maryborough City Council, were advised by the Department of Transport that the Solicitor-General's reply had been forwarded to the Department of Local Government and that the further advice of the Director of Local Government was awaited.

I am further advised that the Director of Local Government has not conveyed the substance of the Solicitor-General's reply to the local authorities concerned, as the Maryborough City Council has indicated that other matters such as the disposal of refuse and the provision of camping facilities and public conveniences should be resolved before consideration is given to the exercise of control over motor-vehicle traffic on Fraser Island pursuant to the Motor Vehicles Control Act.

19 & 20. Complaints to SEQEB about Street-lighting Failures, Ashgrove

Mr Greenwood asked the Minister for Mines and Energy—

- (1) Has SEQEB any procedure for the efficient recording of all complaints by members of the public concerning the failure of street lighting?
- (2) If so, what is the date of the first complaint of which SEQEB possesses a record of street light failure in Kauri Road, Felicia Street, Don Street, Hibiscus Avenue, Mareeba Road, Oleander Drive, Elimatta Drive, Aloomba Road, Amarina Avenue, Acacia Drive, Fraser Road or Girraween Grove, Ashgrove, as a result of a thunderstorm which occurred on or about 5 March?
- (3) Of how many such complaints has SEQEB a record concerning the streets and the storm referred to?

Answer:—

- (1) Yes.
- (2) Complaints received on the night of the storm would have been relayed by radio direct to the depot or foreman concerned. It is not practicable to record these individually.
- (3) On the first working day after the storm, 89 calls were received from the Ashgrove area. There were 56 calls on the next day.

Mr Greenwood asked the Minister for Mines and Energy—

Will he undertake to initiate action on the immediate repair of the street lights, referred to in my previous question, which have been out of order for two weeks, given that SEQEB is a largely independent board?

Answer:—

Lights were repaired and restored as follows:—

Two on 16 March and 50 on 18 March. The balance were repaired by 22 March.

21. Teachers Standing for Local Government Elections

Mr Greenwood asked the Minister for Education—

(1) What is the Government practice in relation to State school teachers or principals standing for election as ordinary councillors or as chairman of a council?

(2) Do they have to make application to the Education Department before nominating for election or even after nomination?

(3) Have any applications been received in regard to local government elections to be held on 27 March?

(4) Does he consider it in the best interests of children to have teachers acting as either councillors or shire chairmen?

(5) If such persons are elected, can they attend council meetings or carry out official council duties such as road inspections, meeting deputations and signing mail and council documents during normal school hours?

Answer:—

(1) Cabinet has decided that there should be no objection to any officer of the Public Service accepting nomination for election as a member of a local government council, provided application is made for permission to do so.

(2) Public Service Regulation No. 45 and Cabinet's decision referred to in (1) require that an officer make application to either his departmental Minister, if he is seeking nomination as mayor or chairman of a local authority, or to the permanent head of his department, if he is seeking nomination for election as an alderman or town or shire councillor.

(3) To date, applications have been received from three teachers—two for approval to nominate for positions as city council aldermen and one as chairman of a shire council.

(4 & 5) Cabinet has decided that, in the event of an officer's being elected as a member of a city or shire council, no time off will be granted or rosters varied to enable him to attend to council business other than where necessary for the one statutory meeting required to be held in accordance with section 14 (1) of the Local Government Act 1936-1975.

QUESTIONS WITHOUT NOTICE

Mr CASEY: My first question was to have been directed to the Minister for Justice and Attorney-General. However, he is not in the Chamber. He must be outside looking for more "clerical errors". Is he coming back?

Sir William Knox: Yes.

Mr CASEY: In that event, I will direct my first question to the Minister for Local Government, Main Roads and Police.

Proposed Police Investigation Tribunal

Mr CASEY: I ask the Minister for Local Government, Main Roads and Police: As recent statements by both the Premier and himself regarding the proposed police investigation tribunal seem to indicate that the Minister's motive in establishing such a tribunal is to give him the power to intimidate the complainant rather than to punish the guilty, will he establish the tribunal under the Commissions of Inquiry Act of 1950, under which all persons, including tribunal members themselves, are afforded legal protection from defamation and retaliation?

Mr HINZE: Legislation will have to be introduced to enable the tribunal to set up. Therefore, the Leader of the Opposition will be given ample opportunity to make his contribution to debates on the setting up of the tribunal and to arrive at judgments on the legislation.

Investigation of Applications for Enrolment, Brisbane City Council Election

Mr CASEY: Now that the Minister for Justice and Attorney-General has returned to the Chamber, I refer him to comments made by the Minister for Transport in the media wherein he criticised the Australian Labor Party for placing on the electoral roll "vagrants, alcoholics and petty criminals" and to that Minister's statement this morning in which he spoke of the "dead-beats and no-hopers" in his electorate of Merthyr. I ask: Are the enrolment rights of "vagrants, alcoholics, petty criminals, dead-beats and no-hopers" or of any other persons considered by the Minister for Transport to be undesirable, any different from those of any other person? Or is the Liberal Party conducting a campaign against the enrolment of residents of flats, nursing homes and boarding-houses and of other members of the community who, because of the economic policies of Liberal-National Party Governments, are forced to live in sleazy boarding-houses or, under bridges?

Mr DOUMANY: The honourable member for Mackay well knows that my colleague the Minister for Transport was referring to many other aspects. He used descriptive language to highlight the nature of the problem of phantom enrolments. The Leader of the Opposition knows full well that he may read in the Act the requirements for enrolment. They are there for everyone to see. Irrespective of the person involved, those requirements must be met for an enrolment to be valid. Without doubt the Minister for Transport was trying to emphasise that certain types of people, though they may well be eligible to enrol, are in circumstances in which they are very unlikely to exercise their franchise. If anyone can get enough of those people on the roll, and he knows who they are, he has a damned good potential for illegal voting on polling day.

Sawmilling Licences

Mr KRUGER: I ask the Minister for Lands and Forestry: Has the Forestry Department spoken to millers about the new proposals to relax sawmilling licence policy? If not, does the department intend to? How can the department justify the thinking that allowing property owners to mill and sell timber will keep the farming and grazing interests viable if only a limited amount of timber is to be milled and considering the cost of setting up a reasonable mill?

Mr GLASSON: At this stage there has been no consultation with the industry. The decision taken at last week's Cabinet meeting set out only a broad basis on which to operate. Next Friday there will be discussions with industry. A format, including the conditions under which licences will be issued, will be laid down. I assure the honourable member that the conditions will be stringent if there is any thought of tampering with the allocation system already worked out with the industry. We are fully aware of the industry's concern. I am sure that the industry will be satisfied. I have spoken to two of the industry leaders this morning. I gave them the assurance that discussions will take place on Friday. I hope that all concern will be allayed.

Establishment of National Parks in Aboriginal Areas

Mr WARBURTON: I ask the Minister for Tourism, National Parks, Sport and The Arts: With reference to the establishment of national parks in areas traditionally inhabited by our Aboriginal population, a typical example being Lakefield in Cape York Peninsula, has any effort been made to meet and consult with the Aboriginal population in the areas involved regarding management and Aboriginal input into management of such national parks?

Mr ELLIOTT: The honourable member has raised an interesting point. In fact, I have had discussions with my director on this subject, and for quite some time now we have been looking at the possibility of appointing Aboriginal rangers to some of our national parks, particularly the northern parks, because we think that in many instances with their special

knowledge of the area they would be able to make a very significant contribution to the management of the parks. We are looking at the subject in considerable detail, and I thank the honourable member for his question.

Reciprocal Rail Travel Arrangements for 1914-18 War Veterans

Mr **WARBURTON**: I ask the Premier: Is he aware that most Australian States have reciprocal arrangements allowing for rail travel concessions to be granted to 1914-18 war veterans? For example, a South Australian war veteran is allowed free rail travel in Victoria. Bearing in mind that I have been advised that the matter was to be further discussed at previous Premiers Conferences, I ask: Is it correct that Queensland still refuses to become part of that scheme and, if so, what action is being taken to give Queensland veterans the reciprocal rail travel rights to which I have referred?

Mr **BJELKE-PETERSEN**: The matter is under review, and I anticipate that Queensland will fall into line in the near future.

Adviser on Fire Brigade Matters, Mr G. Paltridge

Mr **MACKENROTH**: I ask the Minister for Environment, Valuation and Administrative Services: With reference to his appointment last year of Mr G. Paltridge as his adviser on fire services, can he advise me whether he has any intention of appointing Mr Paltridge to a position titled Queensland Director of Fire Services, or other such title, with direct control over the State Fire Services Council?

Mr **HEWITT**: The services of Mr Paltridge have been enlisted on a contractual basis as adviser to me in my administration of fire brigades. No consideration has been given to Mr Paltridge's role after the contract expires.

He has now been my adviser for three months. Recently I received his first comprehensive report, which gave me a complete overview of fire brigade administration throughout the State. He has identified the great strengths of the services at our disposal; he has also identified weaknesses that need addressing. I will be giving very close attention to those matters, and I expect to introduce in the August session significant amendments to the Fire Brigades Act.

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

MARINE PARKS BILL

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

“That leave be granted to bring in a Bill to provide for the setting apart of tidal lands and tidal waters as marine parks, to amend the Fisheries Act 1976 in certain particulars and for related purposes.”

Motion agreed to.

First Reading

Bill presented and, on motion of Mr Bjelke-Petersen, read a first time.

Second Reading

Hon. J. **BJELKE-PETERSEN** (Barambah—Premier) (12.40 p.m.): I move—

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

The intention of the Bill before the House is to provide for the setting aside of tidal lands and tidal waters as marine parks, to amend the Fisheries Act 1976 in certain particulars, and for related purposes.

The Government's involvement in this area of conservation activity goes back some considerable time. Heron and Wistari Reefs, which form one of the most intensively used portions of the Great Barrier Reef, were protected by Queensland legislation of the 1960s, while in March 1973 12 400 sq. km of Queensland waters were declared to be marine park areas with a view to setting aside marine parks. Action on declaring these marine parks was well in hand at the time that the Commonwealth set up the Great Barrier Reef Marine Park Authority. With the co-operation of my Government, steps were

initiated to prepare a zoning plan for the Capricornia section of the marine park. As members will be aware, the Government is not only providing day-to-day management of the Capricornia section on behalf of the Commonwealth, using Queensland officers, but it is also meeting half the cost of those activities, even though they lie within the area over which the Commonwealth has assumed jurisdiction. Queensland also meets the entire cost of managing the large number of Queensland national parks which are on islands scattered along our coastline.

When the Commonwealth's Great Barrier Reef Marine Park Act came into operation, many people assumed that there would be less need and demand for Queensland marine parks. In fact, however, the need is greater than ever for the following reasons:—

Firstly, the jurisdiction of the Commonwealth's Great Barrier Reef Marine Park Authority comes in only to low-water mark. It is well known that the authority can do nothing to protect the parts of the Great Barrier Reef that are most vulnerable and require the most intensive management. I am talking about the area between high and low-water mark. My Government recognises that this area requires proper and effective park management, and the present Bill is designed to ensure that this management is provided by Queensland. This legislation will cover the more important reef areas that are entirely outside the Commonwealth's jurisdiction. It also deals with localities where marine boundaries are ill-defined and there is a need for some overlap of mirror zonings in order to provide co-ordinated and adequate supervision.

A second reason for the new legislation is that there is a widely expressed public demand for additional marine parks in numerous areas along the coast of Queensland. The procedures laid down in the Bill will allow for zoning schemes that can mirror or complement those of the Great Barrier Reef Marine Park Authority when that is necessary or desirable.

Since 1978, the Co-ordinator-General has been the Queensland Government nominee on the Great Barrier Reef Marine Park Authority. The Bill provides that, subject to the Minister, the Co-ordinator-General may exercise certain functions and may also delegate functions and powers. At the present time, it is envisaged that some of the responsibilities for day-to-day management in the field could be undertaken under the direction of the Co-ordinator-General by the Queensland National Parks and Wildlife Service, which exercises similar responsibilities for the Great Barrier Reef Marine Park Authority and has officers with experience in all areas of conservation.

The Bill makes no immediate change to the provisions of the existing marine parks around Green Island and at Heron and Wistari Reefs, but it is envisaged that, in due course, zoning and management plans will be prepared that complement the less detailed and more regionally oriented zoning operations of the Great Barrier Reef Marine Park Authority.

The Co-ordinator-General will be responsible for making recommendations to the Minister, who may define an area of interest for declaration as a marine park and by public notice publish particulars of the area so defined and invite submissions from the public. The Co-ordinator-General will then consider the submissions and will then prepare either recommendation to the Minister that a marine park be not declared or, alternatively, prepare a proposal for a marine park which shall include a name, number or other identifying description, particulars for boundaries, the reasons for the proposal, and a zoning plan. In preparing the proposal, the Co-ordinator-General will be required to have regard to the needs of conservation, research and reasonable use and enjoyment.

The Minister will submit the proposal to the Governor in Council together with his recommendation, and the Governor in Council may, by Order in Council, set apart and declare the area to be a marine park and approve the zoning plan.

The Bill contains provisions which will facilitate day-to-day management of marine parks and, as I have already indicated, it is envisaged that some of the responsibilities for day-to-day management in the field could be undertaken under the direction of the Co-ordinator-General by officers of the Queensland National Parks and Wildlife Service, which has capable staff with long experience in this field.

The Bill before the House emphasises once again the commitment of the Government to marine conservation and provides what I consider to be progressive marine park legislation. We have been active in the area of marine conservation since long before the Commonwealth first expressed an interest, and long before it even thought of it, and

we intend to maintain and extend our activities to ensure that the Australian public and visitors from other lands may enjoy the best marine park system in the world, right here in Queensland.

Debate, on motion of Mr Casey, adjourned.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 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 Registration of Births, Deaths and Marriages Act 1962-1981 in certain particulars and for related purposes.”

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) (12.48 p.m.): I move—

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

The proposed amendments to the Registration of Births, Deaths and Marriages Act 1962-1981 to be introduced by this Bill are the product of a review of that Act by officers of my department.

The Registrar-General has pointed out that there is no provision under the Act whereby an entry can be made of the change of the registered first or Christian names of a child over the age of seven years. If a child whose birth has been registered without a first or Christian name has any such name given to it after the registration, the Registrar-General may only register that name within seven years after the birth of that child.

This Bill amends section 28 of the Act to provide that an application may be made to the Registrar-General to register a first or Christian name given to a child where that name is additional to or in place of the name registered at birth, or whose birth has been registered without a first or Christian name, and the Registrar-General, on receipt of the prescribed fee—

(a) shall register the name accordingly, if the request is received by him within seven years after the date of birth; or

(b) having regard to the best interests of the child, may register the name accordingly, if the request is received by him at any other time before the child attains the age of 18 years.

Section 28 of the Act provides that the necessary application may be made by the parents of a child, or the Director of the Department of Children's Services where the director is the guardian of a child pursuant to the Adoption of Children Act or the Children's Services Act.

Honourable members will be aware that a child sometimes receives a name upon its baptism which is different from that name which is registered at birth. A child usually receives an additional Christian name.

It is a matter for the parents of an infant to decide what name their child shall receive, whether upon its baptism or otherwise, and, accordingly, this Bill does not effect any amendment in respect of the existing duty of the Registrar-General to register any first or Christian name of a child where an application is made within seven years after the date of birth of that child.

Where an application is made to the Registrar-General to register a first or Christian name of a child after that child has attained seven years of age, the Bill provides that, in considering such an application, the Registrar-General must have regard to the best interests of the child.

Section 28A of the Act enables the Registrar-General, upon the application of the mother of an unmarried child, to make an entry of the change of surname of that

child in certain circumstances. The Bill repeals section 28A and substitutes another provision in its stead that extends the circumstances in which the Registrar-General is authorised to make an entry of the change of surname of a child.

Subsection (1) of section 28A of the Registration of Births, Deaths and Marriages Act was enacted in 1974. Subsection (1) of section 28A enables the mother of an ex-nuptial child to make application to the Registrar-General to enter a change of surname of a child where that child, prior to the application, has been known by the surname of the mother at the date when the child was born. However, if the mother of a child marries other than the natural father of that child, the Act does not enable the Registrar-General to make an entry so that the registered surname of the child may be amended to that of the stepfather.

The Bill therefore provides that a mother of a child may make an application to the Registrar-General in respect of a child to whose father the applicant was not married at its conception and whose father she has not since married, which application may either seek the change of the child's surname to the applicant's surname at the date of the child's birth or, if the applicant is married, to her surname (being the surname of her husband) at the date of the application.

The Bill contains provisions similar to subsection (2) of section 28A, which was enacted in 1981 and which enables the mother to make an application to the Registrar-General to make an entry of the change of surname of her child consequential upon her remarriage.

Honourable members would be aware that a child attending school, joining a sporting club or commencing employment usually has to present a birth certificate. Prior to the introduction of the Registration of Births, Deaths and Marriages Act Amendment Act 1981, a certified extract of the birth certificate of a child whose mother had subsequently remarried would disclose the name of the natural father of that child, irrespective of the fact that the child had assumed the surname of his stepfather. The reason why a birth certificate did not disclose the assumed name of a child had often to be explained, to the distress and embarrassment of both child and parent.

The 1981 Act enabled an entry of the change of surname of a child to be made by the Registrar-General upon the application of the mother of that child. However, the 1981 Act enables only a natural mother of a child to make an application. The Act does not enable a mother to make an application in respect of a child that she had adopted prior to her remarriage.

The Bill therefore enables a mother to make an application to the Registrar-General to make an entry of the change of surname of a child that she had adopted prior to her remarriage.

The Queensland Parliament does not have the constitutional competence to effect any amendment to any birth or adoption register maintained outside Queensland. Accordingly, the Bill provides that an application may be made only in respect of a child whose birth has been registered under the Act and who has not been the subject of an adoption order made outside Queensland.

Any such application would enable the mother to seek an entry of the change of surname to the applicant's surname at the date of the application being her surname by a marriage subsequent to the termination, by reason of divorce or death, or her marriage to the child's other parent by reason of the making of the adoption order.

In granting such an application, the Registrar-General is authorised under the Bill to effect an appropriate entry in the Adopted Children Register, which is made and kept by the Registrar-General pursuant to section 55 of the Adoption of Children Act.

Before the Registrar-General is authorised to make an entry of the change of surname of a child, he must be satisfied of a number of conditions that are intended to protect the interests of a child. The Registrar-General must be satisfied that the child is known and has, for a continuous period of one year at the least immediately preceding the date of the application, been known by the applicant's surname to which the application seeks to change the child's surname. The Registrar-General must also be satisfied that the child is residing with the applicant at the date of the application.

An application to the Registrar-General for the entry of the change of surname of a child must be accompanied by the written consent of a number of persons before the Registrar-General may consider the application.

The child must consent to the application, if at the date of the application the child has attained the age of 12 years. The application must be consented to by the child's natural or adoptive father, when living, or the guardian of the child. The stepfather of the child must also consent to the application.

If, at the date of application, the child has not attained the age of 12 years the applicant and any stepfather of the child are both required to give an undertaking in the prescribed form stating that if the application is approved the child will be informed of the particulars of the change of its surname when, in the opinion of the person giving the undertaking, the child has attained an appropriate age less than the age of 18 years.

By the inclusion of the provision, the child will be made aware of the change of name and he can then decide whether to continue with that name or revert to the name of his natural father.

In addition to these conditions, before an application is lodged with the Registrar-General, the Director of the Department of Children's Services must consent to the application. Before giving his approval, the director shall have the power to investigate an application.

The best interests of the child shall always be paramount. Consequently, the Bill provides that the director shall not give his consent to a change of surname of a child if he is not satisfied that the change of surname is in the best interests of the child.

The Bill provides that the director shall not give approval for the change of surname of a child in reliance on a consent given or purporting to have been given by a person if it appears to the director that—

- (a) The consent was not given in accordance with the Act;
- (b) The consent was revoked in accordance with the Act;
- (c) The instrument of consent had been altered in a material particular without authority;
- (d) The instrument of consent has been completed by a person who did not understand the nature of the consent or was not in a fit condition to consent; or
- (e) The consent has been obtained by fraud, duress or other improper means.

This Bill provides that an instrument of consent, other than that of the director, shall be witnessed by—

- (i) An officer of the Department of Children's Services;
- (ii) A barrister or solicitor; or
- (iii) A justice.

In keeping with the Adoption of Children Act 1964-1981, the consent of any person other than the director may be revoked within a period of 30 days from that date of the consent.

Section 45 of the Registration of Births, Deaths and Marriages Act provides that regulations may be made prescribing forms under the Act. Certain forms under the Act are in the form of a declaration.

Clause 6 of the Bill provides that a regulation may be made prescribing a form which contains or is accompanied by a declaration verifying the information and particulars contained in a form.

Clause 6 of the Bill also provides that any regulation purporting to have been made under the Act shall be taken to have been validly made to the extent that the regulation requires the making of a declaration.

The Registrar-General is authorised under this Bill to keep any registers, books or records as he is required by any Act of Parliament to make or keep.

I earlier mentioned that the Registrar-General is presently required by section 55 of the Adoption of Children Act 1964-1981 to keep the Adopted Children Register.

Although the Registrar-General already has statutory authority to keep that register, it is considered desirable that the Act which constitutes the office of Registrar-General should fully disclose the functions of the Registrar-General.

Prior to the enactment of the Registration of Births, Deaths and Marriages Act Amendment Act 1974 an entry of a birth did not disclose the surname of a child. Subsection

(1A) of section 22, which was enacted by the 1974 Act, was intended to give the Registrar-General authority to disclose the surname of a child in a certified extract of a birth entry which was made prior to the commencement of the 1974 Act.

This Bill proposes an amendment to subsection (1A) of section 22, which is consequential upon the present amendments to the Act contained in this Bill which provides for an entry of the change of surname of a child, and a provision in the Act which provides for a child to be registered under the surname of the mother where no person is registered as the father of the child.

Subsection (1A) of section 22 of the Act is amended by this Bill to provide that in making a certified extract from an entry or duplicate entry in a register relating to the birth of a child registered prior to the commencement of the Registration of Births, Deaths and Marriages Act Amendment Act 1974, the Registrar-General or, as the case may be, district registrar shall show as the surname of the child—

(a) Where a person is registered as the father of the child and a marginal note has not been entered in the appropriate birth registration pursuant to section 28A, the surname of the father;

(b) Where no person is registered as the father of the child, the surname of the mother;

(c) Where pursuant to section 28A there is entered in the appropriate birth registration a marginal note showing the surname of the mother as the surname of the child, the surname of the mother as evidenced by that note.

This Bill evidences that the Legislature is concerned about the individual problems of people, and will assist in overcoming the emotional problems that some members of the community face.

I commend the Bill to the House.

Debate, on motion of Mr Prest, adjourned.

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

RAILWAYS ACT AMENDMENT BILL

Hon. D. F. LANE (Merthyr—Minister for Transport), by leave, without notice: I move—

“That leave be granted to bring in a Bill to amend the Railways Act 1914-1978 in certain particulars.”

Motion agreed to.

First Reading

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

Second Reading

Hon. D. F. LANE (Merthyr—Minister for Transport) (2.15 p.m.): I move—

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

The Railway Department in Queensland has built up a proud history since the opening of the first railway line between Ipswich and Grandchester over 100 years ago. There has been a Railway Act in some form since 1863, which was two years before the first train ran.

Since those early days great changes have occurred in technology and the system has expanded from a single line joining two stations to a network embracing 10 000 km. Growth like this does not come about by accident. It can only follow implementation of a Government policy which keeps pace with technology and development.

The present Government's progressive policies have brought about a great upsurge in the development of natural resources. Last financial year, of the 41.5 million tonnes of goods and livestock hauled by rail, coal and other minerals accounted for 81.6 per cent, and it should never be forgotten that profits from this minerals traffic subsidise passenger travel costs.

Handling this massive movement of minerals profitably has required the introduction of new technologies and management procedures. The Department of Railways in Queensland leads Australia in the application of new techniques and has now a reservoir of skills in

trades, professions and management. Although it still retains the craftsmen of older days, such as blacksmiths and carriage-builders, there are modern specialists such as communications technicians and computer operators.

In the light of all this it has become apparent to me and many of my parliamentary colleagues that the current Railways Act, which was written in 1914, needed updating in some areas affecting management. Much of the advanced railway technology now in use could not have been foreseen when the Act was written. Some equipment is most sophisticated and difficult and expensive to repair or replace. Some, such as that used in electrification, can be dangerous or even fatal if tampered with.

The need to strengthen procedures for dealing with modern technology, whilst at the same time endeavouring to protect it where it is vulnerable, is becoming more and more pressing. This leads me to the important and justified concern of the community for public accountability. Our system of democracy demands that the Minister be accountable to Parliament and, in turn, that Parliament be accountable to the people. It has not been clearly spelt out in the past that the Minister for Transport is the person who carries public responsibility for the actions of the commissioner and the Railway Department, and it is proposed to amend the Act to rectify this.

I do not believe that the Minister should become involved in the day-to-day affairs of administering such a large and diverse undertaking, so no alteration to the corporate structure is proposed. The purpose is to give the Minister a discretion to indicate those areas in which he sees the need to exercise an over-riding authority on behalf of the Government. Of course, public accountability also includes meeting statutory requirements for submission of reports. For many years the commissioner has been unable to submit his annual report by the obligatory date for two main reasons. Firstly, in a budget which now exceeds \$500m annually, there is difficulty in collating the comprehensive data required to complete the various tables of figures for the report.

Secondly, some of the requirements were set when the railways operated as unconnected divisions or districts and are no longer relevant.

The end result is that effort is being expended on providing information that is neither necessary nor useful in today's current system. Methods of accounting and reporting have changed dramatically over the years. It is only reasonable, therefore, that these changes should be recognised and the method of financial reporting to the Minister be modernised to meet present-day circumstances. It is proposed that the Act be amended by deleting the requirement that revenue and expenditure be shown on the basis of lines or sections of lines and to substitute a provision that the report show the revenue and expenditure of the railway system as a whole.

The growing magnitude of the transport task facing the department and the increasing complexity of its operations, as its role continues to develop, demand the best in management skills. Already some of the important decision-making positions are exempt from appeal, thus allowing the necessary flexibility to select the applicant most suited to the position.

It is not desired to proliferate the number of positions exempt from appeal, but it is advisable that the list be extended. This is to be done by adding to the list 19 positions out of a total of 25 000, and they are set out in the Bill. Two special positions in the list are the Commissioner's Special Officer and Liaison Officer, Ministerial Section, who provide special assistance to the Commissioner for Railways and the Minister respectively. Appointments to these positions in the past have been made through the normal system, but I have been advised that a tradition has developed that the recommendation of the Minister and the Commissioner is accepted by all parties because of the confidential and special nature of the positions. These arrangements will be formalised by including the positions in the table.

Two other management positions should also be mentioned. Listed in the table of positions exempt from appeals is the Chief Mechanical Engineer and Workshops Superintendent. This officer is the senior mechanical engineer in the department and is of equal standing with the Chief Engineer, who is the senior civil engineer in the department.

Although the Act specifies that a chief engineer shall be employed, it does not similarly specify in relation to the Chief Mechanical Engineer and Workshops Superintendent, so it is now proposed to rectify this omission. Most railway systems have a managerial position that fully oversees the traffic arrangements. By relieving the Commissioner of the detail

of this oversight of traffic, he is able to spend more time in the policy area to play a greater role in the corporate arrangements of the department's relationship with contractors and in the application of Government policy to the administration of the department.

It is therefore proposed to introduce a position of Chief of Operations, which is also listed in the table of positions exempt from appeal. The Commissioner will be creating this position under powers already vested in him by the Act. His level within the system will be equal to that of general managers of divisions to give him a status equivalent to the general managers with whom he will be dealing.

Whilst I am speaking of management, there is one other matter to be mentioned. The section of the Act which sets out the manner in which promotions are made has been amended over the years by the addition of provisos and exclusions in such a manner as to produce a fragmented effect. It has been redrafted into a logical sequence so as to retain its present effect in accord with current practice.

I have already mentioned the use of modern technology and its vulnerability. It is impractical, indeed impossible, to totally enclose the system to isolate it from vandalism. The only feasible alternative is adequate deterrents. In its present form the Railways Act treats equally all actions of trespass, obstruction or damage and provides the same penalty irrespective of the gravity of the offence. These offences range in nature from purely thoughtless acts to wilful interference that endangers the safety and even the lives of employees and other persons. The proposed amendment, by improving the categorisation of the offences, makes possible a graduation of the penalties that takes into account the intent and effect of the action.

I spoke earlier of the huge volume of traffic handled by the department. The growth in traffic has occurred not only within the State but also across States. This continuing growth of interstate traffic raises the need for uniformity in the manner of accepting freight and setting charges for its carriage.

The Australian Transport Advisory Council has endorsed the Australian code for the transport of dangerous goods by road and rail, and the Railways of Australia Committee has drawn up a code of practices and conditions for the carriage of dangerous goods and a goods rate book. However, the Solicitor-General has expressed the opinion that the present Act may not confer on the commissioner sufficient authority to accept goods for consignment to other States as agent for the commissioners of other States or to adopt the codes and rates as set out in the relevant publications.

The first situation will be met by the proposed amendment spelling out the power of the commissioner to carry interstate and the second by a provision which will allow for all or part of the relevant publications to be called up in the by-laws in the interests of safety and efficiency.

There are other proposals which I have not dealt with in detail and which are obviously merely machinery to update references to other relevant Acts or to reinforce the deterrent effect of penalties by substituting monetary penalties more related to present-day values.

I hope that the proposals I have outlined will go part of the way towards increasing efficiency in terms of management. The Railway Department can proudly claim to have played a most significant role firstly in the pioneering and subsequently in the development of the great sunshine State of Queensland. Any improvement which can be effected in the administration and operation of the department will enhance its ability to meet the challenges ahead as it advances through the '80s.

I commend the Bill to the House.

Debate, on motion of Mr Davis, adjourned.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Hon. Sir WILLIAM KNOX (Nundah—Minister for Employment and Labour Relations), by leave, without notice: I move—

“That leave be granted to bring in a Bill to amend the Workers' Compensation Act 1916-1980 in certain particulars.”

Motion agreed to.

First Reading

Bill presented and, on motion of Sir William Knox, read a first time.

Second Reading

Hon. Sir WILLIAM KNOX (Nundah—Minister for Employment and Labour Relations) (2.27 p.m.): I move—

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

Honourable members will recall that I, as the Minister then responsible, initiated the separation of the administration of the Workers' Compensation Act from the State Government Insurance Office (Qld) to the Department of Labour Relations in July 1978.

It pleases me now to commend this Bill to honourable members. The legislation, in the main, projects significant improvements by way of substantially increasing benefits paid to injured workers, especially those who suffer long-term injuries.

Simultaneously it provides for stoppers against those who would contrive to abuse our system, which is geared to provide swift remedy for relief in a worker's time of need—a time at which the very foundations of the basic human wants can be threatened.

Proper management of the Queensland Workers' Compensation Fund, which is envied Australiawide for its underwriting monopoly, allows these significant improvements without any alteration to the current rates of premium charged for workers' compensation insurance.

It is this Government's policy that these additional benefits, estimated to cost in the vicinity of \$7m annually, will not increase current premium rates. It is estimated that a third of this cost will be found from a denial of any general bonus to those employers whose claims experience is 90 per cent or more of their assessed premium. The innovation of such a denial of general bonus will be enforced for the year commencing 1 July 1982.

Many Queensland workers now choose to have a second job, and frequently travel directly from one place of employment to another. At present there is no provision in the Act to cover a worker on such a journey. This inclusion will allay any fears they might have about their entitlement to compensation should they be injured on such a journey.

The intention of the Workers' Compensation Act is to provide cover to Queensland workers or those having a nexus with Queensland. Unfortunately, the amending Act of 1978 as it related to subsection 9 (2) departed from that intention. This subsection is to be amended to reinstate the requirement that a worker must have a nexus with Queensland to establish his entitlement to compensation under the Act. Therefore, to have any entitlement to compensation, a worker must perform part of his work in Queensland.

Often times a worker who elects to sue his employer at common law for damages finds he is unable to serve process on his employer because the employer is dead, cannot be served or has ceased to exist. The worker could then be forced into added process through the courts before he can proceed. Such additional process is time-consuming, frustrating, costly and creates delay.

The legislation provides that if because of the death of the employer, or for some other reason he cannot be served, the worker may recover by action against the Workers Compensation Board and thus eliminate that delay. Such a provision, however, will not be construed so as to confer upon a worker any advantage that he would not have had if action had been brought against his employer.

This legislation provides for the recognition of husbands, widowers and men as dependants of an injured or killed worker. In this age of equal opportunities for the sexes, it is considered that there should be no discrimination against male dependants.

This legislation provides that weekly compensation benefits after the first 26 weeks of incapacity shall be based on the guaranteed minimum wage, which is presently \$151.90, rather than on the basic wage of \$103.40. This increase of \$48.50 per week will do much to ease the financial burden placed upon those workers who suffer long-term injuries, and thereby lend assistance to their recovery—but not so much as to reduce their incentive to return to work.

Allowances paid for dependants will not be reduced. They will remain at current levels. The weekly rate of compensation for a married man with a dependent wife and

two children will be \$199.00. Hitherto it was \$149.95. Payment of the guaranteed minimum wage of \$151.90 will refute any possible hint that injured workers and their families might be treated as second-class citizens.

The legislation also provides the rate of compensation to be paid to casual workers who are employed under a contract of service. Previously, the rate to be paid to these casual workers was not included in the Workers' Compensation Act, and the amendment brings such casual workers into line with casual workers employed under an award or registered industrial agreement. The rate paid to casual workers is based on their average weekly earnings.

The legislation also introduces a totally self-sufficient proviso to facilitate ease of recognition of the rate of compensation payable to a self-employed person who is a member of a local emergency service or any body acting under the authority of the State Counter-Disaster Organisation or the State Emergency Service.

Also increased are the payments for permanent disabilities suffered by injured workers such as the loss of a hand, arm or leg. The only payments not increased are those for which the maximum was payable hitherto.

Payments are henceforth to be expressed as a percentage of the maximum compensation payable—currently \$36,230. The percentages were settled upon after careful consideration and comparison of such percentages prescribed in statutes of other States, the Commonwealth of Australia and England. Medical and technical expertise together with voluminous medical text, were referred to during such considerations, with the result that percentages shown are better than average.

Examples of increases are—

Loss of a hand—was \$14,460, and will now be \$21,013.40.

Loss of binocular vision—was \$9,210, and will now be \$12,680.50.

Loss of a thumb—was \$5,790, and will now be \$7,246.

In view of the notification of the Chiropractic Manipulative Therapists By-laws of 1981 on 14 November 1981, it is proposed to make provision for the recognition on reference by a medical practitioner of treatment by chiropractic manipulative therapists and provide the necessary authority to the Workers Compensation Board to pay the reasonable cost of such treatment as determined by the board.

Following the making of certain regulations as provided for by the Hospitals Act 1936-1980, relating to charges payable for accommodation and nursing attention for patients in hospitals, the Workers Compensation Board has, since 1 September 1981, been liable to pay fees for treatment of injured workers at public hospitals either as out-patients or as in-patients in a standard public ward. This legislation, in which this particular sub-section is retrospective to 1 September 1981, will provide the necessary authority for the board to make such payments.

Rehabilitation benefits, too, are improved, such that the amending legislation removes the limitation of the annual maximum of \$4,690 for the rehabilitation of an injured worker. Reasonable rehabilitation costs will be allowed without any ceiling whatsoever. Such an amendment reflects the genuineness of this Government to afford an injured worker rehabilitation of the highest order. The benefits of rehabilitating injured workers are clearly recognised and, to this end, plans are being considered to establish a rehabilitation centre to more adequately cater for injured workers.

Variations to compensation benefits provided for in sections 14, 14A and 14D have been tied to the basic wage, and it is intended that such variations will now be tied to the guaranteed minimum wage. Henceforth, such variations shall be notified by notification published in the Queensland Government Gazette. Such notifications will facilitate more prompt payment of adjusted amounts.

Variations to benefits payable under section 14B (mining and quarrying chest diseases) will continue to be made by Order in Council without resulting in any really adverse consequences to these claimants.

The Workers' Compensation Act is recognised as the single instrument to set compensation benefits payable to injured workers. Therefore, a new section is introduced into the Act to prevent the Industrial Conciliation and Arbitration Commission or its registrar from making provisions for accident pay, make-up pay, or the like. The amendment will not, however, void any such payment contained or inserted in any award or registered industrial agreement existing prior to the passing of this amendment.

The legislation amends subsection 20 (3) to make the tabling and motions for disallowance of regulations and Orders in Council uniform with requirements of the Acts Interpretation Act.

Unacceptable and intolerable practices have been established in certain industries whereby some workers contrive to abuse the workers' compensation system for personal, selfish profit. It is agreeably accepted that access to just entitlements under the Act should be, and are, smooth and quick. The Act is administered in such a way that allows such access. It is generous to a fault, but not such that open abuse will be tolerated.

Two such practices indulged in by some workers are delaying lodgment of claims so as to deny the board proper management of their claims, and faking or carrying injuries so that double payments are received during recreation leave or long service leave. The amendment proposes to eradicate such practices, firstly, by limiting the liability to pay compensation, except in the case of death, to a period of four weeks commencing prior to the date of filing an application for compensation, and, secondly, by reducing proportionately the amount of weekly compensation payable by the gross amount paid to or received by a worker for any dual period of incapacity and period of the other payment.

These two amendments are to be effected by amending clauses 4 and 10 of the schedule respectively. The amendments are not mandatory and allow the board to use its discretion. The powers afforded by these clauses will be invoked by the board only when there is strong suspicion of abuse of the system.

The matter of appeals against determinations made by specialist medical boards has been the subject of representations by honourable members in the House, as well as personally and by correspondence. There is nothing in the Bill in respect to appeals against medical board determinations. However, I recently canvassed this subject at a conference of interested parties in respect to the Workers' Compensation Act. These included employer organisations, trade union organisations and other interested bodies.

The major employer organisation—the Queensland Confederation of Industry—and the major trade union organisation—the Queensland Trades and Labor Council—have indicated that they consider that the medical boards presently work quite satisfactorily, and they do not favour any change to the present system. The Queensland branch of the Australian Medical Association also does not favour any change. The Queensland Law Society Incorporated indicated that it favoured a right of appeal against medical board determinations. It was invited to make submissions in this respect. A submission is being prepared, and I believe that it will be lodged shortly.

Each medical board consists of three registered medical specialists, all of whom are among the most senior and best qualified in their particular field. Determinations are made after perusal of all available medical information including X-rays, ECGs, hospital records and other information, and after actual medical examination of the claimant if still living.

The crux of the system is the consensus of medical specialists' opinion, and having established that it is difficult to see in which direction an appeal might lie. The determinations rest with a most able and highly qualified panel.

Claims referred to the medical boards are those of a very complex medical nature, for example, heart cases, diseases such as asbestosis, hepatitis, complex orthopaedic conditions and neurology cases.

If, after a determination has been made by a medical board, a claimant contends that not all medical evidence was considered, the Workers Compensation Board may refer the matter back to the medical board upon the production of that additional medical evidence by the claimant. Such additional medical evidence must be factual and not merely conjecture or opinions or the like.

The members of the medical boards are not employed by the Workers Compensation Board and the board cannot direct how any hearing shall be conducted. The members of the medical boards are appointed by the Governor in Council.

In considering the possible avenues of appeals against medical board determinations perhaps one method could be appeals to a judge of the District Court. If this method were to be introduced I am led to believe there would then be difficulties in having medical specialists sit on the various boards.

Another alternative could be the establishment of a panel of doctors employed by the Workers Compensation Board to make determinations, and that such determinations be subject to right of appeal by workers to a specialist medical board of review constituted by three specialists eminent in their particular field.

During the debate on the Bill I would like to hear the views of honourable members on the subject of a possible appeal system against medical board determinations.

The Bill is a progressive one and I commend it to members.

Mr Yewdale: What is your intention with the timing of this legislation?

Sir WILLIAM KNOX: It is a matter for the House.

Mr Yewdale: So you cannot give any clear indication?

Sir WILLIAM KNOX: It is not within my province.

Mr YEWDAL (Rockhampton North): I move—

“That the debate be adjourned for a period of at least 14 days.”

Motion negatived.

Debate, on motion of Mr D’Arcy, adjourned.

MINING ACT AND OTHER ACTS AMENDMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 1 December 1981 (see p. 4211) on Mr I. J. Gibbs’s motion—

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

Mr VAUGHAN (Nudgee) (2.44 p.m.): Before I comment on the contents of this Bill to further amend the Mining Act, I want to again call on the Minister to consolidate this extremely important Act and to publish it in loose-leaf form.

Because of the significant role that mining plays in the economy of this State at present and, it is anticipated, will play in the future, it is most necessary that not only must the mining laws of this State be kept up to date but they should be clear and concise and, to the extent possible, should be published in a form which enables even the casual inquirer to readily read and understand them.

The Act was last consolidated in November 1971, and since that date there have been a number of amendments, some of which were major, such as those introduced in 1979.

The amendments contained in the Bill before us today are also comprehensive, and are a further example in support of my call for the Act to be consolidated and printed in loose-leaf form.

To illustrate what I am saying, I point out that members are presented with a Bill that contains 76 clauses. In order to analyse the contents of the Bill, one must go to the principal Act and then peruse the clause in the Bill and the section in the Act. According to my calculations, nine separate amendments have been made to the Mining Act. To consider the amendments is an extremely difficult and time-consuming task. If the Act was consolidated and printed in a loose-leaf form, when a particular section of the Act was amended it would be a simple procedure for the Government to produce an amendment to that section so that it could be included in the loose-leaf copy of the Act. However, if the Government is not prepared to do that, we shall just have to plod on as we are at present. I would ask the Minister to consider my request and to comment when he responds to this debate.

Although most of the amendments in the Bill are straightforward and are a definite improvement on existing provisions, there are a number of clauses about which I wish to comment.

Firstly, regarding residence and business areas, the Bill seeks to give the holders of these titles a three months’ period of grace to renew their miner’s right, which they are required to possess in order to hold such a title. The Minister has stated that such titles are now held mainly in places such as Gympie and Charters Towers, usually by elderly people, and that under the present provisions of the Act if a person fails to renew his miner’s right the title is terminated with no opportunity of revival.

As the 1979 amendments, which provided that a miner's right could be issued for only one year compared with a period up to 10 years previously, have obviously contributed to the problem that has brought about this amendment, I believe that, since elderly people are involved and as such titles are small in number and are no longer granted, the proposed amendment is not the solution to the problem.

Mr Lee: What is?

Mr VAUGHAN: My amendment.

I therefore foreshadow an amendment that will remove the necessity for holders of such titles to have to renew their miner's right every 12 months. I believe that under the circumstances my amendment is a more realistic way of relieving the imposition on holders of the titles involved, particularly elderly titleholders, and I ask that members give it their support. Does that satisfy the member for Yeronga?

Mr Lee: I have not seen the amendment yet.

Mr VAUGHAN: I have just told the honourable member what I intend to do.

Clarification of whether oil produced from shale or coal is a "mineral" or "petroleum" is, of course, desirable, in view of the interest that is being shown in these processes and the possible establishment at some time in the future of oil-from-shale and oil-from-coal plants.

In this regard, however, I must again express my doubts that we will see such plants in this State before the mid-1990s, and possibly not until the year 2000, or later. Oil from shale was to be the answer to our future liquid fuel supply problem—and I emphasise the word "was".

As far back as July 1970, when State Cabinet happened to be meeting in Hughenden, there was an announcement that a massive oil-shale project costing more than \$100m would almost certainly be established at Julia Creek by 1974.

I emphasise that point, because although this is 1982 and many more areas are readily accessible areas, progress still has not been made on establishing an oil-from-shale project. As I said, I do not believe that oil will be produced from shale in this State before the year 2000.

In April 1980, the Rundle Oil Shale Agreement Bill was passed by this House and now, because the companies have not fulfilled their obligations under the agreement, it has lapsed. According to the Rundle companies, phase I of that project was to commence this year and be in operation by 1985. The latest information is that a new authority to prospect will be offered to the Rundle companies, which over the next five years will undertake a detailed review of technology, a study of investment estimates, and engineering studies as part of an overall assessment to determine economic reliability of a commercial-sized plant capable of producing at least 50 000 barrels of oil a day by the year 2000.

Now the talk is about the Condor shale-oil deposits near Proserpine in which the Japanese National Oil Corporation has an interest. Oil-from-coal plants have also been the subject of glowing announcements by the Government.

Mr Lee: The Wran Government will muck it all up.

Mr VAUGHAN: If the member for Yeronga must interject, he should do it with some degree of sense.

In November 1979, when the then Minister for Mines and Energy (Mr Camm), returned from a visit to Japan, he announced that a coal-to-oil plant would be operating in Queensland by the early 1980s.

Mr Davis: That was his 120th visit.

Mr VAUGHAN: I don't know if it was his 120th visit, but I am sure it must have been close to his 100th. Of course, every time he and other members of the Government, particularly Ministers, come back from an overseas trip they make glowing announcements which very rarely, if ever, come to fruition.

In October 1980, just prior to the State election, the Premier announced that a \$3,000m coal-to-oil plant would be built at Millmerran by mid-1986. He later altered the date to 1991. 15 000 tonnes of Millmerran coal was supposed to be sent to South Africa

for testing early in 1981. However, to my knowledge it has not gone yet. I will stand corrected if it has gone. When I asked a question on the subject at the end of last year there was no indication of its having gone. I do not believe it has gone as yet.

While oil-from-shale and oil-from-coal projects are great news items for the Press and the media generally and great propaganda for the Government, particularly at election-time, the fact is that production of oil from shale and oil from coal present the same problems of scale of operation, and the economics of both are tied to the world market price for oil set by OPEC.

I wish to refer to an extract from the "Petroleum Gazette" of December 1981. The section on page 175 of that document is headed "Synfuels posed OPEC a problem" The article states.

"Development of processes to synthesise oil from coal or from the kerogen in oil-shale also posed some threat to what OPEC regarded as an orderly transition to a more stable and satisfactory energy mix for the world. Had OPEC prices been able to rise as sharply as some of the member nations speculated, then synfuel projects such as Victorian and New South Wales coal-to-oil plants and the Rundle and Condor shale oil operations would have been producing liquid fuels at highly competitive or even under-cutting prices."

The article went on to quote the Saudi oil Minister, Sheikh Yamani and stated—

"He cautions restraint in evaluating the contribution to be made by shale oil, citing the 'serious delays' confronting the Rundle Project in Australia and scrapping of the big Morgantown project in the United States."

At my last tally, approximately 10 to 12 different companies were involved in shale-oil exploration in the State, and all have made glowing announcements about their drilling of oil-shale deposits through the length and breadth of the State. The Government has made similar announcements. Until recently, those announcements have had a marked effect of the value of shares. The shareholders of the nation now realise that all that glitters is not gold and, of course, share prices have fallen. If such glowing reports continue, they will mislead the investors of the State and the nation. When statements are made about oil-from-shale or oil-from-coal projects, the Government should give consideration to the facts of the situation instead of thinking about the propaganda value that it might give to them, particularly at election-time.

Although I would like to see oil-from-shale and oil-from-coal projects established in this State, I would first have to be convinced that such projects were environmentally sound and that under no circumstances would consumers be required to subsidise the cost of the end product.

During the debate on the Rundle Oil Shale Agreement Bill in May 1980, I made a point of speaking about the reports on environmental impact studies that had been carried out by Southern Pacific Petroleum N.L. and Central Pacific Minerals N.L. I stated that I was not convinced that they had solved all the environmental problems that would occur as a result of that particular operation. I was not convinced that enough homework had been done in respect of the environmental impact of that particular project, particularly the problems of waste disposal, leeching and the hole in the ground that would be left as a result of mining 1 million tonnes of oil-bearing shale per day. I am still not convinced that those problems would be solved.

Mr Hooper: Do you think that the Minister does his homework?

Mr VAUGHAN: I am not convinced of that at this stage.

I was also concerned about the cost of the end product. Estimates have been made of the amount of investment that would be involved in the Rundle oil-shale development project. The estimate increased from \$3 billion to \$4 billion or \$5 billion a couple of years ago. The figure being kicked around today is \$10 billion.

I am concerned that the State Government, in its wisdom, might give the go ahead to such a project—and the Federal Government is as guilty as the State Government in this respect—by issuing glowing reports about it. Because of the enthusiasm of both Governments, they might allow such projects to proceed. After huge sums of money are invested, it might be discovered that the end product is extremely costly. In fact, it might be more expensive to produce oil in that way than it is to purchase it from overseas. The oil consumers of this country will be obliged to pay higher prices for oil

to prop up the industry. It will be argued that, because of the huge capital investment and the number of jobs involved, the investment cannot be allowed to go to the wall. The consumers of oil will be required to pay a much higher price for oil than they would have to pay for imported oil.

The amendments that will now enable mining claims and mining leases to be registered over Crown land covered by an authority to prospect provided that the minerals to be mined from such claims or leases are different from those specified in the authority to prospect are timely. I am aware of numerous complaints of areas, particularly likely gold-bearing areas, being locked up by an authority to prospect, and I intend to demonstrate to the House the extent to which Queensland is locked up by authorities to prospect.

As the Minister has indicated that such amendments are intended to give the small miner greater opportunities to mine, I suggest that an applicant for an authority to prospect should be required to specify exactly which mineral or minerals he intends to prospect for and that that be taken into consideration when the area, term, rental, stipulations and conditions are being determined.

When one considers the provisions in the Mining Act relating to authorities to prospect, one sees that from the moment when an application for an authority to prospect is made, the applicant has control over an area and can exclude prospectors even though the application is not later granted by the Minister. The granting of an authority to prospect creates some very real problems. Even from the time of application an applicant has control over the area involved, and that is so even if his application is not granted subsequently.

Various conditions apply to authorities to prospect. They are granted by the Minister for Mines. They are granted for all minerals and coal, over both Crown and private land. They are granted to allow exploration and investigation of large areas of land by intensive prospecting on a large scale. As I have said in the House on earlier occasions, my investigations and complaints that I have received indicate that some persons who have been granted authorities to prospect are not carrying out intensive prospecting, and certainly not on a large scale.

Recently I read an interesting article in the February issue of the "Queensland Government Mining Journal". At page 58, under the heading, "Authorities to prospect for minerals other than coal", the article said—

"In response to a number of inquiries, readers are advised that the following general levels of expenditure currently apply to Authorities to Prospect for minerals other than coal, in this State."

The article sets out a table showing the number of sub-blocks and the expenditure that is required. For example, on from one to five sub-blocks the expenditure is to be \$10,000 in the first year, \$15,000 in the second year and \$20,000 in the third year. The area of from one to five sub-blocks is the equivalent of an area from 3.2 sq. km to 16 sq. km. The table goes up to 100 sub-blocks, which is the equivalent of 320 sq. km—that is a large slice of the State—on which the expenditure required is \$50,000 in the first year. As one miner complained to me, on today's salaries, that \$50,000 would be taken up by one geologist and his assistant in a four-wheel-drive vehicle.

Although authorities to prospect do not confer ownership of the minerals that may be found under authorities to prospect, they do give holders sole exploration rights. That is the point. The Bill is a step in the right direction. However, I am not happy at having received six pages of proposed amendments to the Bill.

Mr Lee: Most are only changing "1981" to "1982"

Mr VAUGHAN: I have not even had a chance to read them yet. The Bill was brought forward last December. I have heard that substantial amendments are to be made to it. Admittedly, some do merely change "1981" to "1982". However, I understand that the reason for the lengthy delay in proceeding with the Bill is that substantial amendments are to be made and that some of the provisions in the Bill are to be withdrawn. That remains to be seen.

Mr Lee: We have all vetted them, so they're OK.

Mr VAUGHAN: That is no criterion—no way in the world.

An authority to prospect gives the holders a prior right to apply for a mining lease. The acquisition of an authority to prospect can be likened to winning Gold Lotto. I am sure that honourable members will recall what happened at Oaky Creek with Houston Oil and Minerals. The Government granted that company an authority to prospect, and at the time it said, "Oh, no, we haven't granted Houston Oil and Minerals a mining lease for the Oaky Creek deposits; we have only granted it an authority to prospect." But who wound up with the mining lease? Everybody knows that Houston Oil and Minerals was given it as a pay-off.

Many other provisions apply to authorities to prospect. For example, reference is made to a \$2,000 deposit and to the fact that an applicant must specify the area required, the proposed program of exploration, the finance available, the necessary equipment and the technical assistance. The Mines Department imposes terms and conditions, and the maximum area is limited to 100 sub-blocks. The annual rental is \$30 a sub-block, which would mean \$3,000 for 100 sub-blocks.

A company is required to issue six-monthly reports about prospecting carried out, the results of such prospecting and the expenditure incurred. The term is usually for three to five years. The rental conditions are at the discretion of the Minister. That relates to what I was getting at when I said that an applicant for an authority to prospect should be required to specify the mineral or minerals intended to be prospected for and that that be taken into consideration when the area, term and rental are being determined by the Minister.

The amount that an applicant is required to pay for an authority to prospect should relate to the extent of the minerals for which he intends to prospect. The term of an authority to prospect may be renewed, again at the discretion of the Minister. The Minister may approve the assigning, transferring or mortgaging of an authority to prospect. Everything hinges on the Minister.

To say the least, some of the provisions relating to granting authorities to prospect need investigation. I will not dwell on that at the moment, but I will deal with it at the Committee stage when the clauses are being discussed—that is, if they are not removed from the Bill. I certainly hope that they will not be.

As far as I can see, the sections of the Act that deal with an authority to prospect do not spell out that an applicant for an authority to prospect must specify the minerals to be prospected for. I have been through the Act and, although the Bill refers to a person being allowed to file a mining claim for a lease over an area covered by an authority to prospect provided the minerals that he wishes to mine are not referred to in the authority to prospect, I see a problem arising in that the applicant for an authority to prospect is not really required to spell out the minerals for which he wishes to prospect.

The Act provides that if the Minister grants an authority to prospect, he shall determine, and the authority to prospect shall specify, the description of the area of land covered by the authority, the term of the authority, the rent payable and the stipulations and conditions to which the authority is subject. There is no mention of the minerals to be prospected for. However, the Mines Department's application form for an authority to prospect does require the applicant to specify the minerals to be prospected for. In fact, the form actually encourages an applicant to apply for "all minerals (excluding coal) or coal".

Form No. 9 is the application form. In part, it reads—

"Application for Authority to Prospect Pursuant to the provisions of the Mining Act 1968-1976 and the Regulations made thereunder (1)—"

The "(1)" relates to setting out names and other particulars in full. The form continues in this way—

"do hereby apply for an Authority to Prospect over land described in the Schedule on back hereof for the purpose of prospecting for (2) "

The "(2)" relates to—

"State minerals to be prospected for e.g. all minerals (excluding coal) or coal."

The application encourages an applicant to apply for "all minerals (excluding coal) or coal", so everything is covered. An applicant for an authority to prospect should be bound by the Act to spell out the minerals for which he wants to prospect. I foreshadow an amendment along those lines.

Further, as many small miners are interested only in prospecting for gold, I believe that gold should be excluded from minerals that an applicant for an authority to prospect can apply to prospect for, and I foreshadow a further amendment to provide for that. I point out for the benefit of people reading "Hansard", that copies of my amendments are in the hands of the Mines Department and have been in the Minister's hands for some time.

I hope that present holders and future applicants for authorities to prospect are not allowed to defeat this new provision in the legislation. What I am saying is that, if an applicant is not required to spell out all the minerals that he wants to prospect for, he will merely fill out his application with the words, "I want to apply to prospect for all minerals (excluding coal) and coal." It does not then matter what sort of minerals somebody else wants to mine for; he has everything tied up.

Because I am concerned that this is what will in fact happen, I believe that, in order to ensure that the large companies do not continue to lock out the small miner, we should be doing what the Victorian Government is doing. Towards the end of last year, I obtained copies of the debate in the Victorian Parliament. The Victorian Government, having seen the error of its ways some years previously, is proceeding to change its Mining Act to give a better deal to the small miner.

When the clauses of this Bill are being discussed, I shall move an amendment so that mining for gold is not tied up by authorities to prospect. On my information, most of the gold-bearing areas in Queensland are tied up by authorities to prospect.

I am aware that, at the present time, there is a Bill before the Victorian Parliament to amend the Victorian Mining Act, to remove the need for a holder of a miner's right to obtain the approval of the holder of an exploration licence, which I understand is the Victorian equivalent of our authority to prospect, to mine anything he finds on common ground. According to my information this will enable the small miner to prospect and to develop a mine. Apparently in 1975 such an entitlement was taken away from the small miner.

It is interesting and important to note that over 97 per cent of Victoria is covered by exploration licences, and that CRA Ltd, which is also active in Queensland, is reported to hold over half of them. In this regard, I note in the last annual report of the Mines Department (page 39) that, as at 31 December 1980, there were 603 authorities to prospect for minerals in this State, compared with 350 at 31 December 1979. In a period of 12 months the number of authorities to prospect issued in Queensland jumped from 350 to 603. This is a substantial increase, and I am concerned about such a situation, having regard to what I have already said about areas of the State, particularly gold-bearing areas, being locked up by authorities to prospect.

To illustrate my point I have some maps with me. They show, in green, the areas of the State covered by authorities to prospect, firstly, in 1980. In order to draw a comparison, the other three maps I have show the existing authorities to prospect. The maps illustrate what I am concerned about and they are the reasons why I believe it is necessary to do something about the granting of authorities to prospect, and my particular concern about the provisions of the Bill.

Mr Innes: What proportion of them would be coal?

Mr VAUGHAN: I did not go into that. Whether they are for coal or for all minerals other than coal is of no consequence. The fact of the matter is that they are still tying up the State.

Mr Innes: They would be very much bigger.

Mr VAUGHAN: Yes. Whereas the normal ATP for all minerals excluding coal is for up to 100 sub-blocks, in relation to coal the figure is anything from 300 to 500 sub-blocks. I do not know whether the honourable member was in the Chamber when I made the point, but when a person makes application for an authority to prospect, the application form issued by the Mines Department in fact encourages people to apply for all minerals excluding coal. I hope that that explanation illustrates the point I am driving at.

It is my firm opinion that the provisions relating to the granting of authorities to prospect, the terms and conditions under which they are granted, and the policing of same, should be tightened up. I have said this on previous occasions.

When one compares the provisions in the Act relating to an authority to prospect which can cover an area up to 320 sq. km for minerals other than coal, and 960 to 1 500 sq. km for coal, and those relating to a mining claim the maximum area of which can be 10 000 square metres, those relating to an authority to prospect are extremely brief while those relating to a mining claim are extremely complex.

The point I am trying to make is that the mining legislation places much more emphasis on lodging an application for a mining claim than it does on an application for an authority to prospect. For instance, in the Mining Act, and I include the amendments contained in this Bill, there are some 16 pages which relate to the fellow who wants to lodge a claim for an area 100 metres square, but if he wants to lodge an application for an authority to prospect he has to peruse only seven pages of the Act. The emphasis is obvious; the small fellow gets tied up in all the paraphernalia in 16 pages of the Act whereas the fellow who wants an authority to prospect over a much larger area has only seven pages to peruse. That gives members an idea of the hoops through which the small miner has to jump.

The new provisions which require applicants for a mining claim or a mining lease or renewal of same to describe the boundaries, etc., of such claim or lease are, as has been indicated, now necessary because of the new compensation provisions contained in the Bill.

However, although the conditions under which a mining claim is granted have now been spelled out in more detail, I reiterate that such conditions should be policed to ensure compliance. I must also express my reservations about the ability of the warden to effectively determine exemptions from such conditions.

Another new provision provides for the term of a mining claim, which is at present limited to 10 years, to be renewable for a further term not exceeding 10 years. As the maximum area of a claim is limited to 100 metres x 100 metres, I am curious to know what demand there was for this provision.

I have a couple of queries about the new provision relating to the renewal of mining claims which I will raise during debate on the clauses.

As to the issue of an authority to prospect—the Minister stated that with the object of making ground available for small miners the Bill provides that when an authority to prospect is terminated for any reason, in whole or in part, a further application for an authority to prospect shall not be made over such land until a period of three months has expired. That is a reasonable provision, and I hope that no attempt is made to take it out of the legislation. However, the Minister did not indicate that this did not apply to the holder of an authority to prospect who surrenders it for the purpose of being granted a new authority to prospect in accordance with a new provision in the Bill relating to surrender of an authority to prospect. Although the period of three months will give the small miners access to land from which they were previously excluded by the terminated authority to prospect, they will still be excluded from large areas of land by virtue of the new provision relating to surrender of an authority to prospect.

The new section dealing with rental of a mining lease and moneys payable on application was not referred to by the Minister. However, although the new provisions are more detailed, they are similar to the new provisions relating to rental of a mining claim in that they also spell out how and when rent is to be paid, provide an extension of time for payment of annual rent, impose a penalty for late payment, and provide for forfeiture of a lease if rent is not paid by the due date.

In May 1979, the Act was amended to provide that in respect of every mining lease granted or renewed after that date the Minister would review the security deposit lodged every 10 years. The Bill seeks to reduce the review period to seven years. In view of the expansion of mining in the State and the rate of inflation, I believe the security deposit should be reviewed every three years, and I give notice that I will be moving an amendment along these lines.

In September 1974, the section of the Act dealing with labour conditions in relation to mining leases was amended to further provide for expenditure in lieu of labour. In May 1980, the amounts of such expenditure were increased from \$200 to \$2,000, and this Bill seeks to effectively further increase the amount of expenditure by making the amounts prescribed payable yearly.

However, as the Minister briefly stated, the Bill also provides for exemption from expenditure commitments to be granted from time to time in the case of leases exceeding 130 ha where expenditure is imposed in lieu of labour. I would like the Minister to explain the reason for this provision.

The new provisions dealing with the payment of compensation to the owner of land before the registration of a mining claim or the grant of a mining lease in respect of such land have been explained by the Minister. Although there is already provision in the Act for the assessment of damage to land by mining and for the lodging of a bond against such damage, the new compensation provisions go considerably further and provide for a written agreement regarding the payment of compensation.

Although on paper the new procedures seem straightforward, I fear that when put into practice there will be problems. However, that remains to be seen, and I hope that my fears are unfounded.

I am aware that the National Party set up a committee to investigate the effects of mining development on rural lands, and it is apparent that a number of that committee's recommendations have been incorporated in the Bill. I note, however, that although it was proposed that a special mining court be established, the Wardens Court has been retained, but those provisions relating to the award of costs by a Wardens Court have been clarified.

However, where it is required to determine compensation, the Wardens Court, besides taking into consideration deprivation of possession, diminution of value, diminution of use, damage caused, severance surface rights of way, etc., can now also give consideration to all reasonable costs (including legal costs) likely to be incurred by the lessee or owner in obtaining replacement land and his resettlement or relocation of improvements, etc.

I must say that I see this as a significant precedent to be adopted in other areas where a similar situation is involved. If it is adopted in other areas, for example, where the Government is involved in resumptions for such things as freeway or railway construction, it will certainly improve the situation. I do not believe that the Government, when it was involved, has been so considerate in the past.

The Bill contains a new section which allows the holder of a miner's right, who obtains a permit from the Conservator of Forests, to search for and collect minerals using hand mining only.

Although I have no wish to unduly restrict the genuine small miner or prospector, I must say that I have reservations about this provision. Certainly it can be argued that a small miner using hand-mining methods represents no real threat to State forests. However, again it is a question of who is going to police such mining and how it is going to be done.

I am aware of other areas of the State in which mining is limited to hand mining, but such limitations are being breached without any apparent action being taken against those concerned. I am concerned that the same thing will happen with mining in State forests. What will the position be if a substantial discovery is made? Will the Government still confine it entirely to hand mining, or will something be done about mining in State forests? No doubt pressures would be applied in an endeavour to get the Government to permit mining by other than hand methods. I trust that due consideration has been given to the likelihood of such a situation arising and that, therefore, the Minister is in a position to comment on those points.

Regarding the new section dealing with proof of authority to be upon land—the point I want to make about that provision is that I think officers of the Mines Department should pay closer attention to the gemfields.

I can see merit in having the Supreme Court determine any proceeding challenging or seeking to uphold the validity of a mining claim, mining lease, authority to prospect, etc. That provision will involve the people concerned in considerable expense. I have been told of a case that involved two people outside of Cooktown who disagreed over the granting of a registration of a mining claim.

Mr Scott: One took a gun to the other.

Mr VAUGHAN: I think that is the case. Rather violent disagreement occurred between the two people and the matter was determined by the mining warden.

My point is that when this legislation becomes law such people will have to take their litigation before the Supreme Court. The cost involved could be 10 times that incurred if the matter was determined before the Mining Wardens Court, so litigation will be much more expensive. In addition, whereas the Mining Wardens Court can be held in Cooktown, close to the fields involved, the people involved will now have to travel to Townsville, Rockhampton or Brisbane. I foresee some problems in that.

The clauses of the Bill relating to the Forestry Act and the Petroleum Act appear to be straightforward and, therefore, do not require comment.

In conclusion, I say that I believe that the Minister should give a more comprehensive explanation of the various amendments proposed and the reasons for them. As the Bill contains 76 clauses, and as mining legislation is so important in Queensland, the Minister should leave no stone unturned to ensure that those who read "Hansard" to try to understand the reasons behind the introduction of legislation should be able to obtain a reasonable idea of what is intended and an explanation of why the legislation has been introduced. The Minister should also give an explanation of how the provisions of the Bill will be applied. That would give the public a better appreciation of what the legislation is about. It is not good enough for a Minister to state briefly what a proposed amendment does. The public should be told why it is needed.

I repeat my call for the Act to be consolidated and published in loose-leaf form. The Act has been amended many times and I, as Opposition spokesman on mining matters, and back-benchers are confronted with a very onerous and time-consuming job when we wish to research the legislation. I am sure that an improvement could be effected.

I reserve further comment till the Committee stage.

Mr HARPER (Auburn) (3.30 p.m.): In rising to speak to the Bill, I congratulate the Minister on taking the initiative to bring this legislation before the House. It is a Bill that will, in the main, considerably improve the law as it relates to mining development throughout Queensland. In particular, the owners of land—and this applies from what are virtually town allotments right through to grazing properties—will benefit from added protection afforded by the proposed amendments. Problems of the miner and mining prospector have been considered with the result that some changes suggested in this Bill will directly benefit them whilst not adversely affecting the existing rights of landholders. In fact, in some instances considerable mutual benefit will result.

By and large, the Bill improves protection afforded to landholders. I agree with the honourable member for Nudgee who said that the Mining Act should be rewritten and consolidated. Few people could dispute that need. As amendments to the legislation are dealt with by the House today, the need for the Act to be rewritten and consolidated will become more apparent.

The Mining Act should be readily comprehensible to the average person. It should be possible for all persons associated with mining development to clearly understand their rights and responsibilities without the need to call on a Queen's Counsel to interpret the entanglement of the Act and its amendments.

The claim is made that the Mining Act has worked very well. There is no doubt that it has worked well, particularly for major prospectors and miners. It is also said that very few claims for compensation have not been resolved by party-to-party negotiation. The reason for that is fairly simple and quite obvious. The spirit of co-operation between the Government and the developer during the past 20 years has been very evident from prospecting right through to mining. Mining development in this State has been quite phenomenal during that time. Hassles and frustrations associated with short-term prospecting rights do not occur under the Queensland system as they do in other States.

The mining industry is concerned at the intent of this Bill, which will remove the need for the consent of a holder of an authority to prospect before a mining claim or tenement may be granted to a second party over the same area. Certainly that provision could be prejudicial to genuine miners working their authorities to prospect. On balance, I doubt that the Minister's intention is altogether fair, although I certainly appreciate his reasoning in bringing forward the provision. The saving, no doubt, is that in exercising his responsibility he will act quite fairly and with caution. I suggest that much less tenable is the intent

to apply a similar principle to permits to enter, which are, after all is said and done, even with the amendments to the Act, for a period of only three months. That is the degree to which the Bill particularly affects the miner and the mining developer.

What of the landholder, the producer who occupies Crown land as a lessee or the owner of so-called freehold land—the average Queenslander—who has, of course, no mineral rights? Increasingly the primary producer has found himself at the mercy of the miner or the prospector. As mining, particularly open-cut coal-mining, progressively moves into our better-quality, more closely settled areas, problems will increase and intolerable injustices will be compounded unless we, as a Parliament, ensure that the rules for play ensure reasonable alleviation of the trauma suffered by people who are dispossessed of their form of livelihood to make way for some other form of production, in this instance, extractive industry. Whatever is decided today or tomorrow, let no-one believe that we can hope to achieve anything more than an alleviation of that trauma.

Despite inadequate rules, some miners and prospectors, large and small, have played the game and have achieved a good relationship with the producers whose routine and management they have disrupted. Others, however, have behaved with varying degrees of irresponsibility. That has been to the detriment of the industry generally, because a few bad apples packed in a case will quickly affect the others close by. Sadly, that has occurred. Some prospectors, some of their employees—for whom the prospectors must accept responsibility—and some mining developers have acted in a most irresponsible fashion.

Whenever a person or a company is deprived compulsorily of the surface area of his or its land by a person or company engaged in mining, this National-Liberal Government always insists that compensation be paid to the deprived owner, that compensation be negotiated between the parties and their advisers, and that only as a very last resort should recourse be had to the court. And that is as it should be. However, this Government has an obligation to lay down the rules by which such compensation shall be determined, and those rules should be capable of ready and easy interpretation. Both parties must be able to turn to the rules for guidance, which should be clear and as simple as possible. Even then there are bound to be a few underarm deliveries.

The simplicity and clarity that are needed have not been inherent in the Act to date. As mining development encroaches more and more onto some of the better-quality and closely settled areas, it will become increasingly common for the developer to compensate the dispossessed landholder by purchasing the whole property. Usually that will be in the best interests of both the dispossessed landholder and the miner, even though only a percentage of the surface area may be required for the actual mining operation. The Mining Act must recognise this fact. If mutually acceptable compensation is not achieved by negotiation, arbitration must be available.

Presently, the Mining Act evolves around the mining warden and the Mining Wardens Court. With a few exceptions, the role of mining warden is performed by a stipendiary magistrate. Without in any way denigrating the ability of a stipendiary magistrate, I suggest that the training that he has, although making him well suited to deal with crime and minor civil matters, does not fit him to deal with major matters of compensation and valuation. A magistrate does not have the skill, nor does he have the practice that would help him develop such skill.

The origin of the mining warden lies back in history. I do not doubt that, as mining communities developed with the discovery of minerals and as a police magistrate went into an area to help to preserve law and order, that local magistrate was the best arbiter available. However, such a claim is not valid in 1982. We are out of the horse-and-buggy days and we are out of the pick-and-shovel era. It is time that the Mining Act recognised the wonders of modern methods. Antiquated methods should be replaced and modernisation should begin at the core of the system. The Mining Wardens Court should be replaced by a specialist court. A Mining Court of Queensland should be established.

I realise that such a concept may be too bold and too far-reaching to be taken in one stride. However, we should take at least the first step towards that goal. A reasonable compromise in that direction would be the replacement of the mining warden and the Mining Wardens Court by the Land Court of Queensland. Those who have had experience in the Land Court will know that it is a minimum-cost court and a readily accessible court.

Under present conditions it is quite appropriate for a member of the Land Court to be in any town in Queensland, rather than just in a mining warden's home town. A member of the Land Court can travel the length and breadth of Queensland virtually overnight. If that responsibility was given to the Land Court I am sure that it would be carried out.

I said that the Land Court is a minimum-cost court, a court in which any individual can appear unaided. Perhaps that is not in the best interests of some members of the legal fraternity, but it is certainly in the best interests of the average citizen. On the other hand, the Mining Wardens Court can be a most expensive court.

Only this morning, I received a letter from a gentleman who is involved with a small group of landholders in the Mt Mort area. About five landholders are faced with a cost estimated between \$25,000 and \$30,000 in order to defend their rights in the Mining Wardens Court.

Although there are many areas of similarity between the Mining Wardens Court and the Land Court, a notable exception is the desirable provision that the Land Court, in the exercise of any jurisdiction, duty, power or function conferred or imposed upon it shall be governed in its procedure and in its decisions by equity, good conscience and the substantial merits of the case, without regard to technicalities or legal forms or the practice of other courts.

The Land Court may inform its mind on any matter in such manner as the court deems just, and may accept, admit and call for such evidence as in equity and good conscience it thinks fit—whether it is strictly legal evidence or not. Again, in a spirit of compromise, the very least that the Bill should afford is the right for compensation matters to be dealt with by the Land Court, with a right of appeal to the Land Appeal Court, subject to the Minister's consent.

In the same way as the Land Court, the Land Appeal Court is a court of equity and good conscience. It is a court that need not be costly to proceed to. It has three members and it is presided over by a Supreme Court judge. It works well in its present areas of jurisdiction.

There may well be those who pontificate about the justice of an appeal to a final court being allowed only on the motion of the Minister, but I believe it is important that such a check be available to ensure that firstly a genuine effort has been made by both parties to reach agreement on compensation by negotiation without court assistance and, secondly, that appeals of a frivolous nature do not occur. There is nothing particularly new about the principle involved. Under the Act as it stands the Minister exercises his discretion as to whether he accepts part or whole of a mining warden's report following a formal court hearing. Let it not be suggested then that the right of final appeal, only on the motion of the Minister, is any more a travesty of British justice than is that provision which allows—and I believe rightly, in this instance—disregard of the Mining Wardens Court judgment. Ministers of the Crown should be prepared to accept such responsibilities, heavy though they may be.

We should make provision within the Mining Act for a factor which I call "social disturbance". That should be a factor for consideration in determining compensation. It relates to the social disruption of a person who is forced to vacate his or her place of employment or place of occupation to make way for some other form of industry. It would cover the disruption of the way of life of dispossessed landholders and their families—a disruption which varies in degrees of significance. Provision should be made also for market and monetary fluctuations between the date of determination and the date of final settlement of compensation. We should provide in the Act equal rights for the holders of Crown leases and the owners of private land, both at the stage of exploration and at the stage of development.

The Minister has assured me that, in his opinion and in the opinion of his advisers, the Act, as proposed to be amended, adequately covers all of these aspects. I have no alternative but to accept those assurances, because the defeat in the House of amendments that I believe would clarify the position might well be construed as indicating lack of support for the concepts, whereas the Minister does, I believe, in fact support them. I have his assurance, as I have the Premier's assurance, that should the need for further amendment be demonstrated in the light of experience, the necessary action will be taken.

Although the Government retains in the Mining Act the ability to resume land for mining development, it should amend the Act to ensure that compensation in such instances is to be determined in accordance with the provisions of the Mining Act and not of the Acquisition of Land Act. The Government gives assurances that it will not take resumption proceedings for mining purposes, but the fact is that the provision is in the Act and the Government is not prepared to delete it.

That being the case, I believe that it is absolutely essential and urgent that the Government move to ensure that, in the very rare and most unlikely event that resumption proceedings are ever taken, compensation will be determined in accordance with the Mining Act and not in accordance with terms laid down in the Acquisition of Land Act.

The under-threat landholder has received no consideration in the amending Bill now before the House. There can be no doubt that mining potential in an area can seriously affect the ability of landholders to obtain a normally fair market value for their land. The same problem extends to lands adjacent to open-cut mines and lands under which mining takes place. The solution is not simple, but a remedy should be sought and the Mining Act should define guide-lines.

Mining development in this State has reached the stage at which more emphasis simply must be placed on the rehabilitation of affected lands. If rehabilitation is not economically feasible, it may well have to be decided that mining is simply not justified. This applies particularly to the better-quality soils that are coming under threat from open-cut mines.

I turn now to some illustrations of problems that arise concerning the permit-to-enter system. I have copies of letters sent by the mining warden with permits to enter. I am speaking now of private land. Heaven help the owner of Crown leases! I am speaking about the owner of freehold or freeholding tenure, in which case a permit to enter is required. In this letter the mining warden indicated to the landholder—

“Should the Contractors, Employees, and Agents of the Holder cause any damage to this land within the period covered by this Permit, you should immediately report the matter to me and stipulate the amount of damage caused. A nominal amount of \$20.00 has been deposited with me by way of compensation and this amount will be refunded to the holder after the expiry of the Permit. ”

Certainly the amendments make more realistic provision in the amount of that deposit or bond.

“If the amount of damage caused exceeds \$20.00, you should consult a Solicitor in order that he might proceed against the holder of the permit on your behalf.

It is the responsibility of the owner of the land to ensure that the Contractors, Agents or employees of the Holder do not abuse their rights under the Permit, or remove any earth from the land for any purpose outside the scope of the Mining Acts.”

In a more recent letter the mining warden has rephrased that paragraph and now states—

“If the amount of damage caused exceeds \$20, you should negotiate with the permit holder in an effort to recover such damage or seek advice in order to pursue your rights to sue for common law damages.”

Even though we might increase the amount of deposit that the explorer has to lodge with the mining warden to \$100 or perhaps \$1,000, certainly \$20 would not pay the cost of going to check on what the explorers were doing, let alone repair any damage.

I ask the Minister to tell the House during his reply how the amendments will help the owners of private land, against whom these permits are issued, to avoid the cost of common law action. The holder of a permit to enter is supposed to see the landholder before he actually enters the land. Heaven help the holder of a Crown lease! Why should not these prospectors be required to inform the landholder and to discuss with him the methods they intend to employ in their prospecting? Why should they not be required to go to the landholder and discuss whether he wants a blade lowered and a gully formed? Why should they not discuss how a landholder's fattening paddock is going to be disrupted by having drill-holes put down all over it, by having 20 or 30 men, numerous trucks and so on driving through his fattening country or over his wheat crop? I could outline many cases where problems have been created and disruption has occurred which should not have occurred. We as a Government should see that it does not occur in the future.

The Bill certainly improves the Mining Act, but it falls short in those areas I have mentioned. Surely we should have been satisfied with nothing less than the best that we could have produced. I commend the Bill as far as it goes, and I accept in good faith the assurances of the Minister, although I believe it could have been improved. I also very firmly believe that it must be supported. The rewriting and consolidation of the Mining Act should certainly proceed, and I earnestly hope that it will. Perhaps at that time the areas of concern which I have brought to the attention of the House will be recognised.

Mr EATON (Mourilyan) (3.53 p.m.): There are some provisions in the Bill with which I am sure all Opposition members agree, but we are concerned about the implementation and practical application of others. After the Opposition spokesman (Mr Vaughan) began to speak the Minister distributed two further amendments, and just prior to getting to my feet I received an amendment from the Opposition spokesman. I could not agree more with the amendments that the honourable member for Nudgee will move during the debate on the clauses.

In his second-reading speech the Minister stated—

“... minerals to be mined from the claim are different from those specified in the authority to prospect.”

The greatest scar on the mining industry today is the authority to prospect, the way in which such authorities have been granted and the different rules that apply to different companies holding different authorities to prospect. The benefit that accrues from holding such authorities has been exploited to the advantage of the big companies against the small miner. Departmental officers would be aware that in the early days when authorities to prospect were first granted a lot of them were taken out by opportunists. I know for a fact that in some areas of North Queensland people took out authorities to prospect, knowing full well that the minerals were there, but with no intention of mining them. They pulled a dog in the manger act when someone else came along and wanted to peg a claim. They said, “All right, you can peg a claim in my ATP area for a percentage of all minerals that come out of the claim.” In one area they wanted 30 per cent of the minerals that came out of the ATP area.

Other people in the industry have applied for ATPs but have not been granted them. Companies have been able to move in and buy up other companies that had ATPs. They have done that to further exploit their ambitions, again to the detriment of the people in the area. I am sure that much more will be said at the Committee stage about the proposed amendment.

Some of the amendments proposed are quite good but do not go far enough. One provides that mining wardens will be able to correct anomalies that arise from time to time, and the mining industry owes its success to the calibre of the mining wardens in Queensland in the early days.

The member for Auburn said that the mining wardens in some areas are not qualified. More than three-quarters of the tin produced in Australia comes from an area on the border between my electorate and the electorate of Cook, and I am sure that when the honourable member for Cook (Mr Scott) speaks on this Bill he will join me in shooting down the statement of the member for Auburn, that mining wardens are not qualified. Not only are they magistrates; they are also experienced and qualified men who have been in the area for a number of years and know the mining industry backwards. On many occasions they have had to advise people in the industry, particularly those working independently of big companies who did not have the resources or the knowledge to become involved in costly litigation or to establish a company of their own.

About three years ago a company moved into the Herberton area, took out a lease and announced in the newspapers that it would set up a project worth \$20m over a period. That project has been a fizzer. It was situated on the border between my electorate and that of the member for Cook, and people in both electorates were involved. Despite the fact that these people, some of whom were elderly, were paid compensation, it was not enough to compensate them for the inconvenience, hardship and personal distress caused by their having to pull up their roots and move. Except for the drilling of a few holes, nothing has been done in that area. Admittedly the company would have spent a certain amount of money in carrying out tests.

It is the same old story with the mining industry. When mining companies want to raise finance and increase their shareholding on the stock exchange, they make announcements about a boom project. Then there is a bust. That has been a problem with mining companies down through the ages, and it is a problem even now. Whenever they want to issue new shares or to raise the value of their shares on the stock exchange, they manage to find a certain quantity of minerals. Unless something is done to overcome the problem, mining companies will continue to manipulate the situation. It has an effect not only on the community but also on the small to middle mining companies. The Mines Department, and the Minister in particular, will have to consider the matter if the intention is to stabilise the mining industry.

The mining industry could well have passed through a period of stabilisation; it could well be getting close to a period of stagnation in which companies will go broke and cease operations. The shareholders and the communities, who at times have made great sacrifices to help companies become established, will go to the wall too.

The Opposition spokesman (Mr Vaughan) has foreshadowed an amendment to deal with ATPs. I urge all honourable members, particularly those Government members who have mining in their electorates, to consider that amendment favourably. I am sure that the miners in their electorates will be just as concerned as those honourable members and Opposition members about the success of this Bill, which is fairly important to the future of Queensland.

Coal is starting to lose the impact that it had in the past when the Premier, prior to the election, announced multimillion dollar coal-to-oil conversion schemes. Now it has been found that those schemes are not practicable and some of the companies which were involved in the massive publicity campaign have done an about-face and said that they did not ever believe that the schemes were feasible. Obviously it was an election gimmick. I do not doubt that it helped the Government to be re-elected. However, the bare facts are that the projects have gone by the board and are really only a dream for years to come. With present fuel prices those projects are simply not an economic proposition.

Mr Davis: We've been waiting for Julia Creek since 1968.

Mr EATON: That is right.

I wish to query one clause of the Bill and I hope that the Minister will reply to the point at a latter stage. It relates to the maximum aggregate of areas that may be included in mining leases held by a person at any one time. A person can hold a number of small leases aggregating up to the maximum area rather than hold one large lease. My query concerns the labour conditions. As honourable members know, the leases have certain conditions attached to them. For argument's sake, if a person has 4 1-hectare leases (10 acres) and he aggregates the lot, would he have to have one man for each lease and would he be subject to a \$2,000 bond for each of the 4 1-hectare parcels of land? That is not explicit in the Bill and no doubt the Minister will have a discretion about that.

I also ask the Minister if, under the present Act, he has discretion to grant mining leases in national parks and other areas in which mining leases are not normally granted.

Mr Scott: You mean in forestry reserves?

Mr EATON: I am led to believe that the Minister has a discretionary power. Although I agree that from time to time certain discretionary powers are needed to handle different circumstances in which the Government and the public may find themselves, those powers should be explicitly set out in the Bill and the public should be made aware of them. Whenever the Minister uses those discretionary powers, his action should be open to public scrutiny to show that not only is the Minister honest but also that the Government is honest.

In the Minister's second-reading speech, in the seventh paragraph on page 4210 of "Hansard", he mentioned the introduction of new sections that provide for compensation to be paid to, or an agreement in writing made with, the owners of the land. That refers to private land and I imagine it also applies to Crown land. The Minister said that should the owner of the land and the applicant fail to come to an agreement, a third party would be brought in as an arbiter. That may well work. The arbiter may be the mining warden or a person who is considered satisfactory to both parties. I am concerned that if an agreement is made for a three or five-year period—whatever is the period of the lease—for damages up to \$5,000, the money has to be held in trust.

Because of the topography of the land and the methods of mining, a miner may cause \$1,000 worth of damage in extracting a good return on his investment. Another miner may have to cause \$15,000 worth of damage to obtain a similar return. The term of the lease is fixed. A set figure is agreed upon as a bond to cover damage caused in the extraction of minerals. That clause of the Bill is not very explicit. Perhaps the Minister could give some explanation of that in his reply.

Mr SCASSOLA (Mt Gravatt) (4.6 p.m.): I join with other members in an earnest plea that the Act be published in a consolidated form. If there was ever a case for consolidating legislation, this is a classic example that would justify the argument. It is one thing for the Parliament to pass laws that have an effect on many people; it is another thing to ensure that those laws are reasonably available to the people who may have to deal with them.

Opposition Members interjected.

Mr SCASSOLA: It is quite clear that the members opposite have no regard for the decorum of the House. Their constant and persistent interjection when speakers are seeking to make their point is really quite revolting.

Mr Scott: It's just that you seem slow.

Mr SCASSOLA: It is a great pity that I have to speak slowly to ensure that members opposite can understand what I am saying.

It is one thing to pass laws in this House; it is another to ensure that they are reasonably available to those people who have to deal with them. Because of the numerous amendments that have been made in recent years, the State of the Act is quite chaotic. An urgent need exists to consolidate it. I understand that that consolidation is already in train.

I earnestly hope that the process of consolidation will not stop at the consolidation of this Act. There ought to be a systematic program under which all Acts are consolidated over a given period. That would give people outside who are obliged to know what rules are passed here a reasonable opportunity of knowing what they are so that they may be properly applied.

The principal pivot of the Bill currently before the House relates to the compensation provisions of the Act. The new provisions relating to compensation draw very heavily on the provisions that were formerly contained in those sections that dealt with mining on private land. Many of the provisions and concepts contained therein are translated generally into the compensation provisions.

New provisions will be inserted into the Act in relation to diminution of value of the lands of the lessee, in the case of a lessee owner, and diminution of use and a new concept of replacement lands and costs associated with replacement or other costs incurred by the lessee as a result of damage from mining operations. In one respect the compensation provisions are generous and will go a substantial way towards compensating fully occupiers of land that are subject to mining.

This afternoon much has been said concerning mining wardens, the role that they play and whether appeals relating to compensation should be to other tribunals. It is not appropriate to have a mining warden undertake a partial function in the mining process—that is, of determining applications for mining leases—and to take other functions from him, as has been suggested. Emphasis has been put on compensation. It has been claimed that the whole of the mining warden's function, including his function in relation to compensation, should be taken from him because he is not equipped to deal with compensation. I must say that I do not agree with the contention. Throughout the history of mining development in Queensland, the mining warden has played a very valuable part, and he is continuing to do so.

Anyone who looks at the total picture will readily come to the conclusion that the determination of compensation is only one small part of the mining warden's total function. If my information is correct, mining wardens have been called upon to determine only three compensation matters in 40 years. In other words, in almost three generations, they have been called upon to determine only three compensation matters.

As I have said, the mining warden has a number of other duties to discharge. In all respects he plays a very important role. It has been claimed that the mining warden's functions should be removed from him so that they may be given to a tribunal that is accessible. I would have thought that no tribunal is more accessible than the

mining warden. It is very simple for a person to make an application to come before the mining warden; applications are heard expeditiously and no great cost is involved. The mining warden is a local person and one who knows local conditions. Over a lengthy period he has built up a significant body of knowledge and expertise in mining. If the functions of the mining warden were to be taken away from him and given to another tribunal, that tribunal would have to begin anew and, over a period, would have to build up its own system of expertise.

One of the matters that have to be taken into account is the cost of mining development to the State and to the community. Another extremely important matter is that, because there are approximately 38 mining districts in Queensland and, therefore, approximately 38 mining wardens, any comparable and accessible system that took over the functions of the mining wardens would need approximately 38 branches. The great cost of setting up such a system would have to be considered.

Mining wardens are playing a very valuable role in the development of the mining industry in Queensland, and it is important that they be retained. Historically, the mining industry has developed with this system of local determination—a local personality dealing with local people and local circumstances. So far as possible that system ought to be retained, and it is important that it be retained.

The honourable member for Nudgee went further than suggesting that a potential explorer, in applying for an authority to prospect, should specify, with particularity, the minerals he is seeking. My understanding is that an authority to prospect is an exploration licence. It is a licence given to a prospector to enable him to search for minerals. If one were to impose an obligation on an explorer to specify, with particularity, the minerals that he seeks, it seems to me that that sort of requirement would defeat the purpose of an exploration licence. I do not believe that the Bill seeks to do that. If we were to impose such an obligation it would certainly defeat, in my view, the very purpose of an exploration licence—and that is what an authority to prospect is.

An authority to prospect is an important link in the chain of mining in this State. The honourable member for Nudgee suggested that a prospector who finds a mineral deposit after spending large sums of money to locate it should not have any right to mine it. Clearly under the fabric of the Act or the system of the Act, he is obliged to apply for a lease but, as I understand it, the honourable member suggested that that person should not be regarded as having any sort of moral or other right in the scheme of things when it comes to the mining operation as distinct from the exploration. If one were to follow that through one would say that he could have an exploration licence and, at the end of that exploration licence, that would be the end of it and we would give the lease to someone else. I wonder what sort of reaction we would get from people in Queensland if that were to be carried through to its conclusion?

Mr Davis: The National Party wants to place a levy on all landholders—is that right?

Mr SCASSOLA: I will talk about levies in a moment. The honourable member has raised an important matter. I will refer in a moment to the Labor Party's proposals for levies in this area.

As I understand it, in the area of authorities to prospect, the department's policy is, in effect, to grant an authority to prospect for all minerals other than coal. If that policy is followed it seems to me that it may well overcome some of the concerns that have been expressed about one of the provisions in this amending legislation.

I can understand that concern. It is, in effect, that the holder of an authority to prospect might be thwarted in his mining operations by somebody else being given a lease or some other mining tenement. I can understand the philosophy of the amendment, which is designed to overcome the problem that is encountered on some occasions when people, who were given authorities to prospect, did not explore for long periods and held up large areas of land so that the mineral in it was not developed and extracted.

It seems to me that the proposal in the amendment ought to be given the opportunity of operating. The proposal can operate if the decisions are made judiciously having regard to all the interests. I am quite certain that that will be the case. If there is any difficulty in the operation of the proposed new section 102AA in clause 48, I trust that amendments will be forthcoming.

Some little time ago I adverted to the question of compensation, which seems to me to be the pivot of the legislation. The fabric of the amendments is essentially that the two parties, in the first instance, can have the opportunity of reaching an agreement on the compensation to be paid, given the criteria in the Act. The criteria in the Act, although broad in some instances, are nevertheless objective criteria. The parties are asked principally to reach an agreement on the basis of those criteria.

If an agreement cannot be reached, in the first instance an application is made to the warden, who makes a determination on the basis of those criteria. If one party or another is dissatisfied with the determination, there is a right of appeal to the Land Court; previously the appeal was to the District Court. I do not have any great quarrel with the amendment. It may be that the proposal to go to the Land Court will work very well. But certainly the principal function in determining compensation, when there is no agreement, rests with the warden. It ought to be said that, in the great majority of cases, the question of compensation is determined by agreement between the parties.

Following a recent change, a mining tenement in effect does not come into operation until the question of compensation has been determined. There was a time when there was a period of, I think, 12 months after the commencement of the mining term in which compensation could be determined. That has now been altered.

I turn finally to a couple of other matters which are of some importance. The Leader of the Opposition, in a recent speech made in another place, indicated that a future Labor Government would introduce a new form of tax on the mining industry.

Mr Davis: Hear, hear!

Mr SCASSOLA: Frankly, I suggest to the honourable member for Brisbane Central that his interjection indicates a serious lack of understanding of the industry.

The Leader of the Opposition proposed what he called a new form of royalty charge on resource production that, in effect, takes two forms. One is a flat rate charge, which would be fixed. From reading this speech, it seems to me that it would be a charge that would be superimposed on other charges. The second part is euphemistically called a charge on the profitability of the operation.

There are two things to be said about the proposal. The first is that it takes no account of the volatility of the mining industry. In particular, the imposition of a tax on the profitability of an operation seems to me to be a new form of income tax to be imposed on the mining industry. One wonders whether it would stop with the mining industry or whether it would be imposed on other forms of business, or, perhaps, whether the Labor Party would go all the way and impose a State income tax on people generally. It is certainly something quite new.

The Leader of the Opposition is advocating the imposition of an income tax, for that is clearly what a charge on the profitability of operations is. Let it be known here and now that the Labor Party is calling for and is advocating the imposition of a State income tax that would create considerable hardship not only on the mining industry and on business but also a whole range of other things—

Mr Vaughan: Garbage!

Mr SCASSOLA: An Opposition member said that what I am suggesting is rubbish; but clearly Opposition members have not read their leader's speech made in Mt Isa. There is no doubt in my mind that that is what it is directed to specifically.

In another part of that speech it was stated that the Labor Party would, if ever it gained office, put itself in the position of mining companies and, so it seems to me, make economic decisions for them. In one part of his speech, the Leader of the Opposition said, in effect, that the Government ought not subsidise ventures to keep them in existence. That clearly indicates a number of things. If a Government has no financial interest in an enterprise, it has no business having any say in the economic judgments that that business has to make. It is no business of the Government whether a company decides to undertake an operation or not, and if the Government has no financial interest in it, it certainly has no right to interfere. If the Leader of the Opposition was saying, "We will intrude into business and make their economic decisions for them.", it is plainly a ludicrous statement. On the other hand, he may well have been saying, "We will have a financial stake in your business and we will make it our business to have a

say in it.", because he goes on to refer to carefully weighing up all of the short-term and long-term implications of any resource development proposal. He referred to safeguarding the loss of irreplaceable resources and preventing the dumping of any white-elephant projects on the people of Queensland. It seems that what the Labor Party is envisaging is that it will have, by hook or by crook, a financial interest in development projects in this State and, by so doing, it will have a part in the economic decision-making.

I support the amendments that are proposed by the Minister. I express my thanks to the Minister for his indulgence over the last week or so in discussing a number of these matters.

Mr SCOTT (Cook) (4.31 p.m.): Few members in this Chamber can be taken to task for making boring speeches if the state of boredom relates to their manner of delivery and not to the content of their speech. But, goodness me, if ever a filibuster was carried out in this Chamber, it was carried out by the member for Mt Gravatt for the last 23 minutes. Not only does he not know what he is talking about; also he does not even know the contents of the Bill.

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

Mr SCOTT: The honourable member was trying to convince us that he was speaking to the Bill with some degree of authority. I am concerned that wrong material might be disseminated in the Chamber. Whether that is being done in a boring manner or not cannot be helped, but surely the honourable member can read and should know something about the Bill. As for the diatribe about Labor's policy in the mining area—I do not know who wrote that for him, but at least he should use smaller words.

Mr Prest: Gary Neat.

Mr SCOTT: I shall take that interjection. The honourable member is one member of the legal fraternity who cannot handle words of any size. Mr Speaker, I shall return to the Bill, which is an important piece of legislation.

Cognisance should be taken of only one sentence that the honourable member uttered, and that was that the Act should be consolidated. I am wondering whether, if there is a fairy godmother above this Parliament or above the Minister or above the department and we ask her to see that the Mining Act is consolidated, some action will be taken.

That is a cry from the hearts of all the people who are concerned about the mining legislation in this State. The legislation is used by everyone, from the smallest miner to the largest mining company. It is not something that is kept in a lawyer's bookcase to be resorted to only in the most abstract legal case. It is referred to by people who are actively engaged in the industry. They simply do not know where they stand. They obtain a copy of the Act and the amendments and then they need legal advice—something better than the member for Mt Gravatt could provide—on what the legislation means. The legislation is their bread and butter, their lifeline.

One point about the mining industry is that there is litigation at every level. It can be the most limited appearance before a mining warden or a case in the Supreme Court. People who are concerned about the industry and who live by it are worried about the legislation. What does one find? When the member for Mt Gravatt was speaking, there were four other Government members in the Chamber, and the Minister was sitting there trying to stifle a yawn. That is the sort of consideration that is being given to mining legislation in this State. If the legislation referred to coal mines and to the power-station in which the coal was to be used, the members of the National Party would be vying with the best to try to ensure that they got a slice of the cake.

Because this is extremely important bread and butter legislation, it is beyond the grasp of Government members, and they do not care about it. Opposition members do care about the legislation. I must commend my colleague the member for Nudgee for the application that he gives to this very important area. He has been the Opposition spokesman on Mines and Energy for five years. He has applied himself assiduously to the job. He is a master of the Act and follows very closely the amendments that are introduced. I do not say that lightly; I say it for a purpose, because it is important that the people whom we on this side of the Chamber represent should have faith in the

people who are speaking for them. I shall get no preferment from the member for Nudgee either in caucus or anywhere, but I say without any quibble that he knows what he is talking about and he does his job justice.

Mr Blake: He woke the Government up to the fact that its generating program was far behind what demand would be in the very near future.

Mr SCOTT: Yes, he has.

Of course, energy is the other aspect of his responsibilities as Opposition spokesman. He was an electrician for many years, and he applies himself to that part of his task very well.

This is an important Bill which has provisions that concern the little man, the people for whom we on this side speak. However, we do not speak only for them; we speak for all people in the community, and we do it properly. Certainly, the Opposition concerns itself with the little man.

I must comment again on the speech of the member for Mt Gravatt. When the Labor Party concerns itself with the mining resources of the State, all taxes will be applied rationally and levied keeping in mind what the industry should contribute. At the moment it is reaping vast profits—in many cases, windfall profits—that the ordinary people in Queensland know nothing about. It is all very well for the Minister and other members on that side to say that they are doing whatever they can to provide a just reward for the people of the State. I know the Minister genuinely believes that, but I am concerned that the owners in the industry—the big people—are pulling the wool over the eyes of the Minister and the department. Of course, that has happened for time immemorial.

If one goes back to the classic writers of English literature one can read about the constant struggle between people who worked in the mines and those who benefitted from mining and the rapacious mine-owners. That struggle will continue and we must help it continue, because the rapacity is still there. The public knows very little of what is happening. The Government certainly does not tell the Opposition enough. Immediately I think of the Winchester South deal, which was the Minister's come-uppance. Prior to that he had leadership aspirations, but I am pleased to say that he has climbed down from that pedestal and is now trying to apply himself in a pedestrian manner to master the portfolio.

He expresses some concern for people in the mining industry. Certainly when honourable members approach him, they get answers from his department. I must give him that credit; when I want to know something about the day-to-day workings of leases, the Minister will supply the answer. However, I am concerned that he does not give the people of the State the proper answers to questions about profits and profitability.

In the early part of his second-reading speech the Minister referred to residence areas. The Bill provides that a person who inadvertently allows his miner's right to lapse can retain title to his residence area for a period of three months. That means that he will not be unceremoniously turfed out with his family and his goods and chattels by some uncaring inspector. In the future that provision will be less significant because residence areas are being phased out.

That brings to mind that there must be continuing provision for residence areas. Everybody in my electorate is concerned about what will happen to miner's homestead leases—whether in turn they will be phased out. I remind honourable members that those provisions provide an opportunity for ordinary people to obtain a living area in a mining field. That is a very proper provision. If the Government is to phase that out, it must look at some other way of allowing ordinary people to obtain tenure over some land at a relatively cheap price. Those struggling people could then gradually build up their financial reserves and pay the State whatever the land is worth. But certainly at the beginning people should be allowed to have that land without having to pay the incredible prices that are being asked by private enterprise for subdivided land.

The people of whom I speak want to live in remote areas. They are most important in my electorate because not only do most of them vote Labor, but they populate those remote areas as well as living and working in them. They are not silvertails who can afford to buy two or three hectare blocks and be boy farmers or something like that; they are people who are contributing to the economy in the right place.

My electorate is not an area in which there are vast mining concerns; Weipa is the exception. Mainly the mining areas of the Cook electorate are worked by small people. Those who work for them need somewhere to live. They do not want to go to any of

the large subdivisions that are intruding into my area. It is not necessary for the Minister to give an answer at this stage, but, it is important for the Government to keep in mind that a place must be provided for those people in which to live.

In his second-reading speech the Minister said that mining claims at present have a term limited to 10 years, but that under the Bill they can now be extended for a further 10 years if the holder has complied with the provisions. I am worried about that. I do not know who decides whether the conditions have been complied with. The Mines Department has insufficient staff to carry out proper enforcement in Far North Queensland. I have mentioned on numerous occasions that the inspectors in the Cairns area have a vast territory to cover. The area ranges from as far south as Charters Towers to the New Guinea border in the north. The Mines Department has a staff of two or three inspectors for that entire area. Their duties are too onerous. They cannot carry out their inspections properly. Those officers cannot say whether or not the provisions of the Act are being fully complied with. I do not say that they do not try; the work is beyond them because of their small number.

In the Minister's speech he said—

“Mining claims may now be registered over Crown land included in an authority to prospect or application therefor, provided that the minerals to be mined from the claim are different from those specified in the authority to prospect.”

The member for Mt Gravatt, who has a lack of knowledge of this Bill, did not see fit to listen to the proposed amendments to the Act outlined by the Minister. During the Minister's second-reading speech he said—

“... minerals different from those specified in the authority to prospect or application shall not require the consent of the holder of or applicant for the authority.”

The minerals are specified. The member for Mt Gravatt should have known that, but he did not.

I am concerned about the availability of information on mining matters, the extent of authorities to prospect and the extent of leases and claims. I am also concerned about the understaffing in the Mines Department and the extreme delays that have occurred in the handling and processing of leases. Earlier in the year a question was asked in this Chamber that highlighted that fact. The Minister has given private assurances that some of those bottle-necks have been cleared. I know that the Minister needs more staff in his department. That is a problem that is frequently encountered under the policies of the present Government. It is trying to operate the State on a shoe-string. That might be all right if it had some economic sense behind it, but it hasn't. The Government is restraining the development of this State. I had reason to bring a matter to the Minister's attention. It involved an applicant for a mining lease who for several years had his request held up in the department simply because of understaffing. I hope that it was not for any other reason.

People in Cooktown know where minerals can be found. They have submitted lease applications covering areas that could be quite productive. For a very small operation, they could employ the relatively large number of 12 or 13 people. Money has been spent purchasing plant. Miners were not able to get onto the land because of the bottle-necks in the Minister's department, and now the wet season prevents their commencing operations. There must be endless cases of progress being held up because of the lack of staff in the Mines Department.

As well as the problems associated with obtaining lease approvals is the problem of decentralisation of information. I know of numerous cases where people with the greatest of goodwill have gone to the Mining Wardens Court in Cooktown or Georgetown to obtain specific information, but the department has not had the required information readily available.

I do not suggest that any attempt is made to disguise or hide information, but it is essential in today's fast moving world that people are able to obtain information as soon as they need it. That is not so at present. Among the many statements that I have received about the proposed amendments to the Act, one mentions that fact. Concern is widespread throughout the State about the lack of decentralised recording facilities, information facilities and lodgment centres. I hope that something will be done to bring about decentralisation.

I note that an application for a mining claim will have to describe the boundaries of the claim. That provision is an extremely important one. Even though things seem to move incredibly slowly in the Mines Department, the mining world moves at a fast pace. It is not always possible to have leases or claims set out by a surveyor. Arguments do arise over the overpegging or identification of leases and over the extent of authorities to prospect. It is essential that information of that type be made available. I commend this provision. It is necessary that an applicant describe the boundaries of his claim so that they can be recognised by someone of average intelligence who wants to know what is going on in the area and who wants to peg up against another claim or against an authority to prospect area. But again, will the information be available at the centres where it is needed?

The Minister said that provision is made for the mining warden to correct errors in the registration or cancellation of a claim. I question that provision. I am concerned that such a correction could be used wrongly. I am prepared to state that here. Together with many people in the mining industry, I am never too certain about the extent of the influence that the larger mining companies exert. The Mines Department might submit to such influence quite inadvertently. It may be that the department sees a more efficient use of the mining terrain coming from a better organised body such as a large mining company. Nevertheless the inclusion of that provision might mean that people will not see that justice is done.

I hope that the Minister will comment on that aspect in his reply. I should hope that he will not fob me off by saying that I am simply questioning the integrity of his officers. I am not questioning their integrity; I am questioning the efficiency of the system. People worry about the integrity of the Mines Department because in their remote areas they see so many things that cause concern. If they were not concerned, why would they ask these questions of their elected representatives? One wonders how justice can be seen to be done when errors in registration can be corrected. How will litigants in remote areas know what is happening?

Provision is made for a copy of an application for a mining lease and the certificate of application, when issued, to be given to the owner of Crown land. Who is the owner of the Crown land if it is not the Crown itself? I have read the Act and to me, as a layman, it seems to be unclear. The Minister's speech implies that the copy will be given to the owner rather than the occupier. Who is the occupier in an instance in which a grazing lease is held and the Crown is obviously the owner? Surely the occupier is the leaseholder. One wonders who will be privy to the information. What happens if the owner is overseas or out of touch? How will the occupier, to whom the information might be critically important, obtain that information?

As to the compensation provisions relating to mining on Crown land—recently my attention was drawn to an instance in which a mining company was alleged to have left a gate open on a lease area with the result that valuable horses escaped. The owner of the horses took the matter up with the mining company, which simply laughed at him and said, "You can follow the normal process to obtain your rights." Of course, the normal process is an application to a court for damages. The owner of the horses is only a small landholder. Without sufficient financial resources, how can he avail himself of the due process of law? Legal aid is fairly limited. The man has to put up with his loss. When ordinary landholders tangle with big mining companies, there can be no doubt about who is hurt. The legislation provides some redress in those circumstances, and for that reason I commend it.

The damage done by miners when they cross properties, under the terms of the Mining Act and other legislation causes major concern. Miners do a great deal of damage. I am sure that all honourable members have heard about bulldozers and graders being driven in a straight line from one grid point to another, without regard for the contours. In the rainy season, wash-outs occur and they are followed by excessive soil erosion.

Mining companies are very rarely concerned about how they leave the terrain. If they were concerned, there would be no need for stringent conditions to get them to rehabilitate the land. In any event, they do not rehabilitate it successfully. I know of no area where rehabilitation has been effective. Even at Weipa, where a reasonable part of the company's resources is used for rehabilitation and reforestation and a genuine effort is made by the company to rehabilitate the land, the company simply cannot do the job properly because nature cannot be replicated. When mining company machinery travels

in a straight line, taking no account of contours, fences and gates, there must be a case for compensation. I hope that the new legislation is effective. If, as the honourable member for Nudgee said, a Supreme Court case will be necessary, I wonder how the little man will get on. I would appreciate the Minister's comments on this matter at the conclusion of this debate.

When a mining tenement does not include a surface area, compensation will not be applicable. I simply ask what will happen when subsidence takes place after underground mining? Is there provision in other legislation to cover that? How do landholders fare for compensation when the tenement does not take in a surface area of land?

A concession is being made to small miners in the provision under which three months have to elapse between what I might term the demise of an authority to prospect and the granting of another one. I hope that that provision will be effective. In Far North Queensland, little opportunity exists for information to be acquired by the people who need it. They have the continuing problem of blocks being relinquished without their knowing about it. A great deal of uncertainty is being experienced in the North because the Minister is able to grant extensions of time and no-one knows whether an ATP is still current over a block of land.

It is no small project to prospect an area of land. No-one simply says, "I will do it." People cannot spend a large sum of money preparing to prospect a certain area only to find that it is covered by a concession properly granted by the Minister. Great expenditure is involved in the mounting of a prospecting venture. A small prospector can either do nothing or turn in another direction. People come from Far North Queensland to see the Minister or his senior officers and incur heavy expenses to obtain specific information. Northern people are confronted with this real problem.

The honourable member for Mourilyan referred to hand-mining in State forests. That problem concerns me greatly. I am worried about the pollution of rivers and creeks in Far North Queensland. It is a continuing problem of great moment because it affects large watercourses such as the Herbert River and small creeks that flow through miners' homestead leases and provide a water supply. This provision will not make it easier to control pollution. The Minister will no doubt say that it will be inspected and that there will be no problems.

A matter that has been referred to in the Chamber is the quality of mining wardens. By and large, mining wardens are extremely experienced people. They are very strong in the judicial process and they make proper assessments. But, on occasions, a mining warden is also the acting magistrate.

Reference has been made in the Chamber to an incident at Mt Poverty. The first case involved an unlawful wounding charge, which was heard by the acting magistrate. Later, the acting magistrate, in his role of mining warden, determined a mining matter. A person should have been brought to the area from outside. The same person should not have heard the earlier charge and the mining matter. A person cannot help letting his prejudices come to the fore.

The honourable member for Mourilyan alluded to the Walsh River situation, where Newmont attempted to remove leaseholders and offered them a certain price. Under the Bill, a miner may have to provide the equivalent in land if his mining activity reduces the earning capacity of land. The same must apply to a living area. It is a matter not merely of offering compensation but of making certain that the people who are displaced have another area on which to live and of making certain that their life's work in establishing a home is not destroyed by the mining company.

On many occasions I have spoken about the destructive side of the mining industry, particularly at Rossville. Mines inspectors have attempted to pay fairly close attention to what is going on, but I do not think that they have really been effective. Problems arise when a mining lease abuts a forestry area, particularly in the evaluation of timber resources. Once a bulldozer has gone through an area, who can determine whether a valuable resource has been destroyed?

I next raise the problem confronting miners in Far North Queensland who wish to stockpile ore for crushing during the wet season, when they are unable to get onto their mining leases because the Government does not spend enough money on road maintenance. This State is making money out of mining but it is not returning the money to the areas in which it is earned.

Quite often miners cannot get onto their leases for many weeks after a wet season. They have to engage in additional mining activity before the wet sets in. What provisions are available to them to stockpile ore? Why cannot they stake a claim in, say, Irvinebank, instead of having to go through the long-winded process of taking up a lease? They should be able to have a claim simply for that purpose. Leases and claims already exist for various purposes, such as the storage of machinery and the installation of plant.

People in North Queensland have continually expressed their extreme disappointment because the Minister, at the centenary celebrations, did not tell them that the State Treatment Works was to be sold. At long last it has become public knowledge that there is a tender for the State Treatment Works, Irvinebank.

There is a great deal wrong with that document, too, and it is pertinent to this legislation because it covers the requirements of mining leases and the plant is situated on a mining lease. I take the opportunity of passing on to the Minister the disappointment that the ore producers of Irvinebank feel about the document now they have seen it. There is no fail-safe provision for the sale. What will happen in the end if the people who buy it do not want to operate it? The producers are not happy about that.

They are also not happy about the continuity of water supply to the town of Irvinebank. The document refers to the equivalent of that water being supplied at the date of occupation. The supply is not very good now, and if the Government wanted to appoint an independent arbitrator to decide whether any subsequent water supply was or was not as good as it was at the date of occupation, I do not think that the criteria he would have to apply would be very helpful.

There is reference to the Ibis Dam and pipeline not being offered for sale, and I can see problems arising from that. There is also interference with items included in the sale, the document stating, in effect, that at the date of occupation and the date of settlement the successful tenderer shall not, without the prior written consent of the Minister, do such-and-such. But what about the members of this Chamber knowing what is going to happen? I recall what happened when the battery at Kidston was sold by the Mines Department.

(Time expired.)

Mr BOOTH (Warwick) (5.1 p.m.): It is not my intention to attack the Bill, because it contains many improvements and will benefit the industry. However, there are one or two provisions about which I am a little disappointed.

I draw the Minister's attention to the problems associated with authorities to prospect and to the fact that the holders of such authorities are a constant source of annoyance to people in my electorate, and perhaps to people in other electorates. Some holders of authorities to prospect are inclined to do very little, but they can still be a nuisance to other miners who would do much more work if they held the same authority. People holding an authority to prospect should be forced to disclose what they intend to do. Landholders should be able to find out much more easily and quickly the intentions of the holder of an authority to prospect, because if he is not prospecting he is only a nuisance and is not of much benefit to the community in which he is living. It would probably be better off without him. I have some misgivings about the issuing of authorities to prospect. I am not completely opposed to them but they should be upgraded to make them a little more workable. The holders of such authorities should be forced to do the work set out in the authority.

I am also concerned about the issuing of permits to enter. If every person who applied for a permit to enter was a competent miner and a responsible person, there might not be very much to worry about; but it appears that a number of people who apply for such permits are not competent miners and are not even responsible and reliable people. They cause a good deal of heartburn to the owners of freehold or leasehold property. For instance, sometimes when I receive a complaint about a permit-holder being a nuisance, I say, "What are they looking for?" The reply is, "B-nothing." While that assertion is not invariably correct, on some occasions it is. The holders of permits to enter can cause an occupier a lot of problems simply by leaving a gate open, thus allowing valuable stock to escape. Even more problems can be created if fencing is damaged and not fixed.

If any serious damage is caused, a property owner is virtually forced to go to common law to obtain redress. That is an expensive business. Sometimes the person against whom the property owner is proceeding has very few assets, and although he might obtain judgment he is unable to collect. There should be some way of tightening up the conditions under which a permit to enter is issued, and I cannot think of any better way than by increasing the

amount that must be lodged by the applicant. Although some people prefer a bond, there is nothing like cash. If these people have to lodge cash, at least they will know that the money will be held for a time and that they will have to act responsibly.

As I said at the beginning of my speech, it is not my intention to speak at any length. I have raised the two questions that seem to be important to people in my area, and I ask the Minister to comment upon them.

Mr SMITH (Townsville West) (5.5 p.m.): The Minister, in introducing the Bill, made frequent reference to the small miner, and has provided opportunities for him to mine. The term "small miner" has caused confusion. I would, if I were able, request the small miner to stand up and be identified. He could be an operator who spends week-ends working his claim or lease, either on his own or with assistance. He could be a part-time prospector or a fossicker going on trips to prospect for whatever mineral is in favour in the metal markets of the day. The term could equally apply to a group of operators, small in comparison with the likes of MIM Holdings Ltd but who because of high metal prices make a profit from mining. I am sure that the last-mentioned group comprises those who know the ropes and who can look after themselves; but because of some of the so-called protective measures in the Bill, anyone outside that range is apparently now doomed to failure.

The days are gone when men, grub-staked by benevolent sponsors, tramped the hills, with dreams of striking it lucky in unexplored territories. Modern technology has enabled more sophisticated methods of exploration. Deposits are unmined because they are uneconomic for a large company to mine at the prevailing metal prices. Exemptions on labour and expenditure conditions are therefore applied for.

But then again there are small miners who work small claims or leases. There are the gougers who make a living from their mines working full time and ekeing from the earth enough ore to sustain them or to make a reasonable living. Gougers are to be seen at the copper fields when copper prices are high or, when gold prices are high, reworking old gold mines to find the yellow ore. Metal detectors have produced their share of spec miners, and the stories of finding gold nuggets provide evidence of their existence. There are also the opal miners, the tin miners and the miners of semi-precious gemstones. However, until a clear definition of "small miner" is indicated, who knows for whom the special provisions are being made? It is possible that the term refers to the "small-claim miner".

One of the protective measures being introduced deals with mining claims and mining leases being granted over Crown land included in an authority to prospect, or application therefor, provided that the minerals to be mined from the claim are different from those specified in the authority to prospect—the ATP. This is intended to give the small miner greater opportunities to mine, and shall not require the consent of the holder of, or the application for, the authority to prospect.

Such false generosity cannot be commended, because already it is common practice for applicants for authorities to prospect to specify "all minerals", when stating which minerals are to be explored for. Any company not so far specifying "all minerals" will most certainly do so from now on to prevent any mining claim or lease being granted over its authorities to prospect. By introducing this element in the legislation, the Minister has ensured that the small miner will be totally excluded from any opportunities to mine in the areas that are held under an authority to prospect. By introducing a provision preventing new applications for ATPs being made until a three-month period has elapsed after an ATP has been relinquished, the Minister is again giving false hopes to the small miner.

The present regulations specify that 50 per cent of an ATP should be relinquished after the first year of exploration. In some instances that condition can be side-stepped, particularly when the amount of money spent on exploration far exceeds the minimum requirements or if the areas warrant further expenditure and exploration.

Turnover and relinquishment of ATPs are indicative of the prevailing resources boom. The Mines Department favours companies that are prepared to spend more money than is expected of them. The provision that 50 per cent of an ATP has to be relinquished after the first year of exploration has been circumvented by holders astute enough to line up friends to apply for an ATP over the relinquished area. The former candidate for Townsville South (Alan Metcalfe) was an expert at that at Mt Isa. It is a practice which ensures that

areas are virtually kept in the family. A new provision will prohibit that type of activity but will not stop those people applying for mining claims over the same areas. At \$5 per annum for 4 ha, the equivalent of one sub-block of an ATP, a mining claim is a fairly inexpensive means of overcoming what the Minister feels to be an obstacle for the small miner, who cannot compete with the larger groups that hold ATPs.

In making provision for the three-month period of grace, did the Minister also take into account that a substantial amount of exploration effort occurs in monsoonal areas of Queensland such as my electorate. The field season expected by exploration companies in monsoonal areas is between April and November/December. Following correlation of information from the preceding period of exploration, it would be at least March/April the following year before a company notified the Mines Department of areas being relinquished. The three-month waiting period precludes the next successful applicant for an ATP to begin exploration until June/July, allowing only four months for surveys to be conducted before the following wet season. In that regard the Bill does not deal with the realities in North Queensland.

As I mentioned before, there are genuine small miners who work their claims and leases and fulfil the conditions. But there are others who just pay the rent, hold the areas and wait for large groups or companies to buy them out. They have no intention of working in the first place and, in effect, deny others the right to mine.

The Bill also tightens provisions relating to the furnishing of royalty returns in regard to claims and forfeiture after a show-cause notice has been served on the holder. Mining claims are the cheapest method of obtaining an area to mine. Rental is \$5 per hectare per annum, and as the area is of a lower status than a mining lease, it is subject to less control and ownership by the holder. If a claimholder fails to perform according to the conditions of the mining claim, the claim can be deemed abandoned and the mining warden may cancel the registration.

Non-payment of the annual rent by the due date, or late payment of rent, has been amended in the Bill in an attempt to protect the claimholder. Extension of time for payment and imposition of penalty for late payment are also provided. It is desirable that those provisions be put forward with respect to mining leases, also. The present situation is that for a breach of any of the covenants and conditions of a mining lease, the Minister may either order the forfeiture of the lease or impose a penalty not exceeding \$2,000 or, in default of payment, forfeiture of the lease. Should the Minister decide to impose a fine, he also has the discretion to grant extension of time to pay. By extending the provision to include mining leases, clear regulations can be defined, instead of the Minister's exercising his discretion in instances where clearly the covenants and conditions of the mining lease have not been adhered to.

At present, it appears that the only way to obtain a cancellation of mining leases is for an application for forfeiture to be lodged. A notice to show cause is then directed to the leaseholder so that he may defend his title.

The Minister's discretion is very wide, as the following example illustrates. Three mining leases were held by a person who, during the latter part of his lifetime, did not work them. The leases were subject to an agreement to sell to another person who had a 50 per cent interest in one of them. The leaseholder has since passed away and the estate, the major asset of which is the mining leases, is being settled by Queensland Trustees Ltd. The person involved in the agreement to sell is contesting the estate. I am sure that the Minister knows about that case, as I wrote to him about it only a couple of days ago. The person involved believes that the agreement should be upheld. By rights, he could have lodged application for forfeiture before the death of the leaseholder; but, because of the agreement to sell, he probably felt that that move would ruin the business arrangement.

Considering that the leases were not worked for a substantial number of years and that no labour and expenditure exemptions were applied for, where in the mining regulations is there any indication that the leases could have been deemed abandoned, as is the case with mining claims? Is lodgment of application for forfeiture the only means of having a mining lease cancelled? One person lodged application for forfeiture and the warden ruled in his favour, the final decision being the responsibility of the Minister for Mines. Because of the court case involving the agreement to sell, the Minister ruled against the warden's decision. He fined the leaseholder, who was represented by Queensland Trustees.

The regulations read "... and in default of payment, forfeiture of the lease" In a last-minute attempt to pay the fine, Queensland Trustees was granted—again at the Minister's discretion—an extension of time to pay. There is nothing in the regulation to indicate it, but the Minister's discretion is, as I have already stated, very wide.

In addition, as the story unravells, it appeared that during the time of the court case and the settlement of the deceased leaseholder's estate, no-one realised that the conditions and covenants of the lease were not being adhered to and that no exemption from labour and expenditure requirements had been applied for. Queensland Trustees were made aware of the situation only because someone had lodged application for forfeiture of the leases. In attempting to protect the deceased's estate, Queensland Trustees began following the correct procedure. It appears that it will continue to do so for the duration of the court case and the settlement of the estate, however long that might take.

The situation now is that the mining leases are the major asset of the deceased's estate, that already charges are being laid against the leases by way of costs incurred by Queensland Trustees, and that the party in whose favour the court rules with respect to the settlement of the estate will have to pay Queensland Trustees' costs. The value of the leases can be determined only by the amount of ore won from them. Unless the leases are worked, how is anyone to know their value in order to determine what costs can be charged against the estate?

Those particular mining leases are held over old gold dumps. Their value is estimated by considering the probability that there may be some gold left over from the old mining days. The value is assessed by comparison with other gold-mining dumps and the probability of gold being won depending on the richness or otherwise of the gold-mining that was carried out during production years and the probability that methods used at that time allowed some of the gold to remain.

Since the leases were worked, there has been a spectacular rise in the price of gold and an even more spectacular drop to approximately one-third of its \$800 peak. While the leases are subject to court cases, estate settlement, and so on, who knows how many other peaks and troughs the price of gold may pass through?

Obviously, because mining leases have a higher status than mining claims, the leases cannot be deemed abandoned if no work is performed on them. But if a leaseholder can clearly disregard the conditions and covenants of the lease and still pay the rent, how can a lease become available for another miner without his lodging applications for forfeiture and taking the consequences of the Minister's discretion? One wonders whether the Minister's discretion also allows him to walk on water. One would think so.

Surely something must be defined clearly to provide that, if circumstances indicate that a mining leaseholder is not fulfilling the conditions and covenants of the lease, it is subject to cancellation and deemed to be abandoned, and therefore made available for another miner, as is the case with mining claims.

As to the payment of compensation to landholders and graziers—I draw attention to the situation that exists on the Central Queensland sapphire and gemfields. The new compensation provisions appear to give graziers a sense of power over the pick-and-shovel prospectors. Even now the graziers are laying down the law. Some prospectors and fossickers camp miles from the areas that they are working. They are only very small operators and it is almost impossible for them to operate their workings efficiently. I venture to suggest that the regular diggers are very much aware of the need to maintain hygiene and to fill after excavation. However, the graziers felt that the time had come to play Hitler. They very nearly caused open conflict with the miners and a recurrence of a Eureka Stockade situation.

The Government, and the National Party in particular, believes that it is solving the problem. However, in attempting to keep the graziers happy it is not satisfying the small miner. The Minister should look very closely at the situation and consider the pick-and-shovel men as well as the larger operators. Certain areas could be set aside only for pick-and-shovel miners.

Finally, I suggest that a reduction in rates paid by graziers would be adequate compensation for them and that they should not exercise the power and control that they presently seem to have.

Mr UNDERWOOD (Ipswich West) (5.22 p.m.): Carelessly and brazenly the State Government continues to implement its no-planning philosophy on mining for the short-term benefit of some individuals in the industry. Only proper planning can shower long-term benefits on the whole industry. In the time at my disposal I single out the coal-mining industry on the West Moreton field.

To maintain the healthy state of the West Moreton coal-mining industry and the community within which it works it is necessary that a resources management study be carried out followed by the implementation of a resources management program. Such a study should be initiated by the State Government in co-operation with the industries, communities and local authorities involved.

Because of the Government's no-planning philosophy some very serious problems have arisen in both the coal-mining industry and the firestone clay industry in the West Moreton region. The Dinmore area contains some of the best firestone clay in Australia, yet the deposits have been locked up because of the lack of planning and because over the top of those deposits residential areas have been allowed to develop.

The State Government continues to ignore this ever-increasing problem. It sits comfortably in its easy-chair and continues to adopt its attitude of anything goes, which far too often causes unnecessary conflict with the community.

The Government's lack of planning—or, should I say, refusal to initiate any sort of planning—is causing a number of serious problems, particularly on the West Moreton field. Large reserves of coal are being sterilised totally, and development over other coal reserves will bring about their complete sterilisation. In one area alone the 100 per cent sterilisation of coal reserves was brought about by the laying of a water main from the Brisbane City Council reservoir through to the Redbank Plains area. Neither the State Government nor the Mines Department offered any leadership or co-ordination to the local authorities as to where the main should be sited. A great area running right along the line of the main was subjected to sterilisation.

Because of the lack of finance local authorities are allowing residential developments to go ahead. They want to increase the finance available to them in order to provide essential works for the residents. Developments are taking place over tapped and untapped coal reserves. When they take place, only a portion of the coal can be mined. Added to that is the inefficiency of extraction and coal-washing, which means that only a very small quantity of the vast resources of the West Moreton field are being mined. That means the loss of the asset to the nation and the world as a whole, not just to the West Moreton field. We have a responsibility to work out a proper plan of management to ensure that these important reserves are not wasted, as they are at the moment.

The Government allows the companies to go their own way, and there are too many of them on the West Moreton field. They are jealous of their company secrets. They attack one another in an attempt to undermine each other's dealings. On too many occasions companies in the West Moreton district fight each other rather than present a joint front to coal buyers to obtain a better price for the product. Far too often they are involved in their own little battles. The local community, the company shareholders and the people working in the industry are affected. If one company learns that another has taken a lease over a certain area it tries to stop the development by taking a lease on an adjoining area. That can make both leases unprofitable, and sterilise the coal deposit. Too often the companies pay little heed to community needs, despite a growing awareness in the community of environmental matters and individual rights under common law. The companies have been aided and abetted by the Government. Because of Government protection they have become too complacent about their responsibilities towards the life-style of the community.

One example of their complacency is what has happened at Tivoli since 1974. At that time a washing plant was moved from an area on the Moreton Extended lease, which was flooded, to a site across the road from a school. The plant is very inefficient and wastes a lot of good coal. That company has changed hands, but the coal-washings have been stockpiled to the point where they have started to fill a gully and are partially grassed. It is a shocking eyesore. It is a potential hazard in the event of further flooding of the Bremer River. Most assuredly there will be further flooding because the gully is in a flood plain. It is surrounded by houses in low-lying areas. In addition, the slag-heap, which retains a lot of moisture, has been severely eroded by rain. If a cyclone were to follow the heavy rain we have had this season, the slag-heap

could slip. When the company has been approached consistently by me and local residents we have been told that it could erect a fence to hide the eyesore. On one occasion the company told me that it had built the fence. I looked but I could not find it. I asked where it was. The company told me and I did find it. It was like looking for a needle in a haystack. It was a paling fence a few metres long. It was an insult to the people's intelligence. The company said that it planted trees. The terrain round Ipswich does not lend itself to growing trees. All I have seen are stunted trees.

Another problem was that the road which passes a number of residences was only partially sealed; the rest of it was coal-dust. Continual requests were made to the company to overcome the dust problem. The company said that it would provide a water truck. Quite often it was not used because the chap operating the end-loader and the truck was so overworked that he could not carry out his duties with the water truck. The result is that that part of the suburb was showered with coal-dust.

That is a typical example of lack of responsibility by the company, aided and abetted by Government authorities. The matter would be simple to overcome. The company totally ignored its neighbours. That is typical of what is allowed to go on in the West Moreton field.

Many of the people settling in this area are not Ipswichites or West Moretonites. They know nothing about mining operations. They come to this beautiful area to get away from the stresses of living in, say, Brisbane or Sydney. They want to get out into the bush where the birds sing, the grass grows and the trees sway. Suddenly they learn that they will have an open-cut or underground mine beside them. They complain that they are leaving home at 6 a.m. to work in Brisbane and are getting home at 7 p.m. to earn enough money to pay for their land and home in the bush, their hideaway from the rigours and stresses of life.

The residents were not told by the local authority or the State Government about the possibility of mining. Because of the inadequacy of the Mining Act and regulations in regard to the advertising of lease applications, they did not even know that a mining lease had been applied for. They believe that their homes are threatened.

Some people do not mind living close to an open-cut mine or having a mine beneath their land as long as they are assured that the houses are safe. But quite a few people do object. I am sure that, had many of these people been warned, they would not have purchased land in that area. The people should be warned and told the facts about coal-mining so that they can form a considered opinion on whether they wish to buy land in that area.

If such a simple and relatively inexpensive procedure had been initiated by the Government or the local authorities, a lot of the heartache and problems in the West Moreton field over recent years would have been avoided. But the people cannot expect anything like that, because the local companies are very jealous in regard to their projects. They do not want their neighbours to know about their activities. It is high time that some sort of sanity was introduced into mining activities on the West Moreton field so that everybody's interests are protected, not just the interests of one small group. It is important that something be done because there are large reserves of coal—a national asset—in the West Moreton field that will provide employment for a long period. A sensible policy has to be adopted in the management of the field.

Towards the end of last year I initiated discussions with various people in the industry and it was decided that a seminar would be held, to which all interested parties would be invited, to discuss the conflict between the expanding coal-mining industry and urban development—another typical West Moreton problem. Everybody to whom I spoke, other than the State Government, thought that the seminar was a good idea and made themselves available. The two local authorities involved, the coal-mining companies and the residents attended, but not the State Government. There was a very fruitful discussion and there was a surprising amount of co-operation between the various interested groups. They indicated a willingness to continue discussions. However, the Redbank Plains decision was then announced, and that took the wind out of everybody's sails because obviously no attempt had been made to even discuss the matter. It was obvious that the issue had been well and truly decided long before the announcement was made. But I do not intend to speak about Redbank Plains; it is the overall problem to which I wish to address myself.

The State Government must take the lead. The problem is a difficult one that cannot be solved overnight, but a number of initiatives designed to ease the problem could at least be begun, even if they are not brought to fruition immediately. The problem will continue to grow because the industry in the West Moreton does have expanding local and overseas markets, and it is important for it to capitalise on them. I refer not only to the Tivoli/Chuwar area but also to the Amberley, Rosewood and Walloon areas. People whom I describe as settlers are still moving to the area. They are hobby farmers who want to move into the bush. Many have invested their life savings in the hope of earning a living from land that they might not have bought had they known it was situated on top of an old mining lease, an old working or even a proposed lease. Those people must be told. Of course, prices will be depressed once it becomes common knowledge that the land is in a mining area; but that is a problem with which the real estate industry must deal because it created it in the first place by not telling buyers the truth about the land. It is quite probable that in many cases the real estate agent who made the sale was not aware of the situation; but it is the duty of the real estate industry to make itself aware of what mining has gone on in the West Moreton area, what is going on and what is proposed. In the 4½ years since I entered this Assembly, people have telephoned me and said that they had just bought land in the area, had owned land for five years or were hoping to buy land and did not know that there was a mine underneath it. One person even said that he did not know there was a big hole in the ground—it was an old mine shaft—because he did not walk over his large property before he signed on the dotted line. Legally that is his problem; one can help people only so much; but the local authority, the salesman or somebody should have been required to make him aware of what the situation really was. The present situation cannot be allowed to continue. If it does, it will bring the wrath of the community down onto the head of the industry in our area, and stifle it.

There is the problem of subsidence. There is no compensation for home owners in Queensland. I understand that there is a scheme in New South Wales which is financed by way of a levy. I am sure that coal-mining companies working in or near residential areas would be quite willing to pay some sort of levy on their sales of coal so that they could extract greater quantities of coal from underground workings and, if need be, provide compensation for subsidence to home owners. This is important because, as I have said, large quantities of coal are being left unmined in urban areas.

I refer to the problems of damage to roads and noise caused by the trucks that service the coal-mining industry and the ancillary industries in the West Moreton area. When I took a delegation of people to a former Minister for Mines to complain about these matters, he said, "We have laws to cover all of these things. Next question please." That is all very well but, as honourable members know, everyone does not obey the law.

Recently, my wife was driving a car behind a coal truck that did not have a tarpaulin covering the load. A lump of coal fell off the back of the truck and smashed the windscreen on my wife's car. That happened on a very wet day, on the bypass road near the Bremer River bridge. A serious accident could have occurred. Of course, when the Minister replies to this debate he will say, "There are laws to cover that." It is a matter of the industry's exercising responsibility, particularly when it is operating in and near settled areas.

Roads also present a problem. Earlier, I said that local authorities are short of funds. Roads are very expensive to construct and maintain, and they present a problem, particularly in these days when the National-Liberal Government is short-changing local authorities, such as the Ipswich City Council, for funds for road-works. The mining industry must be forced to provide finance to upgrade the roads, or to use another method for carrying coal, such as the continuous conveyor system. The industry should consider the overall cost effectiveness of introducing a continuous conveyor system, such as the system that operates in New South Wales, with a view to co-ordinating it with rail and river transport in order to keep the trucks off the road as much as possible. A leader of one mining union agreed with me that trucks are a definite hazard on the roads.

Those are some of the problems. The basic problem in the West Moreton area will not go away; in fact, it will get worse. It will lock up increasing amounts of the national asset. It will hinder the job opportunities in an industry that is expanding in my area. It will continually devalue, or maybe destroy, people's sole assets. It will definitely destroy their quality of life. The Government is refusing to introduce any proper resource management scheme for the West Moreton field.

It is a very difficult problem to tackle, but a start has to be made. Ministers cannot continue to sit back in their easy chairs and say that because the Government has all the laws on its side the problem will go away. The residents, not only those who have nothing to do with the industry but also those who work in it, will pressure the Government to do something about it. If the Government refuses to do anything it will be partially to the detriment of the industry. The industry and the Government should come to an agreement suitable to all parties.

Mr LESTER (Peak Downs) (5.46 p.m.): When I hear of the criticism that is levelled at the Government over the administration of the Mines Department generally, it makes me wonder. Quite frankly, there is no better Mines Department and no better Government, in relation to mining activities, in all of Australia.

Mr Vaughan: How would you know?

Mr LESTER: The Labor Party continually criticises the Government and says that it does too much for mining. The Labor Party should not kid itself about that; it is totally wrong on that score.

I ask honourable members to remember who criticised the Government most when it encouraged mining, particularly open-cut mining. It was the ALP. It said that the State did not receive enough money in royalties from the coal companies; it manufactured all sorts of arguments. In retrospect, the royalties have been very fair indeed. The Government also had the foresight to maintain ownership of the railways, unlike what has happened in other parts of Australia where the Governments do not receive revenue from the running of the railways—it goes back to the companies.

The policies and decisions of the Queensland Government have been very clear and have made Queensland the only State to attract many new mining ventures. One could go on ad infinitum about the new mines that will come on stream in the future. Honourable members should remember that when Mr Whitlam was in power not one new coal-mine commenced operation in all of Australia. How is that for a record? That is what the Labor Party thought about mining. It was the Labor Party that imposed the export levy, which discouraged mining in all of Australia.

Mr Blake: That is nonsense.

Mr LESTER: It is not nonsense.

Mr UNDERWOOD: I rise to a point of order. The member for Peak Downs is quite incorrect. The National Party has not withdrawn the coal export levy.

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

Mr LESTER: That is how much the Labor Party knows! Its members do not even know what a point of order is. The Queensland Government has set a record that no other State can match. It has encouraged coal-mining and much progress has been made.

I now wish to look at what is happening in New South Wales which, I understand has a Labor Government, at least for the time being. Presently coal cannot be exported through Newcastle. The Government is trying to have a third coal loader constructed at that port, but conservationists and others are trying to stop that project. At times up to 32 coal-carrying ships are in the port of Newcastle but the coal cannot be taken out. Also, attempts to build new railway lines for carrying coal have been frustrated. Certainly those railway lines could not be electrified because New South Wales does not have sufficient power. Those are the sorts of conditions that exist in New South Wales under a Labor Government. That State cannot export its coal and does not have sufficient electricity to be able to operate the coal-mines. Also, it cannot find competent negotiators to make agreements that run to completion and bring some revenue to the State.

Any businessman trying to negotiate in the coal-mining industry in New South Wales will say that the industry in that State is in a mess. The Labor Party says that the Government is too kind to the coal-mining companies. If the Government was any harder on them, coal-mines would be closed down. I invite anybody in the Labor Party to seek from the coal-mining executives information on how kind the Government has been. The coal-mining companies believe that the Government has been very hard on them. A happy medium must be established so that the Government receives reasonable

royalties and the coal-mines can remain viable. It is the responsibility of the Government to work out that happy medium, which must be fair to the Government, the people of Queensland and the mining companies.

The Government's policies have encouraged the development of many coal-mines. They have created many thousands of jobs in the coal-mining industry and many thousands of jobs in the railway industry and the electricity industry. That has resulted in jobs for schoolteachers, bank tellers and so on. More than 4 000 people are coming to Queensland every month from the other States of Australia. We have done our sums correctly and we are reaping the benefits. The other States are losing out very badly. The only State that is keeping neck and neck with Queensland is Western Australia. Good results would be expected from Western Australia because that State is headed by a coalition Government.

From time to time problems arise. That is the reason for the legislation. The Government does not bury its head in the sand and say that problems do not arise. The Government is capable of finding a solution to the problems. The rights of graziers have been affected following the granting of authorities to prospect to mining companies. Discussions have taken place about that matter. A situation has been reached in which, generally speaking, the grazier and the miners have arrived at a reasonable understanding.

Recently, when the Government took some action in the mining industry, the mining companies were made aware that they were doing the wrong thing. As a result, the mining companies are now trying to do the right thing. It must be admitted that they were getting a free run for a while. However, that had to end. The mining companies took advantage of opportunities that were available to them, to the detriment of the graziers. However, the Government acted in a responsible fashion and stopped that.

Legislation must be fair to all parties. That is essential to good government. A fair balance must be struck between the mining companies and the graziers. That is what the Government is trying to do. When the legislation is passed it may well be that the odd problem will crop up from time to time. I have not the slightest doubt that that will be discussed by the mining committee and the Minister and that, if necessary, legislation will be introduced to rectify any anomalies.

The Government is doing the very best that it can for mining in Queensland. The success of the mining industry is demonstrated by the results that it achieves in this State. Businessmen from overseas do not denigrate Queensland. They say, "I will go to Queensland because I will get things done responsibly there and I will get a fair go."

I conclude by paying a tribute to all the people who, last Friday week, took part in the rescue operations following the disastrous cave-in at the Blackwater South Mine. Many people went to a great deal of trouble to try to help those in distress, thereby exposing themselves to grave danger. I thank all those people in Blackwater and from outside the town for a job well done.

Hon. I. J. GIBBS (Albert—Minister for Mines and Energy) (5.56 p.m.), in reply: I thank honourable members for their contributions to the debate. Most members directed comments at the Act and the necessity for consolidation. Consolidation is well under way. A tremendous amount of work has been done and it is merely a matter of waiting for the passing of this Bill to enable consolidation to be finalised.

Certainly a publication is needed to spell out in simple terms people's rights and entitlements and the responsibilities placed on the shoulders of the mining companies. Such a publication will allow everyone in the mining industry, from the big companies right down to the man with a miner's right or a permit to enter, to understand the nature of his rights and responsibilities.

The Opposition spokesman (Mr Vaughan) referred to clause 6, which provides for the waiving of the necessity for a holder of a residence area to hold a miner's right. The sum involved is only \$8 a year. Anyone who enjoys the use of the land should be prepared to accept the responsibility that goes with it.

Overall, the comments made by the honourable member for Nudgee were constructive. I realise that he tried to be constructive. However, I guess it is the Opposition's job to be

destructive also. The honourable member found it hard to make destructive comments about the Bill and the Mines Department—under the control of a good Minister! He could not offer very much criticism of the legislation and my department.

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

Mr I. J. GIBBS: Further in reply to the comments made by the honourable member for Nudgee—it seems to me that an attempt has been made to knock synthetic fuel production from oil-shale and coal liquefaction. We must understand the world economic situation that prompted the big push for the processing of oil-shale. At the time a tremendous increase had occurred in the world price of fuel. A shortage of fuel was also predicted. Those matters set in train a movement throughout the world to overcome the problems. In the circumstances, any private-enterprise country would certainly attempt to produce synthetic fuel.

In Australia tremendous expertise was brought to bear on the Rundle and other deposits. That knowledge has not been lost. Queensland entered into a joint feasibility study with Imhausen which resulted in the most up-to-date technology relating to Wandoan coal which was liquefied in Germany. It is considered to be very high-grade feedstock. A very big project is necessary even to establish a pilot plant. It would need the expenditure of an enormous sum of money to produce the fuel on a commercial basis. The important thing is that the companies are continuing with their prospecting to prove areas. Australia now has the up-to-date technology and, within a short time, could get into production in a much better way than it could have three years ago. The present hold-up should not be regarded in a negative light. We must be positive about what has been done and be pleased that the technology is available to us.

Many comments were made about the possibility of overlapping authorities to prospect in certain areas. Although that has happened in the past, it has not happened very often. When it is thought necessary, it is important that a second authority to prospect can be granted over an area. The important thing about that provision is how it is administered. In the past it has been administered positively. I am quite sure that that is how it will be handled in the future.

Speculation still continues about Millmerran coal. It will be used for liquefaction, or for some other purpose.

Several honourable members spoke about the three months given to renew authorities to prospect.

The Bill is designed to give much greater security to existing property owners and to help small miners, as far as possible, to even up what are thought to be deficiencies in the Act. It is hoped that the Bill will overcome the problems.

Mention was made of hand-mining in forestry areas. The proposal deals with the people who want to go into old gold-mining areas, possibly by the busload, to do some hand-mining for a few hours. The proposal is to cover small miners, no matter how small, and to cater for the tourist industry.

Over the years a lot of work has been done on the gemfields. In the short time that I have been a member of this Parliament, enormous changes have been made in that area. The research that I conducted into who was first in those areas was very interesting. There is no doubt that the gem miners were there before there was much other activity in that country. A good deal of history has been written about those times.

The honourable member for Auburn outlined some of the matters in the Mining Act as a whole that worried him. He made certain suggestions about what should be contained in the Act, but I believe that those matters are already covered adequately. There must be co-operation between the Government, the rural community who already hold land for certain uses and the miners. We must ensure that the Bill's intent is fulfilled because if mining companies and landholders cannot get on together the mining industry will not be healthy. Adequate security must be given to the landholders and the miners. The honourable member for Auburn was responsible for a good deal of the input into the Bill. He did a lot of work in researching the problems and the needs of the people whom he represents.

He advocated that certain matters be referred not to the mining warden but to the Land Court with an appeal to the Land Appeal Court. The Government decided, by majority, that matters go before the Wardens Court, with an appeal to the Land Court instead of an appeal to the District Court at present. The Wardens Court received a good

deal of praise from members tonight. This matter will be watched to see if it works. It is believed that the provisions are adequate and will work. I would be very disappointed if any compensation matter gets even to the Wardens Court, let alone the Land Court. If problems arise the Government will look at the Act with a view to further amending it to ensure that the intention is achieved.

Some honourable members referred to resumption. Resumption must involve agreement on compensation. A mining lease cannot be granted until compensation is agreed upon. It is only at that stage that the Government decides whether to issue a lease, based on the recommendation of the mining warden.

A number of comments were made about the fact that the \$20 bond was far too low. We will be making sure that adequate bonds are imposed in order to protect landholders against damage caused by mining. At one stage it was suggested that the Minister should have a decision-making power as far as the institution of appeals was concerned, but I do not think that is a healthy power for a Minister to have because it would appear that he was above the law. An appeal against compensation is far different from a warden hearing an application for a mining lease. In the latter case a recommendation is made to the Minister. That system has existed for many years, and I believe it should remain, with either the mining company or the landholder having the opportunity to appeal.

The honourable member for Auburn mentioned the consolidation of the Mining Act. I said earlier that that is being done. In fact, once this Bill becomes law the consolidation will be completed.

The honourable member for Mourilyan said that historically mining wardens have done a good job, and I agree with him. They have been part of the great history of mining in Queensland and, in fact, throughout Australia.

A number of members also referred to mining in national parks. No mining is allowed in a national park other than drilling for oil, for which special permission must be obtained. Before any new national park is proclaimed discussions are held with several Government departments, including the Mines Department. The Mines Department advises whether there are any existing authorities to prospect in the relevant area or any interest has been shown in minerals that should not be locked up in the area. There is tremendous co-operation between departments, and the system works very well.

The honourable member for Mt Gravatt mentioned mining on private land and Crown land. As I said earlier, one of the main provisions of this Bill puts Crown land on the same basis as private land as far as mining is concerned. Authorities to prospect will be issued, although they will be slightly different from those normally issued, because there has to be greater flexibility. There are so many types of Crown land that one principle could not be applied to them all. There has to be certain flexibility but, to all intents and purposes, the Bill puts mining on Crown land and private land on the same basis.

Mention was made of a simple, down-to-earth, low-cost appeal, but with 38 mining districts in Queensland and 38 mining wardens who administer mining leases the cost of replacing that system would be enormous. It is necessary that the system be kept as decentralised as possible. I can think of no better way than to continue to use the mining warden system.

Reference was made to proposed new section 102AA, which deals with authorities to prospect. There has been some opposition to this proposal from the Chamber of Mines, on behalf of the mining industry, and I respect the chamber for its concern. Whether the provision creates any problem will depend entirely on how responsibly it is administered. However, the provision is required in certain cases. It is required for the underground coal-mining in Ipswich. Rylance Collieries has mined the clay on top, which it uses for lining the hard bricks that are used in furnaces. If anyone had tried to be hard-headed about the matter, it would have been difficult to have those two operations functioning at the one time.

The member for Mt Gravatt referred to the ALP's policy on royalties. I do not wish to go into that policy tonight, but it is well known throughout the industry. The ALP's present policy is not greatly different from Connor's policy, and the least said about it, the better. If much is said about it, people overseas might hear about it and wonder what sort of a country Australia is.

The member for Cook began his speech by attacking the member for Mt Gravatt. It would have been better if he had not wasted his time on that and had got down to the nitty-gritty of the Bill.

The member for Cook spoke a great deal about the little man, and asked how he is defined. Historically, the mining industry has always had a lot of little people in it. I hope that the Bill will go a long way towards preserving the rights of the small miners and allowing them to play their part in the industry. Over the years, those people have found an enormous quantity of rich resources in Queensland and have been responsible for much of the expansion in the mining industry. Today, many mining companies are taking up authorities and leases over many of the old areas that were scratched over in earlier years. Now, with bigger machinery and more money, they are getting down to the lode. Those companies will play an important role in the Queensland mining industry.

There was also reference to information being made available to the people engaged in the mining industry. Honourable members would have to admit that Queensland is a big State and that it is difficult to provide information to all the corners of the State. I am sure that the officers of the Mines Department and the mining wardens do their best to provide a service to people everywhere in Queensland, including those in the remote areas.

Mention was made of the staffing in the Mines Department. A big effort has been made to overcome the backlog of work in the department. I am pleased to say that additional staff has been provided and that much of the backlog has been overcome.

The identification of the owners of Crown land is important, especially in cases of compensation when the owner/occupier has to be contacted.

It is a pity that the honourable member spent some time merely praising small miners and knocking the large companies. He also spoke about the rehabilitation at Weipa which, he says, is not as good as it could have been. On my first visit to Weipa I was pleasantly surprised by the level of expenditure and the amount of work that had gone into rehabilitation, with experiments on replacement of the original trees and the grassing of some areas. The introduction of the African mahogany tree has proved very successful and in the long run could lead to the setting up of a new industry in that area.

The honourable member spent a great deal of time knocking the big miners, but Queensland has the room for all levels of mining. In certain areas, because of the need for a large amount of expenditure and an enormous amount of machinery to make a venture successful, small miners find it impracticable to operate.

The honourable member for Warwick spoke about authorities to prospect, permits to enter, and the many amateurs, who might be termed rock-hunters, who are exploring areas. I would call them small miners. In some cases they can create problems, especially when large numbers of them are in an area and they leave gates open and that sort of thing. That damages the image of the mining industry, regardless of whom it is done by and where it is done. There will certainly be a very big effort to overcome those problems.

The honourable member for Townsville West spoke about authorities to prospect and many other matters. In fact, it was really hard to determine what he spoke about, as his speech was rather hard to follow. He ought to get a new speech writer or learn a little bit about mining. Whichever he did, he would be better off. He mentioned gemfields and a conflict of interests between miners and those engaged in grazing. Tourism is a very important facet of gem-mining.

The honourable member for Ipswich West spoke of there being no plan for future mining, and the ramifications of clay deposits being on top of coal deposits in certain parts of the West Moreton field. He also mentioned underground water mains that lie on the top of coal deposits. I assure the honourable member that the Mines Department supplied a great deal of information to the local councils, in particular the Ipswich City Council which, of course, is controlled by an ALP administration. He would do the community a great service if he contacted that council because in the end result it gets down to town planning.

I agree with him that overall not enough resource planning has been done, whether it be for coal, land use or crop cultivation. The Albert Shire Council, by protecting the sugar industry in the Woongoolba/Norwell area, has shown the way. In its town plan that council has provided a minimum size block sufficient to be a living area for the production of sugar-cane. The council has also introduced a rural rate. Much more of that sort of

thing should be done by councils, which are the ones to undertake those plans. Future resource planning benefits the economy of their area. Councils should consider very carefully resource management. The Mines Department supplied a tremendous amount of information to the Ipswich City Council.

At one stage the importance of Ipswich as a coal-mining area was declining. It now has an opportunity to supply the domestic market and also to export coal. Ipswich will remain a very important coal-mining area for many years, and coal is the basis of its economy. It will be a sad day when coal-mining is forced out of that area.

The Government adopted a responsible role in reducing the number of trucks using roads in the Redbank Plains area from 100 per day to 30 per day. The Government had discussions with the Ipswich City Council, the Moreton Shire Council and the mining company after the mining warden had recommended that mining be allowed in that area. The company was willing to construct a rail loop. The Government received a bond of \$400,000 towards the construction of road-works, which normally would be the responsibility of the local council. The Minister for Education (Mr Gunn) took an interest in the matter and negotiated on further matters of importance. He has achieved a tremendous amount for that area and contributed to the success of the Redbank Plains mining venture. Many people will be employed on that project. Without resource management, it would have been impossible to utilise that resource. That is something that must be closely examined in Ipswich in the future. The use of town planning measures has enabled the Moreton Shire and the Ipswich City Council to protect a resource that will be very important to the south-east corner of Queensland.

During a fiery speech, the member for Peak Downs exposed the ALP in many ways. He referred to coal levies, the problems encountered in New South Wales with power supplies and the difficulties experienced with coal exports. Mr Lester said that there were 30 ships anchored outside Newcastle. I have news for Opposition members—there are 70! That is a tragedy.

This morning I made a statement about the power disruptions in New South Wales. The remarks that I made apply to mining. People overseas regard Australia as a whole. They do not think of Queensland, New South Wales or the Northern Territory, and the problems experienced in New South Wales rub off on every State. When businessmen in various parts of the world make decisions relative to this country, they say, "Seventy ships—that's Australia!" They do not appreciate the size of Queensland and how well it is catered for with port, rail and power facilities.

Earlier Alderman Harvey adopted the figures quoted by the Opposition spokesman for Mines and Energy (Mr Vaughan), who said that power costs had increased by 20 to 30 per cent. Tonight Alderman Harvey suggested an increase of from 40 to 60 per cent. He doubled the honourable member's figures. He has certainly improved on the honourable member's interpretation of what is happening. Of course, the local authority elections are imminent. In Beenleigh the Labor Party has Walter Ehrich, who is known locally as "The Mouth"—the mouth of the Trades Hall and the ALP. It is simply a matter of the ALP's sending out material, putting a photograph of a person on the article, and there it is—instant propaganda.

Mr Hooper: Are you worried about him?

Mr I. J. GIBBS: No, not at all.

Before I conclude, I refer to a telegram and a letter sent out by the Chamber of Mines and signed by Michael Pinnock, the executive director. They express the chamber's concern about certain provisions in the Act, particularly those that could provide for giving a second mining title for different minerals over an area. I take the chamber's point. The Bill will provide for that to be done without the permission of the holder of the existing authority to prospect. In the main, of course, permission will be sought. However, some persons adopt a dog-in-the-manger attitude. The amendment is being made to ensure that mining in Queensland is conducted on a proper basis.

Anyone who applies for minerals applies for all minerals other than coal. From time to time circumstances arise that call for the exercise of discretion. The Bill will allow discretion to be exercised.

I have received telegrams from the Cattlemen's Union, which has expressed concern about the appeal provisions. It supports the view of the honourable member for Auburn

that an appeal should be to the Land Court and ultimately to the Land Appeal Court. I respect the views of the Cattlemen's Union and give an undertaking that if a problem arises the Act will be amended if necessary.

Finally, I again thank honourable members for their contributions to the debate.
Motion (Mr I. J. Gibbs) agreed to.

Committee

The Chairman of Committees (Mr Miller, Ithaca) in the chair; Hon. I. J. Gibbs (Albert—Minister for Mines and Energy) in charge of the Bill.

Clause 1—Short title—

Mr I. J. GIBBS (7.49 p.m.): I move the following amendment—

“At page 2, line 6, omit the expression—
‘1981’
and substitute the expression—
‘1982’.”

This amendment, like others that will follow, is a very basic one.

Amendment (Mr I. J. Gibbs) agreed to.

Clause 1, as amended, agreed to.

Clauses 2 and 3, as read, agreed to.

Clause 4—Citation—

Mr I. J. GIBBS: I move the following amendment—

“At page 2, line 21, omit the expression—
‘1968-1981’
and substitute the expression—
‘1968-1982’.”

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5, as read, agreed to.

Clause 6—Amendment of s. 5; Savings—

Mr VAUGHAN (7.53 p.m.): I move the following amendment—

“At page 2, omit all words comprising lines 32 to 37, and at page 3, omit all words comprising lines 1 to 3 and substitute the following—

‘subsection (5) by omitting the words “the holder of a miner’s right issued subsequent to the commencement of the Mining Act Amendment Act 1979” and substituting the words “the person who is the holder of the business area or, as the case may be, residence area notwithstanding that that person, at any time after the commencement of the Mining Act Amendment Act 1979, is or was not the holder of a miner’s right.” ’ ”

The Minister indicated initially that the Bill contained certain amendments to assist people who held a residence area or business area, who had not been renewing their miner’s rights on time. The amendment grants an extension of three months for renewal. The Minister also indicated that residence areas were old titles held by elderly people and were confined mainly to the Gympie and Charters Towers areas.

As elderly people are involved, the Bill does not go far enough in allowing only three months’ grace. This is an old type of title. It applies in only two areas of the State. Even with three months’ grace, those elderly people may forget to renew the miner’s right.

The amendment that I have moved removes the requirement on those elderly people to renew the miner’s right each year. Business areas are also old titles and the Minister said that very few of them exist. He pointed out that neither title can be granted in future. The amendment moved will save those elderly people from going through the ritual of renewing the miner’s right.

The amendments made in 1979 contributed to the problems confronting those people. Previously a miner's right ran for 10 years and, in that period, the holder could pass on. The 1979 amendments reduced the period from 10 years to 1 year. It would be more realistic and more considerate of elderly people if my amendment was passed. It would remove the need to renew the miner's right every 12 months.

I have discussed this amendment with the Parliamentary Counsel. It is in order and will not create any problems. If the Minister does not accept it I should like to be told why elderly people will have to renew the miner's right every 12 months. If there is a good reason, I will accept it, but I will take some convincing.

Mr I. J. GIBBS: The amendment means that this Crown land, mostly with substantial improvements, would be held without payment of any fee. A miner's right costs \$8 a year. That is hardly an exorbitant amount considering the value of the land. Even though these people have a fairly substantial tenure over it, it is Crown land. There is every indication that the people on these areas are old people, but they should find no difficulty in paying the \$8 or in renewing the miner's right. I believe that this system should continue. Those people should accept their responsibilities. I do not accept the amendment.

Mr VAUGHAN: The Minister admits that elderly people are involved and that only \$8 a year is involved. It would cost the Government more than \$8 a year to process the renewal notices. The Minister said that those people must accept their responsibilities. We are talking about elderly people being forced to accept their responsibilities to pay the \$8 a year. I repeat that it would cost more than \$8 to process the renewals. The Minister and the Government are being damned unreasonable.

Mr Scott: Terribly heartless.

Mr VAUGHAN: Of course.

The Minister said—

“There are presently a number of titles throughout the State termed ‘residence areas’, which are held only by virtue of the holder being the possessor of a current miner's right. These are old titles granted many years ago and are now mainly held in centres such as Gympie and Charters Towers . . .”

He then went on to say, and this is the point, that if a person fails to renew his miner's right the title is terminated. It is not so much those elderly people not shouldering their responsibilities; if they were given the opportunity they would certainly do so. They do not shirk their responsibilities, they are mostly old miners, but the point is that if they fail to renew their miner's right the title is terminated with no opportunity for revival. The Minister is saying, “To hell with those elderly people. There is only \$8 involved but they have to accept their responsibilities.” But all he is offering them is a grace period of three months.

Let us face it, back in 1979 this Assembly changed the Act so that, instead of a person having to renew his miner's right only every 10 years he has to renew it annually, and yet the Minister says that although he will be given a grace period of three months, if he fails to renew his miner's right the title is terminated with no opportunity for revival.

I again ask the Minister in all sincerity to please give those people the opportunity. It will save the Mines Department money. They should be given the opportunity to hold the title in those residence areas and business areas without the necessity of going through the hoops and paying this lousy \$8 a year. This would remove the threat. The Minister has recognised that there is a problem by giving those people a grace period of three months because he does not want them to lose their title, yet he is not prepared to accept the amendment which would remove for all time the necessity of those elderly people having to run the risk each year, if they happen to forget to renew their miner's right, or of losing their title to those properties.

Mr I. J. GIBBS: Those people are in fact given more than the three months' period of grace, and I can assure the honourable that no-one has lost his land simply because he has not paid his fee within a reasonable period. I point out that the titles in the residence areas are transferable and that the holders are not all elderly people. In addition, the titles are held not only in Gympie but all over the State, and it is

necessary to keep in touch with those people. I agree that the \$8 is insignificant, but those people have to be contacted on a regular basis to make sure that they are still living in the residence. Obviously if they are not the title should be cancelled. Without an annual contact we would lose control over the whole situation. The Mines Department has never meted out harsh treatment to any of those people, and I believe it is quite reasonable to expect them to make contact on a regular basis, even though they do have some time up their sleeve. But they have to keep in touch with the Mines Department, which has the job of administering all those areas—a job which is not easy.

Question—That the words proposed to be omitted from clause 6 (Mr Vaughan's amendment) stand part of the clause—put; and the Committee divided—

Ayes, 45

Ahern	Harper	Scassola
Akers	Hewitt	Scott-Young
Austin	Innes	Simpson
Bertoni	Jennings	Stephan
Bird	Katter	Sullivan
Booth	Lee	Tenni
Borbidge	Lester	Tomkins
Doumany	Lickiss	Turner
Edwards	Lockwood	Warner
Elliott	McKechnie	Wharton
FitzGerald	Menzel	White
Frawley	Moore	
Gibbs, I. J.	Muntz	<i>Tellers:</i>
Glasson	Nelson	
Goleby	Prentice	Gygar
Greenwood	Randell	Neal

Noes, 22

Blake	Jones	Warburton
Burns	Mackenroth	Yewdale
Casey	McLean	
D'Arcy	Milliner	
Davis	Prest	
Eaton	Scott	<i>Tellers:</i>
Gibbs, R. J.	Smith	
Hartwig	Underwood	Hansen
Hooper	Vaughan	Kruger

Pairs:

Bjelke-Petersen	Fouras
Row	Shaw
Kyburz	Wright
Knox	Wilson

Resolved in the affirmative.

Mr I. J. GIBBS: I move the following amendment—

At page 2, line 36, omit the expression—
'1981'

and substitute the expression—
'1982'."

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7—Amendment of s. 7; Definitions—

Mr I. J. GIBBS: I move the following amendment—

"At page 3, line 14, omit the expression—
'1923-1981'

and substitute the expression—
'1923-1982'."

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8, as read, agreed to.

Clause 9—Amendment of s. 16H; Application for registration of a mining claim—

Mr I. J. GIBBS: I move the following amendments—

“At page 4, line 5, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 4, line 36, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 5, line 9, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 6, line 14, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 6, line 23, omit the expression—
‘1981’

and substitute the expression—
‘1982’.”

Amendments agreed to.

Mr VAUGHAN (8.17 p.m.): I seek clarification of the new subsection (8A) on page 5 and the proviso on page 6 that states—

“Provided that, in respect of any particular mining claim, any of the conditions referred to in provisions (iii), (iv), (v) and (vi) that the applicant for the mining claim satisfies the warden should not be imposed shall be deemed not to be so imposed.”

The subsection now spells out the conditions. The conditions formerly contained in the Act were removed by amendment in 1979. The proviso on page 6 allows the warden to grant exemptions from conditions.

I should like to know how the applicant satisfies the warden. Does he have to make a written submission, can he speak to the warden verbally, or does the warden investigate the application?

Mr I. J. GIBBS: This proviso is inserted to allow the warden to bring his expertise to bear. It is up to the warden to decide how he will handle the issue.

Mr VAUGHAN: The proviso includes the words “satisfies the warden”. That is fair enough, but I am trying to find out how the applicant satisfies the warden. Does he put in a written submission and, on that basis, does the warden arrive at a decision? Does he contact the warden verbally? Or does the warden investigate the application? The clause deals with conditions imposed on a mining claim. Disputation arises over mining claims and the non-compliance with conditions. I want to be assured that satisfying the warden entails more than an applicant’s simply contacting him and saying, “I want to be relieved of certain conditions.”

Mr I. J. GIBBS: It is up to the warden to decide how he will handle the situation. He can be satisfied either verbally or in writing. It is entirely up to him as the responsible person.

Clause 9, as amended, agreed to.

Clause 10—New s. 16HA; Certain mining claims include surface—

Mr I. J. GIBBS: I move the following amendment—

“At page 7, line 5, omit the expression—
‘1981’

and substitute the expression—
‘1982’.”

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 13, as read, agreed to.

Clause 14—New s. 16JA; Renewal of mining claims—

Mr I. J. GIBBS: I move the following amendment—

“At page 8, line 9, omit the expression—
‘1981’

and substitute the expression—
‘1982’.”

Amendment agreed to.

Mr VAUGHAN (8.24 p.m.): This clause deals with a new section to be inserted relating to the renewal of mining claims.

Subclause (2) is in these terms—

“A holder, in respect of his first application after the commencement of the Mining Act and Other Acts Amendment Act 1981, for the renewal of registration of a mining claim registered prior to that commencement shall—

(a) in his application, set out the descriptions that he would have been required pursuant to section 16H (1A) (a) (ii) and (iii) to describe in his application; and

(b) include in or with his application a sketch plan that he would have been required pursuant to section 16H (1A) (b) to include in his application . . .”

My point is that (2) (a) refers to section 16H (1A) (a) (ii) and (iii), but it leaves out (i). If we look at clause 9 of the Bill we see that the proposed subsection (1A) (i) is in the following terms—

“describe the boundaries of the Crown land for which he applies and specify the minerals to be mined under the authority of the proposed mining claim;”

If a person is renewing his mining claim the boundaries can almost certainly be expected to be the same, but there is no guarantee that the minerals he seeks to mine will be the same. If we look at clause 14 dealing with the insertion of section 16JA, we see that in (3) (d) reference is made to the land still containing mineral or mineral-bearing ore. The thrust of the legislation deals with authorities to prospect and small miners being given an opportunity to mine under authorities to prospect. Some provision should be made in the clause we are discussing so that when an applicant reappplies for registration of his mining claim he has to describe the boundaries and also state the minerals he wants to mine. He might want to mine different minerals. I should like to hear what the Minister has to say about that.

Mr I. J. GIBBS: He would have described the boundaries on the original application. An earlier amendment requires the specific boundaries and the surface area and the right of way not required in the previous application. He has already described the boundaries in the previous application and he does not have to reapply for them. He has to cover certain other matters on renewal. The clause that the honourable member referred to continues in this way—

“ . . . then he may register a renewal of the mining claim in the name of the holder for such further term (but not exceeding 10 years) . . .”

The extra information is required at that time. There is nothing difficult in it; it is straightforward and basically is the same as what is happening now.

Mr VAUGHAN: When an application is lodged for registration of a mining claim, under the provisions in clause 9 that we have dealt with, an applicant is required, amongst other things, to specify the minerals. In the renewal of mining claims he is not asked to specify the minerals to be mined, yet 16JA (3) (d) provides—

“... the land, the subject of the mining claim still contains mineral or mineral bearing ore...”

The claim measures only 100 metres x 100 metres. It is not a big area of land. If he has worked the area for 10 years he may want to mine another mineral. Why does the Bill exclude his having to specify, on renewing registration, the minerals that he wants to mine? I should like that clarified.

Mr I. J. GIBBS: The minerals are not specified; the claim is registered for all mining purposes. It is blanket cover. In the original application, the boundaries are described. The amendment requires specific boundaries and surface area as well as a right of way out of the small area. The applicant must specify a right of way and must define more clearly the surface area that is to be mined. Originally the application was for all mining purposes and it is for the miner's own protection that he is required to register the actual area and the way out of the area.

Mr VAUGHAN: Under clause 9, an applicant for the registration of a mining claim is required to specify the minerals to be mined. Why does the Bill specifically exclude the provision, when he renews his claim, that he specify the minerals that he wants to mine? I am not discussing boundaries or sketch plans.

Mr I. J. GIBBS: In a new claim the miner is required to specify minerals. In an old claim he was not required to do so. The honourable member seems to be reading the clauses out of context.

Clause 14, as amended, agreed to.

Clause 15—Amendment of s. 16K; Rental of mining claim—

Mr VAUGHAN (8.32 p.m.): Clause 15 amends section 16K, which was inserted in the Act in 1979. It provides that yearly rentals on a mining claim shall be paid in advance. The clause allows the warden to extend the time for payment. It provides—

“... a warden who considers it desirable so to do, at any time prior to the prescribed date in any year, may determine that the yearly rental payable ... may be paid ...”

prior to 31 March. Is there a particular reason why an extension of time is being allowed? Will the holder have to make special application for an extension of time?

The rental is very small. I understand that it is \$5 a year. The surcharge for late payment is 15 per cent, which is 75c. Why is there a need to make a major amendment to cover such a small amount? Maybe there is a simple answer. I cannot see why a person who is required to pay only \$5 would need an extension of three months to pay. I cannot understand the surcharge of 15 per cent. It seems crazy to me.

The Act already contains 130 sections and the Parliament is going through this rigmarole to include more provisions that ordinary people will have to understand.

Mr I. J. GIBBS: Certainly the mining industry understands it because it affects all sections of mining. The rent payable by small miners is due in December and, over a long period, some flexibility has been allowed.

December is probably not the best time to have to get one's affairs in order with holidays, celebrations and so on, but there is also the problem that some people in remote areas, such as in the electorate of the honourable member for Cook, find it rather difficult to get to a town. I know that the mining warden does place an advertisement in the local newspaper drawing people's attention to the fact that it is the time for renewal. But there are times during the wet season when people are trapped for weeks, so surely there has to be some flexibility to ensure that a person does not lose his title. If we refer back to the honourable member's proposed amendment when he was worried about a person losing his home just because he did not pay \$8 to show that he was continuing with the miner's right, we realise that he is now arguing the opposite way. We are making the system flexible in an attempt to protect people who, for some reason or another, cannot make payment on the date prescribed and could therefore lose their livelihood. We have to be a little bit flexible for the sake of the average miner.

Mr VAUGHAN: Does this clause not refer to a mining claim? Can the Minister tell the Committee what is the rental of a mining claim and what the 15 per cent surcharge on that rental would amount to?

Mr I. J. GIBBS: The rental can vary considerably, depending on the area. The intent of the clause is to bring the general policy on claims into line with that operating for lease rentals. The rent is only \$8. We are not concerned about the money but about the fact that these people have to make contact with the department. The rent is in fact \$8 per hectare. Some of the areas are very large, and although the amount involved would not be enormous in the normal run, in some instances it could be a fairly large amount. But the main intent of the clause is to provide flexibility so that people do not lose their livelihood simply because they forget to make the payment for a couple of days or are trapped in a remote area during the wet season which, as the honourable member knows, sometimes occurs at the end of the year.

Clause 15, as read, agreed to.

Clauses 16 and 17, as read, agreed to.

Clause 18—Amendment of s. 17; Issue of authority to prospect—

Mr VAUGHAN (8.38 p.m.): I move the following amendments—

“At page 10, after line 23, insert the following words—

‘(a) in subsection (1), inserting at the end thereof the following paragraph:—

“An authority to prospect shall not authorize the prospecting for or the carrying out of investigations with a view of winning gold.”;

(b) in subsection (1A), in the first paragraph, after the words “authority to prospect” inserting the words “shall specify the mineral for which the applicant desires to prospect and”’;

“At page 10, line 34, after the expression—

““, (1AA)”’

insert the following expression and words—

“;

(e) in subsection (2), after provision (a), inserting the following provision:—

“(a1) the mineral for which the holder of the authority may prospect or search;”’

Sections 17 to 20 inclusive deal with the issue of an authority to prospect. A new section 102AA as contained in clause 48 allows the issue of permits to enter private land, the registration of mining claims or the grant of a mining tenement in respect of land included in the authority to prospect provided that the minerals to be mined are different from those specified in the authority to prospect. However, as far as I can ascertain, there is no provision in the legislation that requires an applicant for an authority to prospect to specify the minerals that are to be prospected for, although such information is sought on the application form for an authority to prospect.

Authorities to prospect can be, and are, granted over large areas of land—300 sq. km for minerals other than coal. I am informed that all of the known gold-bearing areas of the State are locked up under authorities to prospect. Many small miners or prospectors are interested in prospecting for gold. The Minister has referred to the clauses of the Bill—he referred to clause 48, which we will discuss later—that give the small miner greater opportunities to mine.

As I outlined in my speech during the second-reading debate, I have reservations about the extent to which the amendments in the Bill will assist the small miner. Clause 18 allows a period of three months to expire before another authority to prospect can be taken out over an area. I believe there is a danger that the provision that allows a person who wants to take out a mining tenement or a mining claim in respect of an area covered by an authority to prospect to mine for minerals that are not contained in the authority to prospect could be defeated. I understand that many small miners are concerned that a lot of the gold-bearing areas of the State are locked up under authorities to prospect, and I illustrated that on maps earlier. Small prospectors, particularly those in North Queensland, are interested in going out and searching for the pot of

gold at the end of the rainbow. In other words, they are interested in going out and prospecting for gold. Because of the present situation with authorities to prospect, they do not have access to those gold-bearing areas.

My proposition is that gold be excluded from those minerals that can be included in an authority to prospect. That is the only mineral that I want excluded, and I do not think that it is asking too much. It would achieve the aim that the Minister mentioned in his second-reading speech. I believe that the objective behind the amendments in clauses 18 and 48 will not be achieved, because it will be defeated by the big mining companies. But if gold is excluded, the big mining companies will not defeat the small miner.

I very much doubt whether many members would understand, from reading the amendments, how they fit into the Bill. I am seeking to insert in the Bill a provision that will deal with the winning of gold. I am also seeking to insert in the Bill a provision that will require an applicant to specify the minerals for which he is prospecting. At present, the Act does not contain that provision. The whole matter is very complicated. I have prepared the whole argument and I could read it into "Hansard", but I do not think that that is necessary. The Minister might not agree with my requiring an applicant for an authority to prospect to specify the minerals for which he is prospecting. However, I would ask him to agree with my amendment that seeks to exclude gold from the minerals that can be covered by an authority to prospect. That will give to the small miner the very thing that the Minister said in his speech he is trying to achieve with this amendment to the Act.

Mr I. J. GIBBS: The amendment is neither logical nor practical and would not achieve the goal sought by the honourable member; in fact, the reverse would happen. At present the Minister has complete discretion in the granting of authorities to prospect, and that discretion should remain. If at any time the Minister considers that the granting of an authority to prospect for gold is undesirable, he has the power of refusal. The Minister of the day should not be restricted by the Act in such matters.

In my reply at the conclusion of the second-reading debate, I mentioned the latest movements in gold-mining. It all depends on what one considers to be a big gold-miner or a little gold-miner. The cooling-off period of three months has been provided in the legislation to allow the gold-miner to come under the Act. That suggestion was put forward by the honourable member for Flinders (Mr Katter). In most of the old workings, the future of gold is with relatively big companies, or companies of at least a medium size, that have the machinery needed to go over the old workings and recover gold from the low-grade ore. In Queensland, the gold that is presently being recovered is being recovered either by medium-size companies or large-size companies that spend considerable amounts of money to treat the low-grade ore. Small miners would not be able to do that. For that reason, I am not willing to accept the amendment.

Mr VAUGHAN: In his second-reading speech, the Minister explained clearly that the rationale of the Bill is to try to give the small miner access to areas that are currently covered by authorities to prospect. I repeat that the aim of the Bill can be defeated by the large companies.

The Minister referred to the big companies having the expertise, the machinery and the financial backing to be able to mine the old workings. However, I am concerned with areas of the Palmer River. From my discussions with small miners, I understand that areas of the Palmer River are currently locked up under authorities to prospect so that the small prospectors cannot go in there. They want to go and pan for gold and search the area but they cannot do so because the authorities to prospect have all the land tied up. As one small miner put it to me, it is like musical chairs: when one authority to prospect expires, somebody else knows the expiry date and moves in. The Minister claims that the three-month period will prevent that; but, from my discussions with people in the mining industry, I understand that the large companies might now move in and take out a mining lease on the area when they know that their authority to prospect will expire. So that would prevent the Bill from achieving its object. Small prospectors should be assisted to search for gold. Why should not the people of Queensland want small prospectors to search for gold? Most of the gold discovered in the State has been discovered by small prospectors who have done the very things that the Bill is attempting to cover. However, the Minister says that he does not want to do anything about it.

Does the Minister agree that there is a need to have incorporated in section 17 of the Mining Act a requirement that an applicant for an authority to prospect must specify the minerals for which he wants to prospect? The Act is silent on that matter. Probably it is covered somewhere in a regulation. However, it should be spelt out in the Act. I should like to hear the Minister's comments on that.

Mr I. J. GIBBS: The complete flexibility within the department should remain. Instead of looking after the small miner, the amendments put forward by the Opposition spokesman will militate against the small miner. He has overlooked the fact that in the Act there is a continual and progressive relinquishment of areas. It provides for a three-month period before a person can apply for an authority to prospect in respect of any of the land that was the subject of the terminated authority to prospect. It will not be possible for a person to apply for an authority to prospect immediately upon its relinquishment. The relinquishment system has kept the mining industry healthy in Queensland. The words "locked up" used by the Opposition spokesman do not apply. The provision of this period allows small miners to participate during that three-month period.

Question—That the words proposed to be inserted in clause 18 (Mr Vaughan's first amendment) be so inserted—put; and the Committee divided—

Ayes, 19

Blake	Mackenroth	Yewdale
Burns	McLean	
Casey	Prest	
D'Arcy	Scott	
Davis	Smith	<i>Tellers:</i>
Eaton	Underwood	
Jones	Vaughan	Hansen
Kruger	Warburton	Milliner

Noes, 47

Ahern	Hartwig	Scassola
Akers	Hewitt	Scott-Young
Austin	Innes	Simpson
Bertoni	Jennings	Stephan
Bird	Katter	Sullivan
Booth	Lee	Tenni
Borbidge	Lester	Tomkins
Doumany	Lickiss	Turner
Edwards	Lockwood	Warner
Elliott	McKechnie	Wharton
FitzGerald	Menzel	White
Frawley	Moore	
Gibbs, I. J.	Muntz	
Glasson	Nelson	<i>Tellers:</i>
Goleby	Powell	
Greenwood	Prentice	Gygar
Harper	Randell	Neal

Pairs:

Wright	Bjelke-Petersen
Wilson	Row
Fouras	Knox
Shaw	Kyburz

Resolved in the negative.

The CHAIRMAN: Order! Will the honourable member for Nudgee please indicate whether he will be proceeding with his second amendment to clause 18?

Mr VAUGHAN: No.

Mr HARPER: I commend clause 18 as it stands in so far as it gives relief by allowing a period of grace of three calendar months. I ask the Minister whether he would be prepared to give consideration to advertising the fact that the authority to prospect had terminated or expired and that following a period of three months the authority would be open. The situation that the Minister is trying to overcome is one in which a person whose authority to prospect had terminated or expired could ensure that someone who he wished would obtain the authority over a similar area was in a position to do so.

It would be in the best interests of the community generally, and particularly in the interests of the small miner and others interested in an area of land, if the fact were to be advertised that the authority to prospect had expired and was available. Applications could then be made. That could be done economically at no great cost by advertising in the local newspapers circulating in the area, together with an advertisement in the main newspapers and the other means used to advertise similar matters that the Government believes should be advertised throughout the community. Through you, Mr Miller, I ask the Minister to indicate if he will give consideration to that matter.

Mr I. J. GIBBS: Relinquishments are charted when they occur and are available for search by interested parties. A surrender date can be searched. In this instance it is considered that advertisements are impracticable. It is hard to keep up with all the movements. To date, the system has worked fairly well. The flexibility being built into the Act should improve it. I do not think it would be practical to advertise.

Clause 18, as read, agreed to.

Clause 19, as read, agreed to.

Clause 20—New s. 19A; Surrender of authority to prospect—

Mr HARPER (9.2 p.m.): I will not repeat the statements I made about clause 18 but I again draw to the Minister's attention what I believe to be a desirable means of letting all people know that an authority to prospect has been surrendered. Although the Minister said that these matters may be searched, in actual practice the small miner, whom the Minister indicated he wishes to assist, is not really in a position to make such a search, whereas the Government is in a position to advertise that authorities have been surrendered.

Mr I. J. GIBBS: My comment on that is that the ability of the small genuine miner to run the affairs in which he is involved is being underestimated. In the 38 mining districts in Queensland under the warden's system, the opportunity is there for him to search on a decentralised basis. The system has worked very well. The honourable member would be surprised at the activity of dedicated mining people, particularly those involved in gold-mining. Only two or three major areas in Queensland are involved, of which Charters Towers is one. This amendment is the direct result of representations from the honourable member for Flinders to ease up in that area. I believe it will work on the basis on which it is put forward in the Bill.

Clause 20, as read, agreed to.

Clause 21—Amendment of s. 21; Application for and issue of mining lease—

Mr I. J. GIBBS: I move the following amendments—

“At page 12, line 3, omit the expression—

‘(a)’

and substitute the expression—

‘(b)’ ”;

“At page 12, line 7, omit the expression—

‘1981’

and substitute the expression—

‘1982’ ”;

“At page 12, line 34, omit the words—

‘Under Secretary’

and substitute the words—

‘Director-General’ ”;

“At page 12, line 42, omit the expression—

‘1981’

and substitute the expression—

‘1982’ ”;

“At page 13, line 12, omit the expression—

‘1981’

and substitute the expression—

‘1982’.”

Amendments agreed to.

Clause 21, as amended, agreed to.

Clause 22—New s. 21AA; Certain mining leases include surface—

Mr I. J. GIBBS: I move the following amendment—

“At page 13, line 35, omit the expression—

‘1981’

and substitute the expression—

‘1982’.”

Amendment agreed to.

Clause 22, as amended, agreed to.

Clauses 23 to 26, as read, agreed to.

Clause 27—Amendment of s. 26; Renewal of mining leases—

Mr I. J. GIBBS: I move the following amendments—

“At page 15, line 20, omit the expression—

‘1981’

and substitute the expression—

‘1982’ ”;

“At page 15, line 24, omit the expression—

‘1981’

and substitute the expression—

‘1982’.”

Amendments agreed to.

Clause 27, as amended, agreed to.

Clauses 28 and 29, as read, agreed to.

Clause 30—Amendment of s. 29; Security by applicant for observance of covenants—

Mr VAUGHAN (9.11 p.m.): I move the following amendment—

“At page 16, line 46, omit the expression—

‘7’

and substitute the expression—

‘3’.”

Section 29 of the Act refers to the lodging of a security deposit for the observance of covenants by an applicant for a mining lease. In 1979 a further provision was inserted in the Act to provide that every 10 years the Minister should determine whether or not such security should be required. The Bill seeks to reduce the period of 10 years to seven years. Although the Minister gave no explanation for this reduction, it is presumed that the period of 10 years was considered to be too long. In view of the present rate of inflation, which looks like being with us for some time to come, it is considered that a review of the position every three years would be more appropriate.

Amendment (Mr Vaughan) negatived.

Clause 30, as read, agreed to.

Clauses 31 and 32, as read, agreed to.

Clause 33—Repeal of and new s. 35; Mining for other minerals—

Mr VAUGHAN (9.14 p.m.): This clause removes section 35 of the Act and inserts a new section 35 which states—

“(1) The lessee of a mining lease who desires—

(a) to mine for a mineral not specified in his lease; or

(b) to use the land comprised in his lease for any purpose in respect of which a mining lease may be granted pursuant to section 21 (1) (b) but not specified in his lease,

may apply to the Minister for approval to mine for that mineral or, as the case may be, use the land comprised in his lease for that purpose.”

This new section could result in the Minister allowing land in a lease to be used for purposes which may have been excluded from a lease following the hearing of objections in the Mining Wardens Court. For example, this could result in the Ben Lomond uranium mine going ahead, notwithstanding that the Mining Wardens Court had determined otherwise, because of the proposed use of certain land in the lease. I would like to hear an explanation from the Minister in respect to this clause because it does have some overtones, particularly as far as its application to the Ben Lomond uranium mine is concerned. I would appreciate the Minister's elaborating on the intentions behind that clause.

Mr I. J. GIBBS: Presently, a lessee may apply to have additional minerals included in his mining lease. The new section provides for the lessee to obtain approval to use his lease for such other purpose connected with the varying of mining operations. The intention of the clause is not what the honourable member thinks it is. If it is related to Ben Lomond, that is an application for a separate lease area for an infrastructure situation. If a person has a mining lease covering another type of mining, he could find that he has to apply for a variation.

Mr VAUGHAN: The point that I am making here is that a person could make an application for a mining lease and other people could object to the granting of that application. A person would make an application to mine a particular mineral. Then the objection would go to the Wardens Court. A hearing would be held and the warden would make his determination, having regard to what was specified by the applicant in his application. As far as I can see, this clause means that even though an objector would go through all the hoops, appear before the Wardens Court and object, the particular application would be granted. This clause means that the person who is successful in that application could then, at a subsequent date, come along to the Minister and say, “Look, I have now decided that I want to mine for something else.” He may have applied initially to mine for one mineral, but then he decides that he wants to mine for, say, uranium. This clause means that the Minister can turn around and grant the application. If anybody wants to object, it is too late.

If the Minister can give me a guarantee that that will not happen, fair enough; but I do not think that he can give me that guarantee. This clause leaves the gate open for an applicant for a mining lease to nominate one mineral and then, at a subsequent date, to decide that he will mine for other minerals. The matter will then rest not with the warden but with the Minister. The whole process of objection could be circumvented.

Mr I. J. GIBBS: I think that the honourable member is trying to read into the clause something that is not intended. His point is taken. The power to vary the minerals that are mined is vested in the department. Previous warden's reports are studied. Normally, a variation requires a change in the conditions. The proposed new section 35 reads—

“(1) The lessee of a mining lease

(a) to mine for a mineral not specified in his lease; or

(b) to use the land comprised in his lease for any purpose in respect of which a mining lease may be granted pursuant to section 21 (1) (b) but not specified lease,

may apply to the Minister for approval to mine for that mineral or, as the case may be, use the land comprised in his lease for that purpose.

Upon the recommendation of the Minister the Governor in Council may vary the conditions of the lease in such manner as he thinks fit to enable the lessee to mine for that mineral or use the land comprised in the lease for that purpose in accordance with this Act.

(2) A lessee of a mining lease shall not mine for any mineral not specified in his lease or use the land comprised in the lease for any purpose not specified in his lease unless he has first obtained the approval of the Minister.

A person who contravenes the provisions of this subsection commits a continuing offence and is liable to a penalty of \$100 for each day on which the mining is conducted or the land comprised in the lease is used in contravention of these provisions and all minerals won in such contravention shall, without further authority than this subsection, be forfeited to the Crown."

I know what the honourable member is getting at, but that does not come within the ambit of the clause. The company at Ben Lomond had a lease that specified the metes and bounds of the actual mine. The company then had to apply for a further lease for its infrastructure, tailing stands and so forth. That application went before the Mining Wardens Court and I am sure that all honourable members know the result of the hearing. If the honourable member is trying to read that into the clause, I say to him that that is not on.

Clause 33, as read, agreed to.

Clause 34, as read, agreed to.

Clause 35—Amendment of s. 43AA; Prospective assessment of damage—

Mr I. J. GIBBS: I move the following amendment—

“At page 18, line 39, omit the expression—
‘1981’

and substitute the expression—
‘1982’.”

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36, as read, agreed to.

Clause 37—New ss. 43GA-43JA—

Mr I. J. GIBBS: I move the following amendments—

“At page 19, line 5, omit the expression—
‘1981’

and substitute the expression—
‘1982’”;

“At page 19, line 11, after the expression ‘431A’ insert the word and expression—
‘or 43JA’.”

Amendments agreed to.

Mr I. J. GIBBS: I move the following further amendment—

“At page 20, line 45, after the words ‘that determination’ insert the words—
‘or within such further period as the Land Court, on the application of that party in that behalf prior to the lodgement of the appeal, deems appropriate in any particular circumstances’.”

Amendment agreed to.

Mr HARPER (9.25 p.m.): Clause 37, which refers to section 43IA subsection (5), requires the Wardens Court in making a determination pursuant to subsection (4) to inform itself in such manner as it thinks fit and shall take into consideration—

“(a) deprivation of possession of the surface of the land or any part thereof;”.

I point out to the Minister and the Chamber that in the proposed subsection (5) (a), after the word “thereof” the words “together with disturbance caused or likely to be caused to the lessee or owner by reason of such deprivation” should be added.

In the second-reading debate I referred to a factor that I termed “social disturbance”. Whilst I accept the Minister’s assurance that that problem is covered by subsection (5) (a), as a matter of record I make the point that I believe that it would be more adequately covered if those words were added.

Likewise, in subsection (5) (h) I believe that after the word “determination” the words “and the fluctuations in the market for land and money values likely to occur between that date and the payment of the amount of compensation determined” would more adequately cover and describe the intent of the Government. Again, I accept the assurance given by the Minister that he and his advisers believe that the subsection covers what I have suggested. For the sake of the record, I would make the comment that it would be clearer to all concerned if it was more fully described.

Clause 37, as amended, agreed to.

Clause 38—Amendment of s. 44; Mining leases and authorities to prospect over reserves, etc.—

Mr I. J. GIBBS: I move the following amendment—

“At page 21, line 26, omit the expression—
‘1959-1981’

and substitute the expression—
‘1959-1982’.”

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39—New s. 45A; Entry upon State Forests by holders of miner’s right—

Mr I. J. GIBBS: I move the following amendments—

“At page 21, line 35, omit the expression—
‘1959-1981’

and substitute the expression—
‘1959-1982’ ”;

“At page 21, line 44, omit the expression—
‘1959-1981’

and substitute the expression—
‘1959-1982’.”

Amendments agreed to.

Clause 39, as amended, agreed to.

Clause 40—Amendment of s. 48; Objection to grant of licence—

Mr VAUGHAN (9.32 p.m.): Section 48 of the Act provides that an applicant for a licence to carry minerals, etc., across alien land shall lodge an application for such licence with the warden and shall furnish a copy of such application to the owner and to the occupier of land to which the application relates. Clause 40 removes the requirement to serve such an application on the occupier. As I cannot find any reason in the Minister’s speech for such a deletion, I should like the Minister to tell the Committee the reason for it.

Mr I. J. GIBBS: Clause 40 provides that an applicant for a licence to carry minerals, etc., across alien land shall serve a copy of the application on the owner of the land, not on the occupier. The occupier may only be a tenant. It also provides that an application for a licence that has been abandoned shall not be considered by the Wardens Court.

Mr VAUGHAN: I am trying to find out why the Minister deleted the provision requiring that the copy of the application be served on the occupier. The occupier is the person on the land; the owner may be anywhere. I should like to know why it was deemed necessary to provide that the copy not be served on the occupier as well as on the owner.

Mr I. J. GIBBS: This aspect was well canvassed during the debate. The provision is the Government's final thought on it. A tenant may be someone who is unknown to the owner. He may be there by way of an agent's handling the property. The owner of the property may not want that tenant to be in possession of the knowledge or the application. The owner, not the tenant, is the responsible person. Circumstances that would be embarrassing to the owner of the property could arise.

Clause 40, as read, agreed to.

Clauses 41 and 42, as read, agreed to.

Clause 43—Amendment of s. 58A; Access over alien land to mining tenement—

Mr I. J. GIBBS: I move the following amendments—

“At page 22, line 33, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 22, line 37, omit the expression—
‘1981’

and substitute the expression—
‘1982’.”

Amendments agreed to.

Clause 43, as amended, agreed to.

Clauses 44 and 45, as read, agreed to.

Clause 46—New s. 80A; Jurisdiction of Supreme Court—

Mr I. J. GIBBS: I move the following amendments—

“At page 23, line 40, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 23, line 45, omit the expression—
‘1981’

and substitute the expression—
‘1982’.”

Amendments agreed to.

Mr I. J. GIBBS: I move the following further amendment—

“At page 24, line 9, omit the words—
‘Under Secretary’

and substitute the words—
‘Director-General’.”

Amendment agreed to.

Clause 46, as amended, agreed to.

Clauses 47 and 48, as read, agreed to.

Clause 49—Amendment of s. 103A; Evidentiary provisions—

Mr I. J. GIBBS: I move the following amendment—

“At page 25, line 20, omit the words—
‘Under Secretary’

and substitute the words—
‘Director-General’.”

Amendment agreed to.

Clause 49, as amended, agreed to.

Clauses 50 to 54, as read, agreed to.

Clause 55—Repeal of s. 116; Exercise of power in contravention, etc., of Act null and void—

Mr VAUGHAN (9.39 p.m.): This clause repeals section 116 of the Act. It was inserted in 1971. Because no explanation has been given for its repeal, I believe that, for the record, some explanation should be given. I therefore ask the Minister to comment accordingly.

Mr I. J. GIBBS: In relation to an application for a mining lease on Crown land, it is provided that substantial compliance, in the opinion of the Governor in Council, with the provision of the Act is sufficient to permit the application to proceed. It is desirable that a similar situation apply to an application for a mining lease on private land. Consequently, the section has been repealed and, by virtue of section 109, the Crown land provision of the Act in this regard will apply.

Clause 55, as read, agreed to.

Clause 56, as read, agreed to.

Clause 57—Amendment of s. 118; Permit to enter private land—

Mr I. J. GIBBS: I move the following amendment—

“At page 27, omit all words comprising lines 12 to 24 and substitute the following words—

‘(c) in subsection (4), omitting the second and third paragraphs and substituting the following paragraphs:—

“Where the warden determines that a permit to enter should be granted upon an application made by a person other than the owner or occupier of the private land in question he shall fix an amount—

(i) where the applicant is the holder of an authority to prospect which includes the subject private land not less than \$1 000;

(ii) in all other cases not less than \$100,

and shall require the applicant to deposit that amount or a bond in that amount with him as security for compensation to the owner or occupier of the private land that the applicant would be authorized by the permit to enter for any damage caused by the applicant to the property of such owner or occupier during the currency of the permit.

The warden may accept a guarantee or indemnity by a bank or insurance company approved by the warden as the whole or part of the security to be deposited under this subsection.

If the applicant fails to deposit the security required by the warden the applicant shall not be granted the permit to enter in question.

If, at any time during the term of the permit to enter the warden is satisfied that any damage has been caused by the holder thereof to the property of the owner or occupier during the currency of the permit the warden may utilize the whole or part of the amount of any security deposited pursuant to this subsection to compensate the owner or occupier for that damage and thereupon the warden may require the permit holder, within such time as the warden determines, to deposit with the warden such further security (being of a kind specified in this subsection) and in such sum of money or amount as the warden thinks proper for the purposes of this subsection.

Such further security together with any balance of the security previously deposited shall be deemed to be the security originally deposited.

If the warden is satisfied at the expiration or termination of a permit to enter that no compensation or no further compensation is payable to the owner or occupier under this subsection the warden shall refund any security deposited by way of a sum of money or the balance not utilized by him pursuant to this subsection to the holder or as the holder directs.””

Amendment agreed to.

Mr HARTWIG (9.45 p.m.): I do not know why the Government ties itself in such a knot that it becomes almost impossible for it to extricate itself. The more I have listened to this debate the more I am convinced that the people who drew up this legislation do not have a clue about what goes on within the State. The amended subclause now states—

“Where the warden determines that a permit to enter should be granted upon an application made by a person other than the owner or occupier of the private land in question he shall fix an amount—

- (i) where the applicant is the holder of an authority to prospect which includes the subject private land not less than \$1 000;
- (ii) in all other cases not less than \$100,

The warden may accept a guarantee or indemnity by a bank or insurance company approved by the warden as the whole or part of the security to be deposited under this subsection.

If the applicant fails to deposit the security required by the warden the applicant shall not be granted the permit to enter in question.”

I cannot follow that wording. I might be a little bit dumb, but as far as I am concerned immediately anybody enters any property, be it by vehicle, on horseback or by any other method, he has trespassed and caused some damage. The Bill states that the warden will fix an amount of not less than \$1 000 before the holder of an authority may enter a property, but if the authority holder enters the property in a vehicle on a wet day, becomes bogged and tears up a few acres trying to pull the vehicle out, who determines the value of the damage done to the land? If that person leaves a gate open, who determines the value of the stock that might escape? I would hate to be a warden trying to assess compensation to a landholder, because in some cases all he would have to offer the landholder would be an amount not less than \$100 held in security. An authority holder could tear down fences, leave gates open, knock down timber and so on, yet the Government is putting the warden in the position of having to determine compensation. All I can say is that the Government is getting itself into a heck of a tangle. I have never heard such a ridiculous proposition. Admittedly, the landholder must have some protection, but if the warden is holding an amount of not less than \$100, I do not give the landholder much chance of obtaining compensation for any damage caused to his property.

Mr Vaughan: It says “not less than \$100”.

Mr HARTWIG: Yes, but if a gate is broken these days it costs at least \$100 to fix it.

Mr HARPER: During the second-reading debate I referred to the need for the prospector, the miner, to negotiate with the landholder prior to entry.

Mr Jones: What about the occupier?

Mr HARPER: The occupier or the owner, to use the term in the Act. In my opinion the occupier should be considered equally with the owner.

I see a real need for negotiation to take place before the prospector actually enters under the permit to enter so that the basis for compensation can be decided. I believe it is the Government's intent, and it certainly should be, to give rights to the occupier of Crown land in the exploration stages equal to those given to the owner of freehold or freeholding tenure. For that reason, steps should be taken that would have the effect of including, as appropriate in this clause and in other clauses, the words “or occupied Crown land” where there is reference to private land. I acknowledge that it is not as simple as that, but I wish to place the principle on record. The occupier of Crown land, who is, in effect, the owner of that Crown lease, should have the same rights at the prospecting stage as those that apply to the owner of freehold land.

The amendment introduced by the Minister wherein a bond, instead of cash, is permissible is in the interests of all concerned. It is in the interests of the landholder because it gives an assurance; it is in the interests of the small miner because it allows him to put up a satisfactory bond for the cost of a premium; and it is in the interests of the large miner because he is not required to put up front capital and he, likewise, can meet the cost involved through the payment of a premium.

This amendment goes a long way towards alleviating the problem that I drew to the Minister's attention when I spoke earlier in the debate. I asked the Minister then whether he would indicate how his proposed amendments would alleviate the situation. I read out two letters from a mining warden, which advised the landholder to seek the advice of a solicitor or to pursue his rights through common law. I then asked the Minister how the costs associated with such common law actions could be minimised. This amendment could effectively solve that problem.

I ask the Minister to assure the Committee that the intent of giving the warden the power to require the permit holder to make further deposits is to avoid the need for common law suits. At all times, the warden will be in a position to actually meet claims for compensation when they arise. Because the amount of deposit or bond has been expended, it should not then be necessary for the landholder to have to institute a civil-law action. I believe that that is the intention of the amendment, but I ask the Minister to clarify the point.

Mr I. J. GIBBS: I take the points made by the honourable member for Auburn. We have discussed them at various times. I believe that the Bill goes a fair way up the track in overcoming the problems. The Government cannot prevent people from resorting to civil law actions; but, through the Bill, it has endeavoured to discourage that and to provide the opportunity for those matters to be settled in the cheapest possible way. It is hoped that they will not reach even the Wardens Court, and that they will be settled across the table. The Mines Department and I are dedicated to working hard to achieve complete co-operation between the mining industry and landholders, and that is what this Bill is all about.

Clause 57, as amended, agreed to.

Clause 58—Amendment of s.119; Right to apply for permit to enter during currency of permit—

Mr HARPER (9.54 p.m.): This clause effectively gives the right to a warden to grant a second permit to enter over the same land if the mineral sought is different.

In my speech at the second-reading stage I referred to clause 48, which gives a similar right in relation to the authority to prospect. Although I felt that on balance it would probably have been fairer for the status quo to be maintained, I mentioned that I understood the reason behind the Minister's decision. I said then, and I say again, that I fail to see the need for that principle to be carried forward to permits to enter. Even under the amendments to the Act, as proposed by the Bill, the permit to enter will be for a period of only three months, which is quite different to the authority to prospect.

I ask the Minister to indicate to the Committee why the principle should apply to a permit to enter and why a person who holds a permit to enter for only three months should be under threat of having a further permit to enter granted over the same area of land but for a different mineral and why the holder of the original permit should not feel secure in the knowledge that he in fact is the only holder of a permit to enter that particular area. Many problems could arise. The amount of the bond or deposit held by the mining warden to cover damages that may result from exploration as a result of that permit to enter may come into dispute. If two prospectors, explorers, or developers are looking for minerals over the same area of land, though they be different minerals, the issue of who did or did not cause damages and what damage was caused by the holder of which permit will be complicated unnecessarily for a period of only three months. I ask the Minister to consider those comments and to elaborate on the real need for the provision in the clause.

Mr I. J. GIBBS: Clause 58, which is an amendment to section 119, provides for the right to apply for a permit to enter during the currency of a permit which, as the honourable member just mentioned, is complementary to clause 48. If two authorities to prospect have been issued, then there must be two permits to enter if people wish

to explore or peg leases. That the period is only three months is not important. For the reason that it is complementary to clause 48, this clause is necessary and has been deemed so by both the authors of the Bill and by the Crown Law Office.

Mr HARPER: Is the Minister not aware of the complications that obviously could arise when two permits to enter are granted to two separate entities—two different prospectors or developers? When the period is only three months, why is it necessary to have those complications when, by restricting the granting of a permit to enter to one individual over the one area of land for the limited period of three months, the complications could be avoided altogether because at the expiration of that period a permit to enter the same area of land could be granted to a different person, provided the permit is for different minerals.

Mr I. J. GIBBS: I do not think that any problems will occur. However, in all areas of mining, even with proper management, problems do occur. The honourable member for Auburn must realise that it is possible to renew a permit to enter for further periods of three months. In order to prospect for different minerals, additional authorities to prospect are required.

Clause 58, as read, agreed to.

Clause 59, as read, agreed to.

Clause 60—Amendment of s. 123; Requirements of application for mining tenements in private land—

Mr I. J. GIBBS: I move the following amendments—

“At page 28, line 5, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 28, line 32, omit the words—
‘Under Secretary’

and substitute the words—
‘Director-General’ ”;

“At page 28, line 40, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”;

“At page 29, line 9, omit the expression—
‘1981’

and substitute the expression—
‘1982’ ”.

Amendments agreed to.

Clause 60, as amended, agreed to.

Clauses 61 to 63, as read, agreed to.

Clause 64—Amendment of s. 129; Determination of compensation payable under this Part—

Mr HARPER (10.5 p.m.): Although I accept the Minister's assurance that such an amendment is not necessary, again for the sake of the record I state my belief that the Government's intention would be more clearly defined if at page 29, line 38, after the word “thereof” the words “together with disturbance caused or likely to be caused to the owner or occupier by reason of such deprivation” were added. Similarly, at page 30, line 11, after the word “determination” the words “and the fluctuations in the market for land and money values likely to occur between that date and the payment of the amount of compensation determined” should be added.

Mr I. J. GIBBS: I note the honourable member's comments and assure him that they will be taken into account.

Clause 64, as read, agreed to.

Clause 65—New s. 129A; Appeal against determination—

Mr I. J. GIBBS: I move the following amendment—

“At page 30, line 19, after the words ‘that determination’ insert the words—
‘or within such further period as the Land Court, on the application of that party in that behalf prior to the lodgement of appeal, deems appropriate in any particular circumstances.’”

Amendment agreed to.

Clause 65, as amended, agreed to.

Clauses 66 to 68, as read, agreed to.

Clause 69—Citation—

Mr I. J. GIBBS: I move the following amendment—

“At page 31, line 13, omit the expression—
‘1959-1981’
and substitute the expression—
‘1959-1982’.”

Amendment agreed to.

Clause 69, as amended, agreed to.

Clause 70—Amendment of s. 35; Power of the Conservator of Forests to grant permits with respect to land within State Forests—

Mr I. J. GIBBS: I move the following amendment—

“At page 31, line 26, omit the expression—
‘1968-1981’
and substitute the expression—
‘1968-1982’.”

Amendment agreed to.

Clause 70, as amended, agreed to.

Clause 71, as read, agreed to.

Clause 72—Citation—

Mr I. J. GIBBS: I move the following amendment—

“At page 31, line 35, omit the expression—
‘1923-1981’
and substitute the expression—
‘1923-1982’.”

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 and 74, as read, agreed to.

Clause 75—Amendment of s. 32; Rent—

Mr I. J. GIBBS: I move the following amendment—

“At page 32, line 21, omit the expression—
‘1981’
and substitute the expression—
‘1982’.”

Amendment agreed to.

Clause 75, as amended, agreed to.

Clause 76, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr I. J. Gibbs, by leave, read a third time.

APIARIES BILL

Hon. M. J. AHERN (Landsborough—Minister for Primary Industries), by leave, without notice: I move—

“That leave be granted to bring in a Bill to provide for the regulation and control of the keeping of bees, the control, prevention and restriction of diseases and pests affecting bees and for related purposes.”

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. AHERN (Landsborough—Minister for Primary Industries) (10.15 p.m.): I move—

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

This Bill is designed to update the existing Apiaries Act. The Act has been amended only once since its introduction in 1947, and that amendment was simply to give effect to metric conversion in 1972. For convenience in drafting and to provide a more cohesive document, it was decided to repeal the existing Act and replace it with a new Act. The present Act applies only to South-east Queensland.

Developments in the bee-keeping industry have been such that it is desirable that the legislation apply to the whole State. There are, at present, over 2 700 beekeepers registered in South-east Queensland, and it is estimated that the total number in the whole of the State is between 4 000 and 4 500.

The main purpose of the Apiaries Act is to regulate the introduction and movement of apiaries in order to prevent or minimise disease and pest outbreaks. Its secondary purpose is to prevent overcrowding and hence starvation of bees and poor honey production.

The Bill proposes some changes in registration procedures. Beekeepers resident in Queensland will be required to register on an annual basis. A beekeeper resident outside of Queensland will require a permit to introduce bees and may be required to be registered if he maintains apiaries in Queensland for longer than four months.

Before any bees can be introduced into the State, certification is presently required from the State of origin that the bees are free from disease and come from a disease-free area. In future, an exception will be made where producers of queen bees are supplying queen bees and escorts or queen cells to Queensland. However, such producers will be required to lodge with the Director-General monthly returns of consignments. Provision is also made to enable bees to be excluded from entry if it is considered that the race or strain is unsuitable. Bees introduced contrary to the requirements of the Act will in extreme cases be liable to destruction.

Four separate apiary classes are provided for in the Bill and these are related to the number of hives and particular characteristics pertaining to the apiary.

Different provisions, particularly relating to distances between apiaries, will apply for the different apiary types. These provisions are designed to ensure that the conduct of an apiary is not prejudiced by its proximity to other apiaries.

A new provision has been added to ensure purity of strains during queen bee breeding programs.

Beekeepers will be required, as previously, to notify the Director-General of the location of a new apiary or the movement of an existing apiary from one site to another.

Provision has been made requiring the name, registered number, address and telephone number of the beekeeper to be displayed at unattended hive sites. This provision will have obvious benefits for beekeepers in areas in which insecticides are likely to be applied to crops. It will also assist inspectors in tracing movement of hives.

As an essential step in monitoring disease control, a beekeeper will be required to notify the nearest inspector or honorary inspector within 48 hours should a disease be suspected. Particular diseases may be excluded from this requirement by the Governor in Council. This is designed to cope with the situation in which a disease is endemic in the area.

A beekeeper may be required to deal with a disease outbreak in a manner approved by an inspector. If the Director-General considers that the disease outbreak constitutes a risk to other bees, he may order the destruction of bees. This is a provision retained from the existing Act.

In the light of experience during recent outbreaks of European brood disease, the powers of inspectors have been increased to allow them to examine bees and appliances, search vehicles on reasonable grounds and issue orders in writing. A warrant, however, will be required before an inspector may enter a place used exclusively as a dwelling unless the occupier gives his consent.

Quarantine measures are provided for in the Bill. Inspectors will have the power to declare quarantine areas for a period of up to 28 days if they suspect disease. The Director-General may prescribe the boundaries of a quarantine area for a longer period and also the conditions pertaining to it. Due notification of the imposition of the quarantine and its release is provided for.

Penalty provisions in the current legislation are considered quite inadequate, particularly where disease risk is involved. The general penalty provisions will be increased to \$500 maximum. However, a maximum penalty of \$2,000 is set for breaches of the importation or quarantine provisions.

The bee-keeping industry has been consulted on the proposals and strongly supports the controls aimed at limiting disease. The bee-keeping industry is generally a very responsible one and provides substantial assistance to the department in the administration of the legislation.

As I indicated earlier, the Bill is designed to update the existing Act and make more effective provisions for pest and disease control. I commend the Bill to the House.

Debate, on motion of Mr Blake, adjourned.

MINISTERIAL STATEMENT

Casinos

Hon. L. R. EDWARDS (Ipswich—Deputy Premier and Treasurer) (10.22 p.m.): I lay upon the table certain papers and reports concerning the introduction of casinos in Queensland. As I indicated previously, papers covering confidential matters have been deleted, but these can be viewed by honourable members from both sides by appointment with my office.

Whereupon the honourable gentleman laid on the table the documents referred to.

FISHING INDUSTRY ORGANIZATION AND MARKETING BILL

Second Reading—Resumption of Debate

Debate resumed from 18 March (see p. 4916) on Mr Ahern's motion—

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

Mr HARTWIG: Mr Speaker—

Mr PREST: Mr Speaker—

Hon. M. J. AHERN (Landsborough—Minister for Primary Industries) (10.23 p.m.), in reply: I have listened carefully to the debate on this Bill and I thank honourable members for their contributions.

Mr HARTWIG: I rise to a point of order. With all respect to the Minister, last week the debate on this very important fisheries Bill was adjourned. At that stage I was the next member on the list of speakers. I have a right to speak to the Bill. The fishing industry in my district is very important, too important for the debate to be cut short and members who want to speak not given the opportunity to do so.

Mr SPEAKER: Order! I call the Minister.

Mr Ahern: Let him go.

Mr SPEAKER: Order! It is the wish of the Minister that the member be given the opportunity to speak, so I call the member for Callide.

Mr HARTWIG (Callide) (10.24 p.m.): I thank the Minister for the privilege. Over the past few years the Queensland Fish Board has been used as a football. First of all it was to be allowed to continue to operate, then it was to be closed down, then fishermen were invited to form co-operatives to purchase its assets and now we find before the House a Bill to set up a marketing authority to be known as the Queensland Fish Management Authority.

Once an authority has been set up it is very difficult for an ordinary member to put before it complaints from fishermen in his area who may have some grievance about what is happening within the industry. The authority's members are recommended by the Minister and appointed by the Governor in Council, and that makes it very difficult for a member to make any representations to it on behalf of fishermen.

The chairman of the Queensland Fish Management Authority is to be appointed by the Minister. That is fair enough. The Director-General of the Department of Primary Industries, or his nominee, will be the deputy chairman. One member will represent the Queensland Fish Board, and he will be recommended by the Minister. One member will represent fish processors, and he will be recommended by the Minister from a panel of names. One member will represent fish wholesalers. Again he will be recommended by the Minister from a panel of names. I take exception to only one member being recommended by the Minister from a panel of names to represent all fishermen.

The members of the authority are to hold office for three years, and during that period fishermen will have only one voice on this very important body. I am sick and tired of seeing people who cultivate the land and reap the harvest having the least representation on boards and authorities. The Government claims that it represents the rural sector, yet time and again one sees producers' representatives in the minority on boards and authorities.

The Government, through the Minister, has invited fishermen in different areas of Queensland to form co-operatives and to take over the existing Fish Board facilities. What voice will those co-operatives have on the Queensland Fish Management Authority? There are already 10 fishing co-operatives from Karumba in the Gulf of Carpentaria to the Gold Coast. Co-operatives have been established in Karumba, Cairns, Townsville, Mackay, Yeppoon, Gladstone, Mooloolaba, Sandgate, Wynnum and the Gold Coast. Another three—at Bribe Island, Redcliffe/Scarborough and Innisfail—are in the pipeline. What voice will those 13 co-operatives have on the very important body that is being established?

In a little booklet that was published recently, it was stated that the ministerial responsibilities of the Minister for Primary Industries total 62, that he has 58 Acts to administer, and that 46 directors have to answer to him. Under his control are the Fisheries Research Branch, the Central Sugar Cane Prices Board, the Agricultural Bank and the Rural Reconstruction Board. It is time that the Queensland Government recognised that there should be government by the people who are elected to Parliament for the people. Why do members of this Assembly condone people being appointed by the Governor in Council to positions on authorities? We all remember the case involving Matron Abell. The Government almost had to sack the board of the Royal Brisbane Hospital to retain Matron Abell's services. That indicates how strong the boards are and how they weaken the Government.

Ministers are physically unable to administer all the responsibilities under their control. Nobody could do that. The Minister for Primary Industries does a mighty job, but it is physically impossible for him to carry out all the ministerial responsibilities that are given to him. In the result, authorities and boards comprising people who are not elected, as we are, every three years are set up. Those people are appointed on the recommendation of the Minister. With all due respect, I say to the Minister that he will not always be the Minister for Primary Industries and that those who succeed him in that position may not always be favourably disposed to certain sections of the fishing industry. It will be a sad day when a group of people outside the Parliament and not having the responsibilities of the elected representatives of the people has the right to say what happens to a particular industry. If that is democracy, I will walk to Bourke.

For years I have maintained that the Minister has too great a responsibility in the field of agriculture. Fisheries have now come under his control. He is responsible for millions of cattle, horses, sheep, pigs, poultry, and so the list goes on. He is also responsible for the millions of acres used for agriculture, with all the associated problems of disease control. If one looks through the 60-odd Acts for which the Minister is responsible, one sees that it is physically impossible for him to administer all of them adequately. Because of that, boards and statutory authorities are formed. Honourable members should write letters to some of those authorities and see what sort of an answer they get. Because those boards are not answerable to the elected representatives of the people, honourable members will be lucky to get an answer.

I ask the Minister whether, when the Bill becomes law, Markwells and other large fishing companies will be able to sell and process seafoods in Queensland. At present, Markwells cannot sell seafoods in Queensland and also process them outside of the State. Companies such as that will be in direct competition with the co-operatives that the Government has invited fishermen to set up.

Mr Ahern: Your point is taken.

Mr HARTWIG: I thank the Minister. I hope it is noted.

Clause 23 provides that the authority shall appoint and at all times have a secretary. I do not know what salary will be paid to the secretary, but I will hazard a guess that it will be between \$30,000 and \$40,000. Part (3) of that clause reads—

“Persons employed by the Authority in accordance with this section shall be paid salary or wages at the rate fixed by an industrial award or agreement applicable to their employment . . .”

A Government department already has control of fisheries; now another section is to be created within that department. How much will it cost, and who will pay for it? Will it be the consumer, the taxpayer, or who?

The Bill also gives the authority power—

“ . . . to take all such steps as are necessary to ensure that an adequate supply of fish of an acceptable standard is available in sufficient quantities to meet all reasonable demands throughout the State or within prescribed localities . . .”

I am not a fisherman, but I have observed very closely the hazards that fishermen face. They are subject to the weather, seasonal conditions and many other hazards. But the wonderful authority that will be set up when the Bill becomes law will take all such steps as are necessary. I ask the Minister: What steps? Although the 2 500 fishermen along the coast are efficient, they cannot go out in rough weather and in the cyclonic weather that is experienced in the North. What guarantee can the authority give that all necessary steps will be taken to ensure that an adequate supply of fish is maintained? Does it mean that the fish will be imported, as is done now?

Housewives already complain that they cannot identify the cuts of meat that they purchase. I put it to honourable members that half the time I am jolly sure that I do not know what kind of fish I am eating. On most occasions it has so much fat around it that I do not know whether it is shark, mackerel, reef fish or even a little bit of squid. What will this wonderful six-man authority set out to do? It will supervise and control the method, extent and conditions of production, harvesting, treatment, supply, delivery, storage, and so on. Will the Queensland Fish Management Authority be overloaded with inspectors?

Clause 23 states—

“ . . . may appoint and employ such administrative and technical officers, inspectors, clerks and other employees to administer this Act or to carry this Act into effect. . . .”

I pose the question: How many technical officers, inspectors, clerks and other employees, and at what cost to the industry, are required? Who will bear the cost of providing such services?

Clause 25 states—

“A member of the Authority shall be paid such salary, fees, allowances and expenses in respect of the performance of his duties as a member as the Minister approves.”

That is surely an academic statement. I understood that he would be a member of the board and that he would not be subject to perks and expenses, fees and allowances in respect of the performance of his duties.

Clause 28 states—

“Committees. The Authority may form committees of its members and delegate to such committees such of its powers, authorities, functions or duties as it thinks fit upon such terms and conditions and for such times as it thinks fit.”

The authority is to set up committees. In my electorate a fisherman of some note applied for a fisherman's licence. The person behind the desk said, “Do you own a boat?” The fisherman replied, “No, not yet.” The fisherman was told, “You have cheek asking for a fisherman's licence when you do not own a boat.” The fisherman went home and selected a boat costing \$40,000. His two daughters had \$5,000 each in their banks. He and his wife raised \$20,000 and he obtained a mortgage for a further \$10,000. He rang me and said, “I am proud that I have got my boat. Tomorrow I will obtain my fisherman's licence.” He went to Rockhampton for his fisherman's licence. He was told, “Just because you own a boat, that doesn't mean that you will obtain a master fisherman's licence.” That is the type of red tape that I do not condone.

The man to whom I have referred is almost bankrupt because a bureaucratic clown, who would not know a mackerel from a sprat, had the cheek to tell him whether he could obtain a licence or not. I appealed to the Director of Fisheries and said, “Who knocked this man back? Did you?” He said, “No, I didn't.” I said to him, “Why didn't you refer the matter to the Minister?” He said, “I referred the matter to a board of review.” I said, “Who were they?” He said, “A couple of inspectors at Rockhampton—a couple of fishermen.” I said, “It is no wonder that the poor fisherman was knocked back, because those fishermen at Rosslyn Bay do not want anybody else pinching their fish; there are enough boats there now” The board of review knocked back the fisherman's application.

Under the powers provided in clause 28, the authority may form committees. As elected representatives of the people of Queensland we should be given the opportunity of approaching the director or the Minister on such matters.

Clause 29 states—

“Authority may guarantee loans and enter into agreements. . .

(b) an agent or employee of a fisherman or such other person, for any purpose of or connected with the engagement of that fisherman, other person, agent or employee in or in connexion with the fishing industry.”

If that is not a vague statement, I have never heard one. Does that mean that a deck-hand who has signed on for a few weeks can apply for a loan? Such a provision would not apply under the Primary Industries Act.

Clause 31 sets out the various licences that can be granted. Can a processor engage in the wholesaling and retailing of fish? If so, the processor has three votes on the committee straight away. I would ask the Minister whether any provision is made to enable a pensioner to obtain some sort of licence.

The clause also provides that where an application is refused the authority shall refund to the applicant the fee paid in respect thereof less such payment as the authority thinks reasonable towards the costs of considering the application. Ye Gods! It's bad enough to have an application refused; now this committee will charge some poor unfortunate fisherman who thought he would be able to get a licence a fee for refusing to grant him a licence. I should like to know what the word “reasonable” means. Here again the Bill is vague.

Cop this one! Clause 32 refers to the registration of fish transport vehicles and provides that the authority may, subject to such conditions as may be described, register vehicles for the purposes of and in connection with the transportation of fish. What will be the registration fee?

One day within the last couple of years, a well-known personality in Yeppoon, the licensee of the hotel, Jack Garner, went out in his boat and caught some fish. Both he and his wife love fishing. He caught the fish, cleaned them and gave some to the hospital and some to the aged persons' home. He kept only a few fillets for himself. Soon after, an inspector walked into his hotel and asked, “Where is your kitchen?” Jack Garner replied, “Out the back.” This fellow went straight through to the kitchen,

opened the refrigerator and said, "Where is your docket for these fish?" Jack Garner replied, "I don't have any docket for those fish. I caught them myself for my domestic use." "Oh no," replied the inspector, "you are retailing them in your counter lunches." Jack Garner asked, "Who are you?" This fellow had walked into his kitchen without even having identified himself. He was an inspector.

When he showed the inspector the invoices that he had for fish that he bought from the Fish Board, he was told, "This doesn't smell too good. I will pinch you for having bad fish on the premises." Jack Garner was taken to court and was fined \$2.50 as the result of the actions of some half-baked inspector who wanted to assert his authority. Authority is being given to blokes to walk over decent citizens and to treat them as criminals.

Mr Burns: You voted for that Bill. You were in the House and put your hand up in favour of it.

Mr HARTWIG: I did not. The honourable member for Lytton was in the bar.

Mr BURNS: I rise to a point of order. I do not like the honourable member's reference to my being in the bar. If the honourable member for Callide is drunk, he does not have to try to claim that someone else is.

Mr SPEAKER: Order!

Mr HARTWIG: The honourable member for Lytton was not in the House.

Mr Burns: You voted for the Bill.

Mr SPEAKER: Order! The honourable member for Callide will continue with his speech.

Mr HARTWIG: The trouble with the honourable member for Lytton is that he has not read the Bill.

Clause 35 provides that a person who sells or supplies fish referred to in subclause (1) of that clause, otherwise than under the authority of a permit issued under clause 35, commits an offence against the Bill.

Anyone who buys fish must have the relevant documents on hand at all times. When an inspector visits his premises he must be able to produce them, at a minute's notice, or he may be fined \$1,000 on the spot.

Under clause 36, a person shall not treat fish for a commercial purpose unless he is the holder of a processer's licence granted and issued under section 31. If he contravenes that provision he is liable to a penalty of \$5,000. A hotelier, who likes fishing as does the man I referred to, may be fined \$5,000 on the spot by an inspector if he is found cleaning the fish he caught.

At the Gracemere saleyards I have seen fellows who have been given a yard of power take a mile of it. They become little dictators—Hitlers in their own right. They love walking over people. This Bill gives inspectors an opportunity to fine decent people \$5,000 for committing an offence.

Under subclause (3) of clause 36, a person shall not carry fish for sale or for treatment for human consumption other than in a vehicle registered under section 32. If he does not comply with that provision he is liable to a penalty of \$1,000. I say in all sincerity that this is the worst bit of Socialist, ratbag nonsense I have seen in my almost 10 years in Parliament. What are we coming to?

The Fishing Industry Appeals Tribunal provided for in clause 46 shall have, and may exercise, the powers and authorities and shall perform the functions and duties conferred or imposed upon it by the legislation. One member of the tribunal shall be a barrister-at-law, solicitor or stipendiary magistrate. I am not talking about the tribunal to investigate complaints about police, but the Fishing Industry Appeals Tribunal. Another shall be a person well versed in matters relating to the fishing industry and one shall be a person holding such special qualifications as are determined by the Minister, to be nominated by the Minister. If the Minister is to spend all his time nominating men and doing many other things he should supervise the whole procedure himself. That would mean proper administration rather than the handing of power to bureaucrats in a tribunal to control what happens in the fishing industry.

I only hope that the borrowing powers, the granting of loans and the helping to meet loan commitments operate better than does the Agricultural Bank, because after three months of this financial year that bank was broke. It had no money to lend to primary producers. If the Government cannot do better for the fishing industry it should not be talking about loans. If fishermen were encouraged to establish co-operatives throughout the State, with power to operate wholesale and retail outlets, they could handle the industry fairly well, but they are being given a chance to set up co-operatives under a management committee that will see that they go broke.

I predict that they will go broke because of the Minister, the regulations and the necessary permits. To be a fisherman a man has to hold many licences. He has to licence his vehicle, licence his boat, hold a master fisherman's licence, and so on. That is happening in our supposedly lovely, free country.

The Parliament has just dealt with legislation almost a mile long dealing with what is necessary for a man to become a prospector. On this occasion Parliament is debating a Bill that is almost an inch thick and containing about 134 clauses to control the fishing industry. It has been said that fishermen are already controlled by too many regulations.

I conclude by saying that it is a sad day for the Government when appointed people have to be depended upon to administer the affairs of an important industry such as the fishing industry. Already administering the industry are the Queensland Fisheries Service, the Director of Fisheries and his staff and the Minister.

Legislation should be framed to ensure the success of the co-operatives that are being formed throughout the State. The fishermen were asked to establish those co-operatives. If this Bill is passed the co-operatives will go out of existence.

No doubt it will be claimed that the Bill will ensure orderly marketing. There will be many pitfalls because, when inspectors are appointed, the matter gets out of the Minister's hands. It has happened with stock permits and in many other industries. I suggest that the Minister consider withdrawing the penalty provisions because the fishermen in my area do not welcome the Bill at all.

Mr PREST (Port Curtis) (10.51 p.m.): The Fishing Industry Organization and Marketing Bill has a big question mark hanging over it. What has been said by other honourable members, particularly the honourable member for Callide, reinforces that statement.

I am concerned at the Minister's statement in his second-reading speech—

“In recent years, poor seasons, competition from imports, rapidly escalating fuel costs and interest rates, and the general uncertainty on world markets have led to a situation where many of our fishermen are now struggling to survive.”

That is an admission by the National-Liberal Government in Queensland and the Liberal-National Country Party Government in Canberra that their policies are not working and are bringing hardship to the fishing industry and many people in Queensland. The Minister said that competition from imports is not the fault of the fishing industry or the fishermen. It is the Government that allows fish to be imported and to compete with the local product. The Government has allowed the fuel costs to escalate. That has been the policy of the National Party. Some years ago the honourable member for Flinders said that the attitude and policy of the National Party was to put the cost of fuel beyond the reach of the ordinary person.

Mr KATTER: I rise to a point of order. I have never said anything even remotely similar to what the honourable member for Port Curtis is saying. What he is saying has absolutely no substance. I ask that his statement be withdrawn unequivocally.

Mr PREST: It is reported in “Hansard” and, at a given time, I will show it to him. He said that that is the policy of the National Party.

Mr KATTER: I rise to a point of order. I have said that that statement is untrue and I have asked that it be withdrawn. Will he withdraw it, Mr Speaker, or does he intend to give us a lecture?

Mr PREST: If I were the honourable member, I would be ashamed of what I had said.

Mr SPEAKER: Order! It is impossible for me to determine the truth of a statement that appears in last week's "Hansard". I ask the honourable member for Port Curtis to accept the denial of the honourable member for Flinders.

Mr PREST: I accept the denial. He would not have a clue what he talks about at times and that is the reason—

Mr SPEAKER: Order!

Mr KATTER: I rise to a point of order. I request, Mr Speaker, that you order the honourable member to withdraw the remarks he has just made.

Mr SPEAKER: Order! That is an interesting observation. There is no further point of order.

Mr PREST: It is an indictment of the Government for the Minister to say that, because of fuel prices, fishermen are confronted with hardships. The Federal Government has allowed interest rates to rise, and that has caused hardship in the fishing industry.

A recent article in a Sunday newspaper was headed, "State's Fishing Lane Disasters" The article stated—

"Queensland's overcrowded fishing lanes are becoming disaster areas. Proportionally, they are as dangerous as the State's roads.

Marine accidents in Queensland have claimed several lives and 58 of Queensland's 1 400 prawn trawlers in the last 12 months."

That is a terrible situation. Fishermen are facing enough problems caused by cost increases but they are now placed in the situation where they are a danger not only to themselves but to other users of the fishing lanes. One result is that in future it will be very hard for boat owners to obtain insurance cover, and even if they can obtain such cover, it will cost more. The articles in the "Sunday Sun" and "The Sunday Mail" show that the Government should be taking urgent action to correct the problem, particularly when a person such as Dale Bryan, the chairman of the Queensland Commercial Fishermens Organisation, confirms the truth of such articles.

This Bill, which repeals two Acts, has been made necessary because the Queensland Fish Board had accumulated an overdraft of \$2.5m. Last year it was reported as losing \$100,000 a month. Mr Bryan said that the board's problems were caused by top-heavy management. The Government was worried about the top-heavy management of the Queensland Fish Board and the loss of a huge amount of money, yet this Bill will set up not only an authority but also an appeals tribunal and another fish board. As the honourable member for Callide pointed out, they will be even more top heavy.

On 5 October another Press article referred to further problems in the fishing industry and stated—

"Queenslanders are paying top prices for garbage fish while the State's top delicacies are being sent interstate or overseas.

We're catching the best, eating the worst and paying more for it."

The type of fish being served to people in most areas is another one of the fishing industry's problems. A person who thinks he is eating barramundi in a restaurant is probably eating some imported garbage. No wonder the fishing industry is in a mess. After the Bill was introduced on 8 March 1982 another Press article stated—

"... the Bill would lead to regular steep price prices for fish because of the cost of a two-tiered system.

The government wanted to reconstitute a board which was \$7 million in debt and which, six months ago, it had decided to sell in favour of marketing co-operatives run by commercial fishermen."

I am very pleased to be able to say that at present in my area the fishermen's co-operative is working very efficiently and effectively. On 8 March this article appeared—

"Queensland Commercial Fishermen's Organisation State Chairman Dale Bryan said yesterday commercial fishermen had found numerous problems with the Bill.

He said as it stood, every Master Fisherman would have to hold a processor's licence if he wanted to cook prawns on his boat.

'Every Master Fisherman, at some time, fillets a fish catch, boils up his catch of prawns or shucks scallops from the shell on board his boat ready to sell at port,' Mr Bryan said.

'It does not seem necessary to now demand that Master Fishermen also apply to be licensed as processors,' he said.

Mr Bryan said the QCFO had prepared a list of 'about 30 problems' for fishermen contained in the Bill and these would be presented to Primary Industry Minister Mike Ahern for discussion.

He said the Bill contained 'many very positive' provisions for the fishing industry.

But he added it fell down seriously—perhaps even completely in the way it proposed to completely restore and strengthen the Queensland Fish Board.

'The new Bill gives the board, which ran up debts totalling millions of dollars almost complete control over the funding and management of Queensland's fishing industry,' he said."

A circular from the Queensland Commercial Fishermen's Organisation makes two points. They are—

"(1) There should be no amendment to the Bill which in any way dilutes further the power of the Fish Management Authority to create a frame-work for industry and marketing restructuring and stabilization.

(2) The make-up of the Authority, out lined in the Bill at present, does not ensure fishermen of satisfactory direct representation on the Authority."

All the appointments to the authority will be made by the Minister. The Queensland fishermen's co-operatives should be represented on the authority.

I have here a report dated 16 October 1981, when many of the Fish Board's depots were closed. The Gladstone depot was one of them. Another report, dated 24 October 1981, stated—

"The Gladstone Fishermen's Co-operative and the Queensland Fish Board have reached agreement in principle to a lease with option to purchase the Gladstone depot.

Fishermen's Co-operative chairman, Mr Jon Graham, said yesterday final details were yet to be resolved but he was confident of a satisfactory conclusion.

Mr Graham was in Brisbane yesterday negotiating with Queensland Fish Board Chairman Mr Graham Haling.

At the same time, Gladstone depot of the Queensland Fish Board was advertised for sale in the national press.

Fishermen have immediately set about reorganising and upgrading the retail section of Gladstone's QFG premises, following agreement in principle to lease the depot.

'Hopefully, we will be trading in the next few weeks,' Mr Graham said. 'We will be advertising as soon as we are ready to open to the public.'

Mr Graham said fishermen were setting up the co-operative to provide the public with a fresh, top quality product at a reasonable price without the middleman cost."

The fishermen in Gladstone banded together and contributed about \$250 each to start the co-operative, which opened on about 12 November. A retail outlet was established and is now trading very successfully. Fishermen in the area are very pleased with the operations of the co-operative.

It was mentioned earlier tonight that co-operatives have been established from the Gulf of Carpentaria to the Gold Coast. They represent quite a number of fishermen. It is only fair and right that the fishermen's co-operatives in this State should be represented on the authority that is being set up under the Bill.

Fishermen are concerned at the rentals the co-operatives will be charged by the Fish Board on these facilities. I realise that in the early stages the Gladstone fishermen offered the board \$26,000 a year as rental for the Gladstone depot. However, at this stage an acceptable agreement has still not been reached, although it seems that the rental will be based on the estimated value of the property. However, when the Fish Board depots went bad, the properties were valued at what the board thought they should have been worth and not at the depreciated value that now should apply. Now

the Fish Board is asking the co-operatives for rentals based on what it maintains is the estimated value of the property, so that the rentals are five times those that would apply to the depreciated value that now should apply.

The valuation of the Gladstone depot would be only one tenth of that of bigger depots. The co-operative in one of the northern depots will be asked to pay a half a million dollars a year rental if the same percentage is applied to that port as applies to Gladstone.

The co-operatives should be encouraged and the Minister should be doing something positive to help the co-operatives that are doing such a wonderful job in getting the fishing industry out of the mire it has been in as the result of the treatment meted out by the Queensland Fish Board. The co-operatives should be given some assistance to help them to continue.

I ask the Minister to amend the Bill so that some representatives from the Federation of Fishermen's Co-operatives throughout the State can be appointed to the authority.

Mr GOLEBY (Redlands) (11.7 p.m.): Over recent years many problems have confronted the fishing industry. To be more precise, in recent years many of the problems have been associated with the board and the board management. The Bill gives the industry the support it has been seeking. Unfortunately, many of the statements made during the debate have indicated to me just how remote some members are from the problems that have confronted the fishing industry in recent times.

Fishermen from the Redlands area, which I represent, and those in the Moreton Bay region generally have accepted the Bill. However, those in the Redlands area would like a clear definition of the term "processor" and want to know what is really meant by "the transportation of fish" The industry feels that those words should be defined in the Bill so that the traditionally accepted practices of handling, cooking, storage, etc., can still be carried out on vessels. My point is that the traditional methods of gutting and cleaning of fish, the cooking of prawns, etc., should be allowed to continue. I would hate to think that any officer, who is not clearly defined in the Bill, could board a vessel and order that the traditional method of dealing with fish be changed. In most cases such an officer would not have had experience in dealing with fish.

I do not believe that from its beginning the fishing industry has ever had a body to guide or direct it. The industry has been passed from one portfolio to another. It would be fair to say that the fishing industry until now has been the Cinderella of primary industries. There has been no clear definition of the wholesaler, retailer or processor. The people in those important roles had no real industry representative body to speak on their behalf. Each person had a tendency to make direct representation to his State member and the relevant Government department on an issue affecting his involvement with the industry, which led to very confused representation. Unfortunately, as the industry grew, so did the confusion.

On top of all that, there was fragmentation not only within the industry but within sectors of the industry. It was not until the former Minister in charge of fisheries (Mr Max Hooper) announced the selling of the Queensland Fish Board to the industry that the industry really started to take some heed of the path along which it was headed. That was the turning point for the fishing industry. If it did nothing else, it brought the fishing industry for the first time to some semblance of togetherness.

The QCFO, being a statutory body, took upon itself the task of influencing Government thinking. It hoped that it would be allowed input into future Government planning for the industry. To that end, members committed large sums of money, and a few dedicated members gave their personal time and effort to restructure the organisation. They tried to assess the best way to manage the total industry—not only the marketing side, because most fishermen with a long-term involvement in the industry knew that the two concepts could not be divorced.

The fishermen in the Redlands electorate, being on the shores of Moreton Bay, in association with fishermen in the Wynnum area, were the pioneers of the fishing industry in Queensland. Moreton Bay, with its unique situation, is still one of the most important and productive fisheries in Australia. It is unfortunate that we have had to wait until 1982 before the fishing industry could see some structure being formed to protect and manage those viable resources for the benefit of all Queenslanders.

The Wynnum/Redlands area is the largest wet fish area in Queensland, particularly the areas around Stradbroke Island. During the winter the fishermen in that area have the largest input of tailor and mullet to the fish markets of fishermen anywhere along the Queensland coast. I pay tribute to the fine work that has been done, and the expertise in that section of the industry, by men like Barry Litherland at Amity Point.

The Queensland Fish Board could still be the leader in the marketing field in the Queensland industry. Five years ago that body recognised the changes that were taking place within the industry, and it adopted appropriate measures to deregulate certain sections of the Act, to involve itself in a promotional role to undertake investigations of the direction in which the industry was heading and to act upon findings from such investigations. However, it was not until the PA report, followed by the industry committee of inquiry, that the problems facing the fishing industry came to the surface. The fishing industry and the Queensland Government should thank the Queensland Fish Board because for approximately 40 years it was the only industry body working for that industry and trying to fulfil the needs of fishermen within this State.

Every effort should be made to support the present movement of the fishermen in Queensland into forming their own co-operatives. Because of the way in which the legislation is framed, I am afraid that the Fish Board may disappear altogether within the next 18 months to two years. I am particularly concerned about the fishermen of Moreton Bay. That would leave those fishermen at risk. At present the Moreton Bay fishermen are the largest suppliers of fish to the Brisbane market and the populace of South Queensland. Every effort should be made to avoid the mistakes made by the southern fishermen in forming their co-operatives. We want a fishermen's co-operative established as a Queensland-style co-operative. A person may be the best fisherman in the State or the best fisherman in a region, but that does not necessarily mean that that fisherman is the right person for directorship on a co-operative.

It is important that when co-operatives are formed the fishermen bring their expertise to bear in choosing their directors. In any co-operative, whether it be in the fishing industry or any other primary industry, the directors are the decision-makers, the ones who determine whether the co-operative will flourish or flounder.

In the 1970s the Queensland fishing industry exploded into uncontrolled chaos. The Bill will fulfil the needs of the industry and will bring about some type of orderly marketing within the industry. In the past, far too often the fishing industry was cast aside and put into the too-hard basket. However, the Bill comes to grips with the fishing industry and the many problems associated with it.

A large number of persons are involved in the fishing industry along the Queensland coast. Members may not be aware that the recent establishment of the Minister's industry advisory committee is the final step towards having the industry fully organised and represented in a manner similar to other primary industries. Queensland has almost 3 000 independent fishermen and commercial producers, six major fishing companies and 24 fish distributors. Fishermen's co-operatives, the Queensland Fish Board and amateur fishermen involved in the industry are all vitally interested in the Bill. The elected representatives of all the organisations within the fishing industry generally support the Bill. I commend it to the House and congratulate the Minister and his officers on the tremendous amount of work that was done over many months to bring the legislation forward. As I have said, the Bill, with the support of the fishing industry that has been clearly indicated, will turn the industry in the right direction.

Mr UNDERWOOD (Ipswich West) (11.17 p.m.): I address myself to the problem of ciguatera. Although it is very relevant to the legislation, it has not been mentioned in the debate.

Ciguatera is a growing problem. It poses a significant health risk. As well, it is a very serious problem economically for the fishing and tourist industries of Queensland. A number of case studies highlight the effects of the disease. For example, recently a Southport broker was quoted in the Press as saying, "I have ciguatera right now. Let me tell you it is hell. It affected my heart, lungs and central nervous system. My eyes are still blurry. I get chills and my legs don't work properly. I have had to completely scale down my business."

Not long ago, two yachts sailing in Great Barrier Reef waters off Cairns shared a catch of fish. They were taken straight from the tropical sea and put into the frying pan. For the next three days, most of the fish feasters were crawling around the decks, mysteriously ill with diarrhoea, dizziness, itchiness and chills. They had joined the club of ciguatera victims, sufferers of tropical fish poisoning.

A third case study showed that eating any type of fish when the person eating it thought he was free of ciguatera may trigger off a further attack. A Sydney computer scientist discovered that fact in February this year. He attempted his first fish meal a year after being poisoned by a meal of coral trout. Some 10 hours later he was flat on his back suffering from diarrhoea and "crazily itching feet". Of course, only the symptoms, not the problem, can be treated.

Various Press reports have caused people to ring the Press about ciguatera. In August last year "The Bulletin" reported that, judging by scores of telephone calls to that newspaper following a series of stories on death and illness along the North Queensland coast and on Hayman Island, it seemed that there may be hundreds of undiagnosed and unrecorded cases of ciguatera poisoning, especially among southern tourists. Therein lies the problem.

In November last year the Minister for Health was reported in the "Sunday Sun" as saying that since July 1976 a total of 310 cases of ciguatera poisoning had been reported to the Health Department. That list referred only to the most dramatic cases, that is, those requiring hospitalisation and multiple cases. The figure is not a true indication of the extent of the problem. It is a growing problem as the World Health Organisation discovered. The Prime Minister of Papua New Guinea, Sir Julius Chan, in February this year, was reported to have said that his Government links the growing ciguatera problem with the French nuclear tests in the Pacific.

Mr Scott: Do you know how much research is being done on it in Queensland, particularly by the departments?

Mr UNDERWOOD: Very little is being done. I shall speak about that in a moment.

The increase in the incidence of ciguatera poisoning has been linked with man and his activities in the oceans, and with natural abnormal activities in the ocean. The Papua New Guinea Government believes that nuclear testing in the Pacific is poisoning its fishing grounds and those of its neighbours. It is quite possible that Australian waters are being affected, as well.

In spite of the WHO research, the State Government has only established an inter-departmental committee which is without proper funds, teeth or resources. Other than for the one or two people working on the project to overcome this potentially economic disaster for the two industries I have referred to, it is paying only lip service. That is Queensland's answer to this growing problem.

A brochure produced by the Queensland Fisheries Service lists the first method of treatment in these terms—

"Persons developing symptoms after eating reef fish should consult a medical practitioner immediately."

The proper information on first-aid treatment published in more scientific, learned works, sets out that the first part of the treatment is to induce vomiting by inserting fingers in the throat after which the patient should rest and then carry on with the other treatment listed. The tenor of that brochure is to play down the problem as a public health risk. Queensland did nothing until it was forced to take action in recent times. In other places intensive studies have been going on for 25 years. In the last 15 years, studies have been undertaken by a tripartite international co-operative body under WHO.

Ciguatera is a neurological disease, a form of food-poisoning. The officer in charge of the ciguatera survey in Queensland—and it is a very basic survey—was quoted as saying that little can be done to safeguard the public other than to warn them of the risk in ciguatera-prone areas. That is the basic message. Nothing has been done other than prepare a half-hearted brochure with limited circulation that does not contain the facts or appropriate warnings. Proper research is needed and funds must be provided for it.

In recent times the peanut industry faced a problem with aflatoxin poisoning, which is a carcinogenic problem. That industry spent considerable money on research into controlling that problem. It has achieved good results. The Government has done nothing for the fishing industry other than to give lip service.

One of the big problems that could, and should, have been tackled is created by the back-door operators in the fishing industry who catch the three species of banned fish, or other species suspected of carrying ciguatera poisoning. They skin the fish, freeze the fillets in blocks and send them South, or place them on the open market. In the Pacific islands a 12 per cent fatality rate caused by ciguatera poisoning has been reported. No ciguatera fatalities have been diagnosed in Australia, although it was mentioned as a possible cause of death of the Reckitt and Colman executive, Mr Terry Rowe, on Ansett's Hayman Island resort.

Many doctors are unaware of the problem. Because of the various symptoms, they have been known to misdiagnose ciguatera as flu or a vivid imagination. I will not list them this evening because they have been listed in the Press. There is no antivenene or other cure for what the ciguatera toxin does to its victims.

Research into ciguatera at the Commonwealth Serum Laboratories in Melbourne was stopped recently because of a new policy of concentrating on research that earns money. People who want to work on the discovery of antibodies for a ciguatera toxin cannot obtain funds, in spite of Commonwealth Serum Laboratories promises of progress.

The Minister for Primary Industries, the Minister for Health and the Deputy Premier and Treasurer should obtain funds and attract to Queensland those people from the Commonwealth Serum Laboratories to set up their own research project into ciguatera as well as other problems that are endemic in the tropical and subtropical climate in Queensland.

Dissemination of information on ciguatera is very important. The people who catch, sell and eat fish have not been told how to deal with the disease. People have not been told that they should not eat reef fish weighing more than 10 kg; that they should not eat the innards, the liver or roe because they contain a large percentage of poison. People have not been told that they should not eat large reef fish on a daily basis; that if they do so, they are playing Russian roulette with their health and their lives. People have not been told that drinking alcohol aggravates the condition. One beer is enough to cause a recurrence of the symptoms. The tourist and fishing industries quake at the mention—

Mr Katter: This speech of yours is doing a lot for the growing tourist industry.

Mr UNDERWOOD: It is time that the Government did something to protect those industries instead of sweeping the problems under the carpet. It is ignoramuses such as the honourable member who should be doing something about it, because his party is in power.

The tourist and fishing industries quake at the mention of this problem, and they have done so for years. It is a growing problem; it will not go away.

Mr Katter: What can be done about it?

Mr UNDERWOOD: If the honourable member listens, I will tell him.

The outbreaks have resulted from natural occurrences and man's activities. The natural occurrences are cyclones, tidal waves, the crown of thorns starfish plague, heavy wet seasons and the phenomenon known as red tides. The Queensland Government should be doing something about the crown of thorns starfish plague. That starfish is killing off the coral, resulting in an increase in ciguatera in the food chain.

The latest survey, which was conducted by officers of the Great Barrier Reef Marine Park Authority in 1981, showed that 22 out of 53 reefs in the Innisfail/Lizard Island area showed evidence of coral being killed by the crown of thorns starfish. What has the Government done about that problem? Nothing! It has swept it under the carpet. Only a relatively small task force is now trying to overcome this very big problem. A direct result of the crown of thorns starfish plague is an increase in the incidence of ciguatera.

The man-made problems include blasting, dredging, nuclear tests in the Pacific Ocean, siltation of coral areas, pollution—chemical, thermal and organic—of waters in coral areas, construction of new jetties and other projects in waters, drilling for oil and grounded ships. They have been shown to increase the incidence of ciguatera in related areas.

Mr Ahern: Drilling for oil creates more ciguatera?

Mr UNDERWOOD: That is right. It kills coral. Man's interference with the reef, like a cyclone, kills coral.

Mr DEPUTY SPEAKER (Mr Miller): Order! I should like the honourable member to return to the Bill. I have allowed him fair latitude. What he is discussing is really a health matter; but because it is associated with fish, I have allowed him to proceed.

Mr UNDERWOOD: If you allow me to continue, Mr Deputy Speaker, I will show what should be done by the fishing industry to protect itself. In fact, for the information of the Minister, I point out that the destruction of the coral causes a dinoflagellate microscopic organism to breed around the fish. The poison generated by that blue/green algae travels up the food chain and concentrates in the larger fish. It has a cumulative effect and cannot be leached out of the fish or destroyed by cooking, no matter how fresh the fish is.

Mr Davis: They didn't even know that.

Mr UNDERWOOD: No, the Minister did not even know.

As I was saying, 400 species have been reported scientifically as being affected by this algae. Only three of them are banned in Queensland—the chinaman, the red bass and the paddletail. In South Queensland waters, the small banded Spanish mackerel has caused ciguatera poisoning; in North Queensland, ciguatera is commonly caused by coral trout, as well as reef cod, barracuda, emperor, grouper, sweet lip, sturgeon, moray eel, yellow tail kingfish, trevally, pike and giant dart.

Ciguatera is cumulative and travels up the food chain. People are advised, not by the Government but by reading scientific works and some articles in newspapers, not to eat big fish. But what has not been pointed out is that people should not eat the big fish of certain species. The adults of some species are only relatively small, so people must know the species and the size to which they grow before they begin eating various fish. In fact, every time there is public mention of ciguatera the fishing industry suffers because sales drop; people are frightened off. But what is the fishing industry doing? A perusal of its journals shows that it is doing nothing, that it is just sweeping the problem under the carpet. In spite of that, every time someone with some knowledge raises the problem, he is castigated.

On 8 October 1981 the World Health Organisation published the final report of the Working Group on Public Health Aspects of Marine Food Fish Poisoning, which conducted a meeting at Suva, Fiji, from 23 to 25 February 1981. The Government is choosing to ignore the vital information and recommendations in that report in order to protect the fishing industry. Money is needed to fund research into this problem. In brief the report recommends—

“Various possible strategies which might lead to the control of ciguatera poisoning were discussed. These included:

(1) Increased surveillance of the disease in man on a national and regional basis.

(2) Surveillance and monitoring of the environment for gambierdiscus toxicus in areas known to produce toxic fish and in areas where developmental activities lead to disturbance of the reef ecosystem.

(3) The practice of restricting the sale and harvesting of fish of particular species from particular locations which represent a public health hazard.

(4) The possibility of sampling fish for toxicity to monitor the catch and location of toxic fish to facilitate decisions to permit or prohibit the marketing and sale of fish. This could be done using the currently available mouse assay or possibly, as in Hawaii, using a radio immunoassay procedure. However, the development of a simple, rapid assay for ciguatoxin would make such a scheme feasible and practicable.

In the absence of further knowledge, it was the consensus that no general recommendations for the implementation of a control programme except on an experimental basis could be made at this time.”

That is important as it relates to Queensland. Current surveillance of fish poisoning in the South Pacific shows an incidence of about 100 per 10 000 of population. There is significant evidence that the figure is underreported and that, therefore, the system of

surveillance needs to be strengthened. Once again, when one talks to people up and down the coast one realises how widespread the problem is and that the figures which I cited earlier from the Minister for Health are only the tip of the iceberg in this problem.

The report continues—

“In order to obtain the required epidemiological data and to strengthen surveillance of fish poisoning, training course for nationals of endemic areas will be carried out as soon as funds become available.

The training course will include people in the following categories:

- (a) allied health personnel who are engaged in epidemiological reporting and surveys;
- (b) medical officers responsible for community health and health educators; and
- (c) fisheries personnel.”

Mr DEPUTY SPEAKER (Mr Miller): Order! I would like the honourable member to return to the Bill.

Mr UNDERWOOD: This is about the Fisheries Act. This brochure has been published by the Queensland Fisheries Service.

Mr DEPUTY SPEAKER: Order! It would be more appropriate for the honourable member to deal with the health matter that he is now raising on another occasion.

Mr Katter: Speak in the Adjournment debate.

Mr UNDERWOOD: We would have more time to raise these matters if we were given equal time during the Matters of Public Interest debate and question-time. This is a very serious problem, and I am not going to sit down. Someone will die from this disease in two months or six months and everybody will be saying, “The Queensland Opposition has done nothing and said nothing about it.” Not even the Minister knew anything about it, and he is the Minister in charge of fisheries. At least my speech has brought the problem to the Minister’s attention. Because of the time, and as I am being hassled to sit down, I point out that I have raised the problem and I ask the Minister and his officers to read the report that I have mentioned. It is a fisheries problem.

Mr DEPUTY SPEAKER: Order! I am not asking the honourable member to resume his seat because of the matter of time. As I mentioned to him, he is now dealing with a health matter. Earlier, I asked him to return to the Fisheries Bill. If he wishes to speak on the Fisheries Bill, he has another 11 minutes in which to do so.

Dr SCOTT-YOUNG (Townsville) (11.36 p.m.): The Bill is most important. The industry has been neglected for many years. In my opinion, the introduction of the Fishing Industry Organization and Marketing Bill is nothing more than another step towards socialism and control of an industry by a swarm of bureaucrats and inspectors. To me, it is agrarian socialism at its worst, and it could have all the terrible consequences that follow that form of socialism in other countries in the world.

A so-called free-enterprise Government has thrown the tentacles of socialism around many sectors of primary industry and now has engulfed the fishing industry. The Bill sets up three bodies to control the fishing industry and the lives and finances of all fishermen. It even includes their families. It extends into the business of the corner store and the supermarket. In the definitions clause, “fish” is defined as “filleted, frozen, preserved, salted, cooked or canned fish”.

The Bill establishes the Queensland Fish Management Authority, which will be a body corporate with all the frills associated with such a body. The authority shall consist of six members, of whom one who shall be chairman shall be nominated by the Minister, one shall be the Director-General or his nominee, who shall be the deputy chairman, one shall be a person representing the board nominated by the Minister, and so on. Every person on the authority will be nominated by the Minister. It will be full of public servants, former politicians and friends of the industry, but not necessarily the workers of the industry.

The most amazing condition that the Bill imposes on the authority is that the authority shall meet as often as is necessary for the exercise of its powers and the performance of its functions at such times and places as it determines but at least once in every quarter. Can

any honourable member imagine the efficiency, or rather the inefficiency, of a business run under those rules? Usually, a statutory authority meets every month and has weekly committee meetings in between the monthly meetings. Its board of management has complete control and is continually in contact with the people engaged in business. However, the authority created by the Bill will need to meet only once a quarter. It will perpetuate the inefficiency that was inherent in the old Fish Board.

From reading the details of the powers of the authority, I can foresee a large group of former public servants and politicians, with a lonely fisherman, who will be so divorced from the practicalities of his industry and trade that he, too, will soon become a fat cat and so lose interest in, and contact with, the trade and be of no help to the trade or those who catch fish.

The functions and the powers of the authority are set out rather fully, but no mention is made of the part played by the CSIRO or the marine institute in Townsville in the assigning of supply districts. I want to know how the supply districts will be chosen and on whose advice. That is not mentioned in the Bill. Where fish are caught, how the catch is taken and how the market is supplied is very important. If the supply areas are distant from the market, costs will increase accordingly and fish will not be purchased, with the resulting loss of income to the industry.

The powers and functions of the authority are rather wide and could give complete control over the people and property in the industry. The clause is a very far-reaching one and every member should study it carefully before voting for or against it. It contains a massive list of restrictions. Unfortunately, the supreme person, the major-domo in the whole power structure, is the Minister, in whom all power seems to be vested.

The second body established by the Bill is a Fish Board. The Queensland Fish Board was originally set up under the Fish Supply Management Act 1972-1976. After a long history of mismanagement, it was to be sold, reconstructed or disbanded. All kinds of excuses were given for the financial and managerial failure of the old Fish Board, such as poor seasons, competition from overseas fish foods, black marketing, inflation and even high interest rates. Despite the excuses offered for the managerial failure, the fishermen of the State continued to catch fish and continued to supply the citizens of Queensland with good quality fish.

I wish to quote from a ministerial Press release because it reveals some facts that I am sure most honourable members have forgotten. At the time, the reorganisation of the Fish Board was being discussed. The Press statement includes the following—

“The outcome of the re-organisation will be that the Board maintains a strategic market presence in key centres along the coast. The main focus of its activities will be the Brisbane Metropolitan Fish Market at Colmslie. Essentially the Board will be required to operate on a commercial trading basis in competition with bona fide private marketing agencies in the industry.

The basic thrust of the Board's re-organisation will be:

to convert its present trading loss situation into a trading profit situation—”
that was wishful thinking—

“to repay outstanding debts principally through the realisation of assets

to take whatever administrative action necessary to allow the Board to trade competitively

to provide fishermen with the realistic services they need and for which they are prepared to pay.”

Many of those aims are very vague. The release also stated—

“This means that the Board will cease its own processing operations and relinquish its processing facilities at Townsville, Colmslie and Tin Can Bay.”

That affected the industry in my electorate considerably.

The closing of the processing operation cost the local fishermen a great deal of money. The Press release also stated—

“It is the Board's wish and the Government's wish that wherever local fishermen desire and have the financial capacity, they be given the opportunity to take over local facilities, but only on commercial terms.”

As the board could not run them on commercial terms, local fishermen with limited capital were certainly set a task.

The statement continued—

“At its meeting on Monday, the Board decided to enter into immediate negotiations to sell, on commercial terms, its freehold market facilities at Townsville (Flinders Street), Rockhampton, Bundaberg (residence), Maryborough, Tin Can Bay, Tewantin, Wynnum and Southport (Labrador). In addition the Board is proceeding to negotiate the transfer of its leases at Cairns, Innisfail, Bowen, Rosslyn Bay and Sandgate.”

It appeared that the board was quite willing to abandon the sinking ship and to leave the fishermen to conduct their own business. Perhaps that was for the best. Those who were efficient would survive; those who were not efficient would sink. The statement referred to staffing in these terms—

“With this very substantial re-organisation of Board operations, it follows that an equally substantial re-organisation of staff will be necessary.

In summary, the Board's existing permanent staff of 98 will be reduced to 45.”

The inefficiency fell very heavily on the employees.

The statement continued—

“The first of these retrenchments will commence on Monday, 26 October.

The reduction will be across the Board involving staff in all categories. For example, Senior Staff numbers will be reduced from 6 to 3. Office staff will be reduced from 26 to 13. Branch Markets staff will be reduced from 30 to 19. Staff of the Colmslie Market and the Engineering, Processing and Service sections will be reduced from 36 to 10.”

It was a rather drastic move against the employees and probably created many hardships.

The Minister's Press release continued—

“In financial terms, the Board's re-organisation is expected to realise a total of \$6,600,000 made up of \$4,500,000 from the realisation of assets . . . ”

A considerable amount of money was involved in the proposed restructuring of the board.

There was one objectionable aspect of previous legislation in the fishing industry. That involved the sections that placed the onus of proof on suspected offenders. It permeated the legislation. If one wishes to ensure that there is true justice and correct process in law, that is an absolute “never”.

The third body, the Fishing Industry Appeal Tribunal, is established under the Bill. The members of the tribunal are to be selected wholly and solely by the Minister. Clause 46 states—

“ . . . one shall be a barrister-at-law, solicitor, stipendiary magistrate or a person who has been a stipendiary magistrate ”

That is what is referred to as jobs for the boys. A person cannot be elected as chairman unless he is in that category. The clause further states—

“one shall be a person well versed in matters relating to the fishing industry and who shall . . . be nominated by the Minister;”

So there is one person who knows a little bit about the industry. It further states—

“one shall be a person holding such special qualifications as are determined by the Minister, nominated by the Minister.”

Present sitting members of this House or of a House of the Parliament of any other State or of the Parliament of the Commonwealth will be excluded.

The tenure of office is not stated, so the term could be for 10 years, three years or such term as is prescribed, whichever the department or the Minister wishes to make it. It is not like the ordinary statutory boards, which have triennial appointments.

The legislation is obviously harsh. The penalties are severe, as are the restrictions. Wide and sweeping powers are given to inspectors and tribunals. The legislation must be viewed in the light that trouble will exist in the industry. Legislation has been enacted to cover the expected trouble.

I consider that the Bill is socialistic in colour and tone. It is restrictive and oppressive. I cannot support it in any form until further changes are made to it.

Hon. M. J. AHERN (Landsborough—Minister for Primary Industries) (11.50 p.m.), in reply: I thank all honourable members for their interest in and contributions to the debate. Their contributions have ranged widely, and all issues connected with the fishing industry have been thoroughly canvassed.

There is in the House an awareness that the fishing industry is in need of urgent recognition and, further, that any solution to the problems of the industry will not come easily. There is also, I believe, a general recognition by most that the matter is one of extreme complexity, dealing as it does with a number of quite different fisheries throughout the State.

Even within a particular fishery or a particular type of fishery, requirements vary from one part of the coast to another. The very complexity of the industry creates a difficult problem of representation. There are a number of complex issues.

In summary, what the legislation offers as a solution can go under the general heading of "management"; that is, the management of the resource and the management of the industry by the industry. As other industries have, the fishing industry will be given the tools to allow it to achieve a fair degree of self-regulation in the years ahead.

A consultative framework has been offered to the industry, broad powers have been given and an authority representative of the industry has been constructed. That authority will be appointed by the Minister and will be accountable to the membership from which it comes. That point has not been given due consideration tonight by honourable members. The Bill creates an authority that is representative of all sectors of the industry and is accountable to that industry.

The Legislature is offering to the industry a broad umbrella of powers under which it will be able to operate with the necessary legislative framework on which to begin co-operatively to solve the problems confronting the industry. It is a formula that has worked well in other industries in Queensland. Other industries have a good track record of solving very complex problems of the type that confront the fishing industry. That type of formula is now sought by the industry and it is offered to the industry by the Government. It represents the best means of solving issues of the type raised by honourable members during the debate.

Not only will the authority be accountable to Parliament, but also will it be accountable to the various segments of the industry that creates the authority. It will provide a degree of self-regulation, which is timely. This solution is timely. Over recent months during the formulation of the legislation, industry representatives have told me that the time had come for this type of approach to the problems confronting the fishing industry. I agree with them and I am proud to place the legislation before the Assembly right now. It presents the best opportunity to solve the complex problems and to mobilise the expertise within the industry. The very practical people in the industry who know the solution to its problems will now have the power to do something about them. That has occurred in other great industries in Queensland.

I express my appreciation for the dedication and efforts of all 26 members of the State Council of the Queensland Commercial Fishermens Organisation. During the debate they have come in for some rough treatment. However, their task has not been an easy one. They have had to consider numerous complex issues and to talk with the people directly involved. They have done it well. It has not been easy. On a number of occasions I have met them and I have attended their meetings. They have tried very hard to arrive at sensible solutions to the problems confronting the industry. I have no hesitation in saying that. It is very easy to throw stones at them, but from where I sit I can see that they have done a very reasonable job.

I have no doubt that, when the legislation is implemented and a one-industry concept emerges, some of the more difficult questions of industry representation will be resolved.

On the matter of representation I have considered the views expressed by honourable members and by the industry, and I will move an amendment to clause 10 of the Bill to increase the size of the authority by one. The additional member will be a representative of fishermen's co-operatives. In the committee stage I will be moving two other amendments, which have been requested by the industry.

As I indicated earlier, there appears to be general support for the principles of the Bill. Before replying to the criticism that has been made I place on record extracts from communications I have received. The Queensland Commercial Fishermens Organisation, which has been referred to during this debate, wrote to me, over the signature of the State chairman, in these terms—

“Please accept our deep appreciation for the role you have played in ensuring the availability of your senior officers for discussions about a great number of points raised by the new Fishing Industry Organization and Marketing Bill.

The co-operation those officers have displayed in seeking to clarify points in the Bill of concern to us on behalf of the Industry has been nothing short of magnificent.

As an Organization, we recognise in the Bill a very fine frame work for success in total management of the Commercial fishing industry:

You are aware of our determination to encourage fishermen to exercise their rights effectively to guide their own future within a stable industry marketing structure.”

That is the sort of recommendation the Government has responded to in bringing the legislation to the House.

I will now quote from a telex I received from the Queensland Wholesalers Association, which met in Brisbane recently. It reads—

“Wholesalers from all parts of Queensland, from Cairns to the border . . .”

Mr Scott: What is the date of that?

Mr AHERN: You, Didymus, are very welcome to that information. I will lay the documents on the table in case the honourable member thinks I am trying to mislead the House. The letter is dated 10 March 1982. The honourable member can read it to see whether I have misinterpreted it in any way. In its telex dated 23 March 1982, the Queensland Wholesalers Association said—

“Wholesalers from all parts of Queensland, from Cairns to the border attended the meeting of yesterday. At yesterday’s formation meeting . . . all members present gave support in principle to the new Fishing Industry Organisation and Marketing Bill which was debated in the 2nd reading in State Parliament yesterday. Mr Denovan further said the new Bill would provide a degree of stability to the industry that has been long overdue. The industry could be said to have been floundering for some time and investment and employment in the wholesaling distribution section of the industry has been at risk.”

Two very important sections of the industry have said to me, “We support what you are trying to do”—and well they might! We have been talking to sections of the industry regularly for a very long time about what they want in the legislation. The result is before the House today. Tremendous industry discussion has taken place. Well might the private-enterprise people be impressed by legislation under which, for the very first time in the modern history of this State, private enterprise will be legitimately involved in the marketing.

Mr Scott: Supported by socialism!

Mr AHERN: A section of the Fish Supply Management Act provides that all fish caught for sale in Queensland be delivered to the premises of the Queensland Fish Board. Under this legislation private enterprise will be involved, for the very first time in Queensland’s recent history. It is happening in an orderly way, as those involved in the industry suggested it should. It is being done in a controlled way. Management is necessary in all sections of the industry.

[Wednesday, 24 March 1982]

What I am putting forward is National Party policy. What I have done is National Party policy. As far as I know, it is also Liberal Party policy. Before the last election the chairman of the Liberal Party rural committee sent to me, as Minister for Primary Industries, with a covering note, a copy of the rural policy of the Liberal Party of Australia (Queensland Division). I am very glad that he did. He said that the Liberal Party supported

orderly marketing through producer, industry or Government bodies, at the request of the industry concerned. That is exactly what is proposed in the Bill. I challenge any honourable member to bring forward from the industry any criticism of the principle behind the Bill.

I have said that I am prepared to consider amendments to any detail of the Bill from the floor of the Chamber. If they are reasonable and constructive and will improve the legislation, I will consider them.

I have indicated to honourable members, in consultative discussion on the Bill, that it will be necessary to amend the legislation during the August session. The Auditor-General has advised me that he desires audit provisions to be included in the legislation. I told him that it would be proper to include them in a Bill to be introduced in the August session. I offer members of Parliament, the industry and any interested bodies an early review of the legislation and will receive any suggestions they make. I am prepared to take all of the Opposition's suggestions to the industry consultative committee that I have established and the new authority, and to ask them to consider those suggestions in detail and to report on them and suggest amendments to be made during the August session. What could be fairer than that?

The honourable member for Bundaberg agreed that the Bill does not represent a massive departure from the legislation that already governs the industry. That is not really an unfair observation. The changes made are included to cope with a changed industry and to legitimise activities that have grown up over the years. I point out that the present legislation is honoured more often in the breach than in the observance. The industry has advanced, particularly in the matter of distribution, and those advances have to be recognised.

The honourable member for Bundaberg also raised the question of fishermen representation on the board. Honourable members should be aware that even when the board's financial problems are resolved, considerable expertise will be required to regenerate a healthy and prosperous board. To that end fishermen will require, in the early stages at least, the greatest assistance that can be afforded them.

The management of any board is a complex business and, where an enterprise is in the process of retrieval, various fields of expertise are required. It would be unfair to expect fishermen to arrange that totally from within their own ranks. It is my intention that the Queensland Commercial Fishermens Organisation be the prescribed body to nominate the three fishermen representatives on the board.

Honourable members have taken the opportunity to speak generally about the Queensland Fish Board and I want to answer some of their questions. It is true that there have been some changes in direction as we examined the general problems confronting the Fish Board in recent times.

Mr Scott: That's an understatement.

Mr AHERN: That may well be. I acknowledge that.

The Fish Board has had considerable problems, and adjustments have been made that it was considered would correct those problems. As they did not work, new ones have been sought. Can the Government be blamed for that? Of course not! Solutions to the very difficult problems have been sought. I believe that the present solutions are the best ones and that they will work. Progress will be monitored daily by the department, by members of the board and by officials of the Treasury Department, as they must be under the new financial arrangements that have been approved recently.

The honourable member for Lytton requested information on Fish Board properties that had been sold, those that are proposed for sale and those that are to be retained.

Properties that have been sold or are under contract of sale are Karumba, Cairns (the old depot), Cleveland and Labrador. The total sale value of these properties is \$695,000.

Properties that are under negotiation for sale or lease to fishermen's co-operatives include Innisfail, Mackay, Rosslyn Bay and Gladstone. The estimated value of these properties is \$1,065,000, but final figures will depend on the market.

Properties that it is proposed to sell but which could take some time to sell are Flinders Street, Townsville, Bowen and Tewantin. The estimated value of these properties totals \$1,075,000.

Properties to be retained at this stage include Port Douglas, Cairns (the new site), Rockhampton, Bundaberg, Maryborough, Tin Can Bay, Mooloolaba, Scarborough, Wynnum and Southport Spit. In addition, the board's processing properties at Boundary Street, Townsville, and Colmslie will be retained in whole or in part, depending on what future arrangements can be made at these centres. The estimated total value of these properties is \$10,370,000.

The honourable member also sought specific information regarding the Wynnum depot. The position there has been reconsidered by the board in the absence of any suitable alternative site. It is now intended that the depot be retained as a delivery and service centre for fishermen. It is not intended to operate retail facilities at the depot. The depot will need to be rearranged and better facilities provided. That will be done when finance permits.

The Queensland Fish Board has gone out of retailing, and during the debate members said that they felt that the Fish Board ought to stay in retailing. But what was perceived by the board in its discussions generally with the industry was that it ought to get out of retailing because it was trying to go into competition with its major clients and still retain their co-operation. Obviously, it found that it could not do that, that the two aims were counter-productive, and that by withdrawing totally from the retail area and moving into a situation in which it was servicing retailers, it was able to achieve the total co-operation of the retail market. That is sensible and good business, and in the main, that is the way in which it is dealing at present.

Generally speaking, the authority's powers are very wide, but I remind honourable members that the general powers are patterned on those in other industries in this State. A good parallel would be the milk and egg industries. Very wide powers are included in this legislation; but if they were not wide so many loopholes would be created that the program would not work. An early opportunity will be given for the reconsideration of these powers, and I would ask honourable members to consider them and either write to me about them or refer to them during the debate on the clauses.

A number of other matters dealing mainly with drafting and application have been raised by members. I will now try to say something in relation to each of them. I believe that, on examination, most of the matters raised can be accommodated satisfactorily.

I was surprised to hear one honourable member say that the Bill had no appeal provisions. Part III of the Bill deals specifically with the setting up of an appeals tribunal and the procedure for appeals, as happens in other industries. The provision is patterned on those applying in other industries.

One of the areas that appeared to cause concern was the area of licensing. The licensing provisions relative to commercial fishermen, assistant fishermen, community fishermen and fishing boats generally have been taken from the existing Fisheries Act. The form of application has been changed, as has the ability for the issuing authority to specify the nature of activities that may be undertaken by the licence holder. The industry generally has told us that this is necessary, and practical people in the industry know that it is necessary. Those are the only significant changes.

Whereas a fisherman now has no recourse if he is refused a licence, the Bill provides him with an inexpensive avenue of appeal. I am sure that this will go a long way towards resolving some of the very real problems mentioned by the member for Lytton in that regard.

Of the remaining types of licence, processors' licences and commercial buyers' licences are new. They are designed to cope with the distribution side of the industry on a basis that is fair and equitable to all. The restricted buyers' licence is already in existence and has operated for a number of years. It is the licence obtained by buyers who wish to buy at board auctions. The scope is also there to cover situations in remote areas and on tourist resorts. Again the appeal provisions will apply.

As the honourable member for Mourilyan has rightly pointed out, the significant aspect is in the day-to-day application of the licensing provisions. I remind honourable members that there will be an overview by the industry representatives on the authority. The practical people in the industry will be overseeing the licensing arrangements and the inspectorate.

The wide representation on the management authority will ensure that all aspects are taken into account. No sectional interest will be dominant, and this should ensure an even-handed and fair policy.

The transportation of fish is another area that has apparently caused concern. The honourable member for Toowoomba North expressed concern that the transport provisions might apply to the holiday fisherman. As is the case with the majority of the other clauses of the Bill, this clause will not apply in the domestic situation.

Adequate provision will be made to allow fishermen, particularly beach net fishermen, to collect their fish in 4-wheel-drive vehicles. There is adequate provision in subclause (3) of clause 32 to cater for this and the many other individual and practical cases that will arise.

I do, however, take cognisance of the problems in relation to the offences section dealing with the transportation of fish and will move an amendment to ensure that clause 32 will apply only to situations of a commercial nature. I would point out that there is absolutely no intention of applying the Bill to the domestic field.

As the honourable member for Mourilyan has pointed out, there will be sufficient problems to stretch the inspectorial staff in dealing with commercial aspects, let alone to delve into the retail and household sectors.

Another worry expressed was that unrealistic standards would be imposed virtually overnight to the detriment of fishermen and other people engaged in the fish transportation side of the industry. Let me assure honourable members that this will not be the case.

There is recognition that certain areas of transport are difficult, and requirements will be minimal. However, where fish are transported considerable distances, it is in the interests of fishermen as well as consumers to ensure that adequate standards apply to preserve the product and protect human health.

A similar standard applies in the milk and egg industries where perishable products are transported over long distances. Surely in 1982 a housewife is entitled to expect that, when she spends her hard-earned cash in buying food for her family, the food is wholesome. It is a part of our responsibility, as it is of the Health Department, to ensure that. It is in this area that clause 32 will have its most significant application.

Another clause that caused some concern is the one dealing with the permit system for the selling of fish. This system is in operation now, and the intention is to continue its operation.

Under the existing legislation, fish should be marketed only through the Fish Board. The Bill will liberalise—I use that word advisedly—the present situation and allow both processors and commercial buyers to purchase fish. Consequently, the permit system has been adjusted to cater for this change.

However, it is not now, and will not in the future, be an option to obtain permits in lieu of a commercial fishermen's licence. The new system is designed to minimise overt black-market dealing and provide a commonsense alternative.

Questions were raised during the debate concerning the interpretation of certain terms. In reply to a question by the honourable member for Sherwood regarding the definition of fish, I point out that the exclusion from the definition of any reference to imported fish was intentional.

That was done to enable the board legally to import fish or deal in such fish when necessary to overcome shortages and to enable the board to operate competitively. It will in no way curtail the rights of other fish wholesalers in this regard.

The honourable member will be aware that the power of this Parliament in the matter of imports into Australia is virtually non-existent. Further, section 92 of the Australian Constitution puts paid to any ambition anyone might have in regard to controlling fish from another State.

Concern was expressed by several members regarding the definition of the word "treat". I would point out that treating fish is not an offence, whereas treating fish for a commercial purpose is. And this, I feel, typifies the problem of the administration of this legislation. The Bill needs to be cast in broad terms.

This is the experience with other commodities. Honourable members must bear in mind it is a legislative power designed to enable an industry to self-regulate, accounting to its various component bodies. No control could be effective in any area if there were not co-operation. I assure the House that implementation will be difficult enough given the nature of the industry and its problems. Those who know it well would realise that and agree with me.

It should be remembered that most of these powers have existed for years. My experience with primary industries has been that an industry cannot be forced to accept organisation. What has to be done is to organise an industry and to implement a pragmatic overall approach, one that is practical and has the support of the vast majority. Then the industry has to be involved; that is the keynote of this legislation.

Any scheme must be capable of being quickly adapted to prevent disruption before it becomes a serious factor within the industry. That is what is intended, and that is what is enabled, in the Bill. It will not put the industry into a strait-jacket but provide fairly wide guide-lines to give the industry a management capability it has never had before.

As the honourable member for Warwick stated, the main object of the Bill is to introduce an orderly marketing structure to provide stability within the industry and to enable a large degree of self-regulation. From this stability will flow considerable benefits and again, as the honourable member for Warwick pointed out, one of the benefits will be the ability of the industry to attract more reasonable financing. In this regard, he was supported by the honourable members for Bundaberg and Mourilyan.

I have given several undertakings and, as is my custom, those undertakings will be honoured. I do not expect the Bill to provide an immediate panacea for the ills of the fishing industry. Many matters have yet to be resolved, particularly in regard to the matter of resource conservation. I accept that amendments will be necessary once the new Fish Management Authority has had time to find its feet and start implementing some of the measures proposed.

I am prepared to refer the "Hansard" record of the debate to the industry advisory committee and to the authority for consideration and advice as to what amendments they feel should be incorporated in the August review of the legislation.

Honourable members have also sought my opinion on some other matters, and I will make brief reference to them. Some members are concerned that a fishing trawler that shucks scallops, boils prawns and fillets a few fish will require a processor's licence. That is not envisaged. Under the legislation, that is considered part and parcel of the general concept of taking of fish. It is not intended that that be interfered with.

Members have sought my opinion on the licensing of spouses of commercial fishermen. It is true that the wife of a master fisherman must have an assistant fisherman's licence if she is actively engaged in the fishing operations, though she may be on board the fishing vessel without a licence if she takes no part in the operations.

It is the established policy of the Queensland Commercial Fishermen's Organisation that all persons actively participating in commercial fishing operations on licensed fishing vessels should be licensed. It is also desirable from the viewpoint of marine insurance that all persons working on commercial fishing boats be licensed personnel. I might also add that in other States and in Commonwealth waters, fishermen's spouses are required to be licensed if they are involved in actual fishing operations. Queensland is not alone in this regard.

Powers of inspectors to co-opt assistance from members of the public concerned some members. There is certainly no intention that any member of the public should be obliged against his will to assist an inspector in the performance of his duties. This clause is included to give persons assisting an inspector a degree of protection against liability at law for any action which they may take under his instruction.

The lifting of beam trawling restrictions north of Noosa was raised by two members. It is an ongoing management problem that is not relevant to the passage of the Bill, but it will obviously be the business of the new authority. Basically, the beam trawl

fishery in the Noosa River and further south differs from that north of Noosa in that it is oriented to a much greater degree to supplying the bait market. The beam trawler freeze north of the Noosa River was not effecting the level of control desired and my department is currently examining with the Commercial Fishermens Organisation alternative management options for this area. These days the spirit of all the department's decision-making is to consult with industry.

The member for Cook raised the Torres Strait question generally. I have mentioned that matter in an answer to a question in the House. By way of explanation, I point out that for a considerable time. I was under pressure from other members of Cabinet and members of the Federal Cabinet to respond to some of the representations that were made by people in the Torres Strait area. I was finally persuaded to take recommendations to Cabinet; Cabinet considered them and they were put out for consideration by the industry. Obviously, the commercial fishing industry reacted very violently to the recommendations that were made. But the people of the Torres Strait informed me that they were perfectly happy with the recommendations that were made and said that I had given them the best Christmas present that they had received for years.

Mr Scott: Why did you back off?

Mr AHERN: The Commercial Fishermen's Organisation made very strong representations. It said, "A \$7m industry is involved in this area." Representatives of the Commercial Fishermen's Organisation asked the Government to consider the matter further. Cabinet wanted to consider the matter further.

When we were asked to visit the area, we flew direct to the centre of the problem area. Yorke Island seemed to me to be the logical place to go, as it was right at the centre of the controversy. All those from the Torres Strait Islands who wanted to be present were advised to be there. As far as I could ascertain, all of the Torres Strait Islander communities were represented. I expected the member for Cook to be present. He asked me to get in touch with some people on Thursday Island, and I responded to his request. I expected to see him there.

Mr Scott: On Horn Island, not on Thursday Island.

Mr AHERN: On Horn Island we waited in the rain. The representatives finally arrived and they were given a good hearing.

After consultation, Cabinet felt that a reconsideration was warranted in the light of representations from the fishing industry. That matter is still under reconsideration.

Mr Speaker, you are indicating that I should conclude. The Bill has been sought by the industry. It will be the device that the industry will use to solve its problems consultatively, using the best expertise that it has, and it has a great deal of expertise. I wish the industry well. It will have my co-operation and support.

Question—That the Bill be now read a second time (Mr Ahern's motion)—put; and the House divided—

Ayes, 37

Ahern	Jennings	Sullivan
Austin	Katter	Tenni
Bertoni	Lane	Tomkins
Bird	Lee	Turner
Booth	Lester	Warner
Borbidge	Lockwood	Wharton
Edwards	McKechnie	White
Elliott	Menzel	
FitzGerald	Miller	
Frawley	Moore	
Gibbs, I. J.	Muntz	
Goleby	Randell	<i>Tellers:</i>
Harper	Simpson	Neal
Hewitt	Stephan	Powell

	Noes, 29	
Akers	Hooper	Scott-Young
Blake	Innes	Smith
Burns	Jones	Underwood
Casey	Kruger	Vaughan
D'Arcy	Kyburz	Yewdale
Davis	Mackenroth	
Eaton	McLean	
Gibbs, R. J.	Milliner	
Greenwood	Prentice	<i>Tellers:</i>
Gygar	Prest	Hansen
Hartwig	Scassola	Scott

Pairs:

Bjelke-Petersen	Wilson
Row	Wright
Knox	Warburton
Doumany	Fouras
Gunn	Shaw

Resolved in the affirmative.

ADJOURNMENT

Hon. C. A. WHARTON (Burnett—Leader of the House): I move—
“That the House do now adjourn.”

Misuse of Parliamentary Stationery by Federal Member for Petrie

Mr HOOPER (Archerfield) (12.32 a.m.): The matter I wish to raise in this debate concerns the blatant misuse of parliamentary stationery by the Federal Liberal member for Petrie (Mr John Hodges) in his touting for funds for a so-called Independent candidate, namely, Mr Darrell Butcher, in Saturday's election for the Redcliffe City Council.

I have here a copy of a letter, which is in these terms—

“Parliament of Australia
House of Representatives

Office of John Hodges, M.P.
Federal Member for Petrie.

5 March 1982

The purpose of this note is to seek your support by way of a donation for the campaign of Darrell Butcher who is standing for the Redcliffe City Council at the March 27 election.

Darrell could, and would fund the entire campaign out of his own pocket. However, I believe this should not be necessary. I do not believe the candidate, who will be put to considerable personal expense during the campaign, and after when elected, should bear all the costs of campaigning. I hope you concur.

It is my belief he has a contribution to make and therefore it is in the interests of us all to ensure his election.

If you believe the ‘Get Butcher Elected’ cause is worthwhile then please forward a cheque to my office. This letter is being sent to a limited number of people and I am suggesting a figure of \$50 to \$100. In no way feel embarrassed if your desire or resources preclude you from contributing. No-one, including the candidate, is aware of who this letter is being sent to.

Additionally, there will be a fund-raising function at the home of Dr. and Mrs. Chan on the 13th March.

Yours sincerely,
John Hodges.

Please make cheques payable to ‘Butcher's Campaign Fund’.”

I also have in my possession a photostat copy of an invitation concerning a function to be held at the residence of Dr and Mrs Bernard Chan. In part, it reads—

“Dr. & Mrs. Bernard Chan and Mr. & Mrs. John Hodges (M.P.) request the pleasure of your company at a function to support. ”

Mr GYGAR: I rise to a point of order. I move—
“That the document be tabled.”

Mr HOOPER: I will table the document.

I also have a copy of a Liberal Party membership letter headed, “Liberal Party of Queensland, Redcliffe Branch,” advising that a meeting will be held at the residence of Darrell and Tricia Butcher, 9 Gretal Court, Westport. It is signed by, “Lynne Selby, Hon. Secretary.”

I note that Mr Hodges does not deal in pin-money; he asks for at least \$50 or \$100. Most small businessmen tell anyone who will listen that times are tough. That certainly puts the lie to Mr Hodges’s letter.

As the House will note, the second page is an invitation to the party faithfuls to attend a Chinese smorgasbord banquet at the home of Dr and Mrs Chan. However, the third page is the interesting one. It is a notice of the March meeting of the Redcliffe branch of the Liberal Party to be held at the home of Darrell and Patricia Butcher, 9 Gretal Court, Newport. Honourable members opposite will not convince me that the Redcliffe branch of the Liberal Party holds its meetings in anybody’s home. Of course it doesn’t! It meets in the homes of party members.

This meeting, and the fact that John Hodges, MP, is acting as Darrell Butcher’s bagman puts to rest once and for all the myth that Darrell Butcher is running as an Independent candidate in Redcliffe on Saturday. He is a member of the Liberal Party. Mr Butcher should have the courage of his political convictions and tell the people of Redcliffe that he is an undercover Liberal. At least the Labor candidates do not hide their political affiliations.

Mr Butcher is the owner of Torque Motors at Redcliffe. He made his money from dudding young fellows who were buying their first car, and he is reputed to be a millionaire. Mr Butcher should immediately come clean and tell the people of Redcliffe his political connections and who his bagman is.

I can only come to the conclusion that the Liberal Party is not too impressed with Mr Butcher as a candidate and is keeping quiet the fact that he is a Liberal Party member, or the Liberal Party on the Peninsula is so on the nose that it is not game to tell the public the names of its undercover candidates. I repeat that Mr Butcher should come clean and reveal his Liberal Party membership prior to the local government election next Saturday when, hopefully, he will be defeated.

Whereupon the honourable member laid on the table the document referred to.

Daylight Saving During Commonwealth Games

Mr AKERS (Pine Rivers) (12.37 a.m.): Very few people in Queensland do not know that from 30 September to 9 October this year Queensland will stage the Commonwealth Games, but only a few people realise that, during that period, there will be 124 hours and 14 minutes of sunlight. Ten hours of that beautiful spring weather will be wasted.

Thousands of visitors to Brisbane, the Gold Coast and the Sunshine Coast will be deprived of 10 hours of the opportunity to enjoy our hospitality in Queensland, shop in Queensland shops, visit Queensland tourist attractions and spend their money generally in Queensland. I realise that they can get out of bed an hour earlier each day to make use of that time but, because of our trading hours and industrial awards, everything will be closed at that time of the day. They will have to walk along empty streets.

I suggest that Queensland adopt daylight saving at least for the period of the Commonwealth Games. For the last 10 years Queenslanders’ business and travel arrangements have been confused and in a shambles because of our being one hour out of step with the rest of Australia for a large part of the year.

Over the past 10 years we have prospered greatly because of our mineral boom and good control by the Government. However, we have remained a branch office State, partly because we will not keep up with the commercial world in Australia. Queensland is missing out on millions of dollars because we lose two hours every day during the summer daylight saving period in other States.

An Honourable Member: Two hours?

Mr AKERS: Yes, one in the morning and one in the afternoon. We lose one hour of access to the short-term money market and our businesses start one hour after the markets open in the other States, particularly New South Wales and Victoria. We could fully exploit our strong economy if we could compete on equal terms and not lose 10 hours every week.

There are countless business reasons why we should catch up with the rest of Australia. Over the last 10 years, those reasons have extended far beyond the metropolitan area. Townsville, Cairns, Rockhampton and Mt Isa are important commercial centres with direct business links with other business capitals in Australia. They need to be able to compete on equal terms with southern cities, and honourable members from those areas of Queensland should not be criticising me for suggesting it. Members from the Gold Coast particularly should be getting off their backsides and helping because that area is also losing an enormous amount of business.

There is another frightening aspect of our failure to adopt daylight saving. Road safety organisations have shown that over the last 10 years people have died on our roads because we did not have daylight saving. In 1972 the New South Wales Traffic Accident Research Unit prepared a report linking daylight saving to a sharp drop in pedestrian and cyclist deaths in the previous year from 81 to 53, or about 35 per cent. While we cannot translate that directly to Queensland conditions, there must be a very strong connection, so in a very conservative way, and based on the estimated increase in the number of people riding bicycles in the last few years and the increase in road deaths generally, we can expect that this summer season because we do not have daylight saving at least 15 people will die on Queensland roads unnecessarily.

In 1971-1972 we experimented with daylight saving, but since then we have seen disastrous results caused by our not adopting it. I ask the Government to try and experiment and introduce daylight saving during the Commonwealth Games. We will be able to put forward to the world the best front possible. The adoption of daylight saving could overcome many other difficulties. We will face tremendous problems transporting a mass of people to and from the Games venues, but such problems could be reduced if, in the afternoon, we have an extra hour of daylight during which people could be transported.

(Time expired.)

Petrol Prices; Cost of Living, North Queensland

Mr KATTER (Flinders) (12.42 a.m.): I feel that I must begin my contribution to the adjournment debate with a comment on remarks concerning the price of fuel made earlier this evening in another debate. Far from withdrawing from those remarks, I think that economic history in Australia has vindicated the stand taken by the then Minister for Trade and Industry, Doug Anthony. When the Labor Party was in power there were no drilling rigs working in Australia except on the North West Shelf. The Cooper Basin has now opened up as a fairly significant oil resource, but in addition to that the threat of the coming on line of places such as Rundle had a very salutary effect on the Middle Eastern nations as far as negotiations—

Mr Prest: Oh, what rot! You don't know what you're coming at.

Mr KATTER: Well, the story that is told in mining circles around Australia and in other places is that in fact Exxon discussed at great length with Yamani and the other Saudi Arabians what the effect would be if OPEC increased its prices again. I think that was the year before last. Exxon said that it would simply come on stream at Rundle and at their Colorado oil-shale leases. The fact is that OPEC did just the opposite and lowered its prices. Exxon pulled out of the farming arrangements it had at Rundle and in Colorado. That is the story that went around, and it seems to me to be a fairly reasonable scenario. But the point is that there is a value in the pricing mechanism.

During an earlier debate on fish marketing Opposition members said that I wanted the price of petrol to go up so that Australians would pay more, but I wanted Australia and, more particularly, America, to go on to world pricing to stimulate conservation and persuade people to buy smaller cars which used less fuel or to switch over to the use of LPG in their cars. At the airport this morning five out of the seven taxis

were using LPG. If OPEC was in sufficient trouble to drop the price of its oil by \$5 or \$7 a barrel, that was a direct result of conservation measures that have been adopted. They are small, quiet moves that are not noticed.

The opening up of the Cooper Basin was a direct result of the rise in Australian oil prices. There is no way that the drilling, exploration and development of those leases would have taken place had the extremely low artificial oil prices prevailing at that time continued.

I think that we have been more than vindicated in our stand. If the honourable member for Port Curtis cannot understand that position, then all I can say is that, once again, he should reflect upon the limited nature of his intelligence.

This evening, I wish to say a few words about the comparative cost-of-living figures set out in the Australian Year Book. I call upon the Queensland Government to ask the Federal Government to withdraw the comparative cost-of-living figures from that publication because, quite frankly, they are ridiculous.

The Queensland Teachers Union commissioned a study, which indicated the cost-of-living differences in four towns in North Queensland—Winton, Richmond, Hughenden and Cloncurry. A second study was carried out by the James Cook University in four mid-west towns of North Queensland—Richmond, Julia Creek, Hughenden and Cloncurry. Both of those studies came up with an identical figure of 26 per cent as being the difference in the cost of living between those towns and Brisbane. Yet the official figures of the Australian Bureau of Statistics indicate a difference of 10 per cent or 11 per cent. Not only are those figures ridiculous; they are also extremely deceitful.

In the early part of last year when we endeavoured to get some sort of justice from the Federal Government regarding zone allowances, we had quoted to us again and again the comparative cost-of-living figures published by the Australian Bureau of Statistics. In fairness to the bureau, in the Australian Year Book there is a little note which says that the figures have been subjectively compiled. That means that when the bureau sends out a questionnaire about the cost of grocery items in one of the towns in inland Queensland, it sends that questionnaire to the storekeeper. Naturally, he has a very strong prejudice in favour of creating an impression that his prices are extremely low.

(Time expired.)

Educational Facilities in Remote Areas

Mr SCOTT (Cook) (12.47 a.m.): I take this opportunity to reiterate a plea that I have made on many occasions to improve the educational facilities in the remote areas of this State. The member for Flinders has stuck his nose into my electorate and has written a letter that I shall read in this House one of these days. He has made a stupid and totally uncalled-for move.

Mr Prest: He could not help it.

Mr SCOTT: That is correct. However, there is not time to talk about that now.

I wish to talk about the need for better school buildings and better facilities in all the remote areas of Queensland. I can see the Minister for Works and Housing looking at me. Not long ago he said to me that I have a lot to be grateful for. I must agree entirely with the Minister. There is a lot to be grateful for, because his department has done work in the Cook electorate. I have done my best to keep the Minister on his toes and to raise the standard of educational facilities in my area. He has responded, to a degree. It is extremely difficult to erect buildings in those remote areas, and I know the budgetary demands that are made. What the Minister has to do is stop continually saying that the money is not available. Money is available if it is used wisely. All I ask is that the Minister continue to use the money wisely in my electorate.

Mr Wharton: You want us to spend the lot up there. We have to share it around the State.

Mr SCOTT: That is true. I do not ask the Minister to spend every bit of his budget in my electorate, but he should just keep up the good work.

I am particularly concerned about education in the Torres Strait area. I remind honourable members that there are two high schools in that area—one on Thursday Island and one at Bamaga—catering for the needs of the students there. There is a series of

primary schools. There is a primary school at Bamaga. There are two primary schools on Thursday Island; one is a Catholic school and the other a State school. There is a primary school on each of the outer islands in Torres Strait. Unfortunately, only five of those schools have white teachers. At present, there is no white teacher on Murray Island, and it certainly should have one. I hope that steps are being taken at present to rectify that situation.

By and large, the island people want white teachers because they know that, under present circumstances, that will give them the best standard of education they can possibly get. If the education program of the Government had been more intense and better directed in earlier years, that would not be the case, because more Torres Strait Islanders would be as qualified as white teachers to teach in the primary schools. Those people certainly have the ability and the wish to do that job; but they have been denied the opportunity to undertake full training. That is slowly coming about but, unfortunately, far too slowly.

My point is that the primary schools on the outer islands are controlled by the DAIA. I do not need to spell out to honourable members what that means. It is time for a change. It is time that those schools were brought within the ambit of the Education Department, because the DAIA is not the proper authority to look after things such as health, police matters and, above all, education in the Torres Strait.

All the things that happen on the Torres Strait Islands are controlled by the DAIA manager on Thursday Island. Most people hold him in high esteem, but he has far too many matters with which to concern himself. Certainly he should not be worried about education. Not only is he concerned with the movement of teachers; to a certain extent he is concerned also with the operation of the Torres Strait school, which oversees the operations of the island schools. He is concerned also with the construction and maintenance of school buildings and teachers' residences, as well as with the contents of the schools.

Because of the inability of the department to oversee these matters properly, the standard has been allowed to drop too far. Consequently, because the facilities are not there, the young people are not getting the right type of education. Teachers are trying to do their best with limited facilities, but on the Torres Strait Islands there simply are not enough of the prerequisites for a proper education.

I make a very strong plea to the Minister for Aboriginal and Island Affairs, the Minister for Education and all those concerned to have further talks about the matter to try to reach an agreement on how quickly the primary schools in that area can be taken over by the Education Department.

(Time expired.)

Rebuttal of Allegations made against Mr Darrell Butcher

Mrs NELSON (Aspley) (12.52 a.m.): Earlier in this debate honourable members heard an attack on a private citizen, and I rise to challenge the statements made by the member for Archerfield about a Mr Darrell Butcher of Redcliffe. It was the type of attack that Noel Coward would have referred to as "a tawdry little piece", and a tawdry little piece it was.

The honourable member for Archerfield spoke of Mr Butcher's making millions of dollars by dudding young people on motor-car sales. I put to the House that Mr Butcher would make thousands of the member for Archerfield. He has served his community well for many years. When Darrell Butcher has been asked to help a lost cause, he has always had his hand in his pockets very quickly to give to those who needed financial assistance—not in terms of \$2, \$5 or \$10 or the usual sorts of donations, but hundreds of dollars, in some cases thousands of dollars, to help worthy causes on the peninsula.

People on the peninsula know the type of person that Darrell Butcher is, and I think it is very clear that some members opposite are getting very nervous about the results of the council election on the Redcliffe Peninsula to be held on Saturday, 27 March. Because he is an independent candidate for that election, the Labor Party has to attack him. That is really quite amusing because nobody even knows who the independent Labor candidates are. They are so incompetent, just as Opposition members

in this place are, that they are not even worth mentioning by name. Most of the people on the peninsula do not know their names. However, they know the name of Darrell Butcher. They know him not because of his words but because of his deeds in the area.

I now wish to turn to the farcical comments about a letter written by the member for Petrie (Mr Hodges). What member of Parliament does not send out invitations through his own mailing system? What member of Parliament does not send out notices of meetings in which he is involved? If a member of Parliament wishes to include with that another letter to concerned citizens about a candidate for a council election, what is different and what is new?

There is certainly nothing improper in his action. In fact, I applaud the member for Petrie for having the courage to defend an independent candidate for the council at Redcliffe. Darrell Butcher has never made any secret of the fact that he is a Liberal supporter; he has been a strong Liberal Party supporter and, as honourable members opposite would know, he has also very strongly supported other political parties. Members opposite may be very embarrassed by the comments made by the member for Archerfield this evening.

Local government on the Redcliffe Peninsula is known to have political undertones, but the people of that area choose to have independent councils with people who are known to be affiliated with certain political parties. The actions of the member for Archerfield were shameful and pathetic. They had no impact on the House and I am certain that they will have no impact on the Redcliffe electorate. I am quite certain that the man who was defamed and whose character was assassinated in this House will be a great success in the council elections on Saturday. I look forward to seeing someone who is successful in business, a compassionate and caring individual, elected to the Redcliffe council. Perhaps the quality of local government in this State will rise. I hope that in future when the member for Archerfield tips one of his proverbial buckets he has a little more substance to offer than he had tonight.

Terrace Club, Surfers Paradise

Mr BORBIDGE (Surfers Paradise) (12.56 a.m.): I rise to express the gravest possible concern about incidents at the Terrace Club, Surfers Paradise, that have been reported over a substantial period. A string of incidents have occurred over a number of years. The Terrace Club is an institution that has a shocking reputation. I am informed that it is owned by Mr Shayne Samuels of Main Beach and is operated under a system that uses a series of front men, or dummies, to avoid prosecution under the liquor laws of Queensland. In fact, the Terrace Club has treated the laws of the State with contempt.

Mr Scott: Does it have bouncers?

Mr BORBIDGE: It does have bouncers, and I will deal with them shortly.

It has been raided on several occasions by the Licensing Branch, the Criminal Investigation Branch and the mobile patrol. On 20 March it was raided at 10.30 p.m. The premises were subsequently closed. The manager for that evening was arrested and charged with possession of cannabis.

A series of events has taken place. I have in my possession a few random news clippings. The headlines tell the story—"Knife threat at night club", "Police seek a 'vital witness'", "Man bashed", "Night club boss in thugs hunt. Coast search after vicious attack puts teenager in death danger", "Slugged teenager in fight for life" and "Coast violence sickens visitors". On Saturday, 13 March, the "Gold Coast Bulletin" carried the front-page headline "Man pushed down stairs, bashed".

Many people seem to fall down the stairs at the Terrace Club. Many people seem to get into trouble at the Terrace Club. Many people come to grief at the Terrace Club. The laws of this State appear to be inadequate to deal with the thuggery and gangsterism occurring at that club, which does not have a licence. As far as I am aware, in recent history it has never had a licence. A series of front men are used and charged. The police have done all they can to uphold the law. I have been assured that the police will give that institution a great deal of attention in the near future.

The liquor laws of this State should be reviewed so that places such as the Terrace Club are not permitted to open. They should be closed down. In the meantime, people should stay away from that club, which is giving Surfers Paradise and the Gold Coast a bad name. It is a blot on the reputation of my electorate and a blot on the area and the community that I am very proud to represent.

I am determined that operations of that sort will be closed down and that all possible action will be taken by local authorities, the Police Department and the State Government to put an end to the shocking, sorry, dismal and disgraceful incidents that have been taking place at those premises over a number of years. I give an assurance that my office is always open to anyone who wants to come to me with information that will result in the closing down once and for all of that blot on the landscape of the Gold Coast.

Motion (Mr Wharton) agreed to.

The House adjourned at 1.1 a.m. (Wednesday).
