Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 14 SEPTEMBER 1982

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

ASSENT TO BILLS

Assent to the following Bills reported by Mr Speaker:—

Statutory Bodies Financial Arrangements Bill;
Criminal Law Amendment Bill;
Commonwealth Games (Modification of Laws) Act Amendment Bill;
Loan Fund Companies Act Amendment Bill.

PAPERS

The following papers were laid on the table:—

Proclamation under the State Development and Public Works Organization Act 1971-1981

Orders in Council under—
- Metric Conversion Act 1972
- Gladstone Area Water Board Act 1975
- Supreme Court Act 1921-1979
- Factories and Shops Act 1960-1982
- Harbours Act 1955-1982
- City of Brisbane Act 1924-1980
- Ambulance Services Act 1967-1975

Regulations under—
- Public Service Act 1922-1978
- Motor Vehicles Safety Act 1980
- Chiropodists Act 1969-1975
- Ambulance Services Act 1967-1975
- Health Act 1937-1981
- Radioactive Substances Act 1958-1978
- Physiotherapists Act 1964-1981
- Hospitals Act 1936-1981

By-laws under—
- Water Act 1926-1981
- Harbours Act 1955-1982
- Harbours Act 1955-1982 and the Gold Coast Waterways Authority Act 1979-1982
- Pharmacy Act 1976-1981

Rules under the Coal Mining Act 1925-1981

Report and Balance Sheet of the Downs & South-Western Queensland Racing Association for the year ended 30 June 1982

PETITIONS

The Clerk announced the receipt of the following petitions—

Funding for State Schools; Class Sizes

From Mr Ahern (203 signatories) praying that the Parliament of Queensland will restore the education share of the Budget to the 1975-76 level and provide sufficient funds in the next Budget to ensure smaller class sizes.

State Service Superannuation Scheme

From Mrs Nelson (1 500 signatories) praying that the Parliament of Queensland will remove all discrimination from the State Service Superannuation Scheme.

Petitions received.

QUESTIONS UPON NOTICE

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

1. Safety of X-ray Equipment

Mrs Nelson asked the Minister for Health—

(1) Is he aware of a report in the "Telegraph" of 16 June which refers to doubts raised about the safety of X-ray equipment being used in some Victorian hospitals, doctors' and dentists' surgeries?

(2) How many diagnostic X-ray units are presently in use in Queensland and how many are being operated by fully qualified radiographers?

(3) How many general practitioners, dental receptionists, doctors' receptionists, chiropractors and nurses currently operating X-ray equipment in Queensland are also fully qualified radiographers and what safety checks are provided for their own personal safety as well as for patients being irradiated by the machines?

(4) What action is being taken by him to limit the number of inadequately trained persons irradiating the general public and what action is being taken to maintain a high standard of safety in operation of all X-ray equipment in Queensland?

Answer:—

(1) Yes.

(2) Queensland regulations require that owners of irradiating apparatus possess a certificate of registration. A single certificate can cover many X-ray units.

There are currently 873 certificates of registration on issue covering diagnostic X-ray equipment. It is estimated that these cover about 1 750 diagnostic units (including dental units). There are approximately 350 qualified radiographers in Queensland employed in the public and private medical sectors.

(3) Regarding numbers of general practitioners, dentists' receptionists, etc., operating units—

Licences to use irradiating apparatus have been issued to:

180 general practitioners
17 dentists
53 chiropractors
1 dental receptionist
1 chiropractor's assistant
322 nursing staff

Conventional dental X-ray equipment operated by dentists and dental therapists is exempt from licensing requirements because of the particular type of equipment.

(4) Operators of diagnostic X-ray equipment are required to possess a licence. This is set out in an amendment to the Radioactive Substances Act. All applicants, other than radiographers and radiologists, are assessed to determine their knowledge and application of radiation protection principles relevant to the type of work performed. The assessment includes an inspection of X-ray and associated equipment to ensure that it is in compliance with radiation safety requirements and is functioning adequately.

Approximately 700 operators of equipment are monitored regularly, and my department employs a Radiographic Advisory Section to regularly inspect equipment and to provide advice to operators.

2 & 3. Government's Failure to Act on Connolly Report

Mr D'Arcy asked the Minister for Justice and Attorney-General—

With reference to the Connolly report tabled in Parliament on 7 December 1973, in which Mr Connolly makes serious charges and indictments of companies and individuals and suggests that prosecutions would be expensive and not necessarily successful because of the existing laws—

(1) Is he aware of any reason why the Government failed to have the report printed?

(2) What direct action was taken or initiated by the Government to remedy inadequacies in the law exposed by the Connolly report?

(3) What did the police investigations reveal?

Answer:—

(1) At the time my predecessor, now the Honourable Sir William Knox, tabled the Connolly report in this House he made a ministerial statement which appears in "Hansard" at pages 2404 and 2405. The statement included Mr Connolly's findings and pointed out that certain matters were then under investigation by officers of the Commissioner of Police.

The advice at that time, of the then Solicitor-General, was that the printing and publication of the report should be deferred as premature publication could have prejudiced the police inquiries.

I might add that as a result of this statement a summary of Mr Connolly's findings was published in the daily Press. I do not know why the report was not printed subsequently.

In any event, the report has been available for study from the Parliamentary Library for a long period and there is no reason for those directly interested, including members of the Opposition, to complain about lack of access to its content.

(2 & 3) The report indicated that on the evidence adduced, certain offences may have been committed. As I previously stated in reply to a question by the honourable the Leader of the Opposition in this House on 1 September 1982, Mr Connolly himself indicated that there could be insufficient admissible evidence to support a prosecution.

I do not agree that there was any inadequacy in the law exposed by Mr Connolly, only that the law gives scrupulous consideration to the rights of an accused who may be convicted only on admissible evidence. Subsequent police investigations failed to find that type of evidence and, upon the advice of the Solicitor-General's Office in January 1975, no prosecution action was taken.

Mr D'Arcy asked the Minister for Justice and Attorney-General—

With reference to the 1973 Connolly report into the financial dealings of certain companies—

What dialogue was held with the Australian Government, other Attorneys-General and the Taxation Department regarding the matters and dubious practices raised in the report?

Answer:—

As I have repeatedly stated, Mr Connolly, QC, as he then was, was required to inquire into the affairs of a number of companies only as to their activities under company law.

No evidence was adduced in relation to taxation matters and, consequently, the need for dialogue with the parties mentioned by the honourable member did not arise. In fact, there was no necessity for dialogue on any of the matters inquired into.

However, this does not detract from the fact that, where there is valid reason for such dialogue and co-operation with the Federal Taxation authorities, the Queensland Government will act positively and promptly.

4. Pay-roll Tax

Mr Muntz asked the Deputy Premier and Treasurer—

(1) Is he aware that the present system of levying pay-roll tax on pay-rolls in excess of $180,000 works unfairly against small business in that to increase a pay-roll from $180,000 to, for example, $190,000, that is, $10,000 or the approximate equivalent of one employee or even two apprentices, he is placed in the position of paying an exorbitant 17.5 per cent pay-roll tax?

(2) Will he cause his officers to investigate the proposal not only to increase the general exemption level of $180,000 to take into account rising pay-rolls, but also to scale down the exemption level so that, with pay-rolls in excess of the emeption level, the exemption be reduced by $1 for every dollar that the pay-roll exceeds the maximum exemption?

(3) Is he aware that, in effect, pay-roll tax for two extra apprentices, or $10,000 over the present exemption level, would be 10 per cent or twice the normal rate of 5 per cent rather than the present exorbitant rate of 17.5 per cent, should this procedure be adopted?

Answer:—

(1 to 3) I appreciate the points made by the honourable member. I can assure him they will be fully taken into account when the pay-roll tax exemptions are being reviewed in the context of the present State Budget deliberations by Cabinet. Any announcement of changes following the review will, of course, be made when the Budget is presented to Parliament on 23 September.

5. Proserpine Dam

Mr Muntz asked the Minister for Water Resources and Aboriginal and Island Affairs—

(1) Will he expedite the feasibility study on the proposed Proserpine dam?

(2) When is it expected that the report will be available?

(3) On receipt of a favourable report, will he endeavour to have the Proserpine dam listed in priority under the National Water Resources Program?

Answer:—

(1 & 2) The basic engineering studies associated with various sizes of dam on the Proserpine River and the area which could be developed to irrigation are now largely complete. Economic studies for the various levels of development are currently being undertaken and, when completed, will enable the report on possible developments to be finalised. At this stage it does not appear that the project report can be finalised until early 1983.

(3) When the report is finalised it will be submitted to the Government for consideration and a decision can then be taken as to whether the project will be included in future submissions for financial assistance under the National Water Resources Program.

6. Administration by Ambulance Bearers of Intravenous Blood Plasma

Mr Muntz asked the Minister for Health—

(1) Is he aware of the restrictions placed on already competent, trained and responsible ambulance bearers regarding the use of intravenous blood plasma?

(2) Will he give consideration to introducing a scheme within Queensland ambulance centres whereby officers can be instructed regularly and authorised to administer intravenous blood plasma which is presently carried within ambulances but can only be administered by a medical officer?

(3) Do the present requirements need review, particularly outside built-up areas where a medical officer is not reasonably available and a life could be saved by the ambulance bearer using blood plasma in situ or in transit to hospital?

Answer:—

(1) Yes.

(2 & 3) On 9 December 1980 Cabinet decided that the report of the Committee of Review of Ambulance Services be made available for public comment. The report was widely distributed. Further consideration is being given to the report and the large number of comments received from the public. The matters raised by the honourable member will be considered in that review.

7. Government's Failure to Act on Connolly Report

Mr R. J. Gibbs asked the Minister for Justice and Attorney-General—

With reference to information provided by informed sources that Mr John Moore, the then president of the Queensland Branch of the Liberal Party, was involved with the firm of stock exchange brokers which handles the share trading of Mr Brian Maher as investigated by the Connolly report—was the involvement of Mr John Moore the principal reason why the report was not printed and the matters raised in the Connolly report not proceeded with?

Answer:—

There is nothing in the Connolly report which would remotely suggest that Mr John Moore or his firm of brokers had any dealings at all with Mr Brian Maher. Mr Moore is reported to have publicly denied that Mr Maher had been his client at any time.

The Connolly report does criticise certain stock exchange dealings but it does hasten to add that, although some stockbrokers may have acted mistakenly, they certainly did not act dishonestly.

As to why the report was not printed and the matters raised not proceeded with—I refer the honourable member to my answer to his colleague the honourable member for Woodridge earlier today.

8. Interest Subsidy Home Purchase Scheme

Mr R. J. Gibbs asked the Minister for Works and Housing—

With reference to the State Government's interest subsidy home purchase scheme—

Has the Queensland Housing Commission undertaken any actuarial studies of this scheme and, if so, what is the result of these studies?

Answer:—

Yes. Actuarial models showed that 25 per cent of income will repay loans even if the borrower's relative financial position does not improve during the life of the loan, and only normal wage increases occurred, with no betterment factors. The time taken to repay is determined by rises or falls in income and interest rates, and the length of time for which subsidy is required.

Twenty-five per cent of income rapidly repays loans once monthly payment exceeds the monthly interest charge. Using the example from the information brochure distributed, a borrower paying $262 per month and receiving subsidy of $100 per month in the first year would repay a $30,000 loan in 12½ years. The example assumes 10 per cent annual increase in income and no alteration to interest rates.

The scheme works particularly well for low-income and single-income families because subsidy is non-repayable, and the debt does not grow if payments are met. Capital gains, of course, occur so that, on realisation or transmission, the borrower's equity is substantial.

9. Proposed Bridge to North Stradbroke Island

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

(1) Has the Government appointed a committee to examine the building of a bridge to North Stradbroke Island?

(2) When was the committee appointed?

(3) Who are the persons comprising the committee?

(4) What are the precise terms of reference of the committee?

Answer:—

(1) The Government has set up an inter-departmental committee to prepare documents only, inviting proposals for construction of a bridge between the mainland and Russell and North Stradbroke Islands.

(2) The committee was established in May 1982.

(3) It consists of representatives from the Co-ordinator-General's Department, the Treasury Department, the Land Administration Commission, the Main Roads Department, and the Department of Harbours and Marine.

(4) The terms of reference for the committee are that documents inviting proposals for construction of the bridge be prepared by the inter-departmental committee and submitted to Cabinet prior to approval; and that the committee prepare a strategic plan for the future of the islands in association with such development. Any future questions on this subject should be directed to the Honourable the Premier as the committee reports to him through the Co-ordinator-General's Department.

10. Penalty for Illegal Parking in Bus-stops

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

Has the Government refused to allow the requested increase in the penalty for illegal parking in bus-stops and, if so, what is the reason for such refusal?

Answer:—

The subject matter of the honourable member's question is governed by the Traffic Act 1949-1980, and I would therefore suggest that he direct his question to the Honourable the Minister for Transport.

Mr Prentice: I do so accordingly.

11. Drug Drop, Toowong Cemetery

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

(1) Is he aware of a report in the "Telegraph" of 1 September that the Toowong Cemetery is being used as a drug drop?

(2) If so, what action has been taken to investigate and police this situation?

Answer:—

(1 & 2) The Commissioner of Police has informed me that on 2 September 1982 the sexton of the Toowong Cemetery handed into the Drug Squad two syringes which he found in the cemetery. They are being examined by the Government Analyst.

Apart from this incident and a small quantity of cannabis found in the cemetery some 12 months ago, the Drug Squad has no evidence that the cemetery is being used as a drug drop. However, this matter is being investigated and police patrols will be made of the area.

12. Litter, Fraser Island

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

With reference to his comments concerning litter after his recent visit to Fraser Island—

(1) Has he yet had the opportunity to discuss the litter problem with the Fraser Island Management Committee?

(2) Will he seek better co-operation from Government departments with the local authorities, particularly in the councils' acquisition of land where camping facilities can be established, and as a result achieve a greater control of litter?

Answer:—

(1) There is presently no Fraser Island management committee as implementation of the Fraser Island Management Plan is being left to the initiative of responsible departments and the two relevant local authorities.

The Co-ordinator-General called a meeting of all organisations involved in the preparation of the management plan in June this year following public concern about a number of management issues, principally the need for adequate land for the establishment of rubbish tips on the island.

I did not have the opportunity to discuss the litter problem with this meeting.

(2) Yes. I am concerned that greater co-operation between the Government and the councils is needed to reduce the amount of litter discarded.

To reinforce the need for greater community effort in litter control, I have produced, with the assistance of Channel O News, a video tape on environmental damage on the island. I will be pleased to make this tape available for screening to community groups and schools. The tape was screened at a State Government environmental display at the Brisbane Boat Show.

A number of Press statements have recently been issued reinforcing the State Government's concern about beach and water-ways litter. I will be maintaining my close interest in protecting this beautiful island from widespread littering and thoughtless environmental damage.

13. Removal of Leaded Paint on Old Buildings

Mr Hansen asked the Minister for Health—

With reference to persons who have purchased an old house and find leaded paints have been used on or in the building—

(1) What requirements are placed on these persons to remove the old paint?

(2) What assistance is available to these people to enable them to carry out these requirements either financially or by the provision of equipment similar to assistance given to eradicate the West Indian termite?

Answer:—

(1) When leaded paints are detected on a house by officers of my department, the owner of the house is:

(a) Advised—

(i) The results of the analysis of the paint samples.

(ii) The requirements of the Health Act in respect of leaded paints on houses.

(iii) That painting over the lead paints is not acceptable and that new paint should not be applied until the affected area has been inspected by an officer of my department.

(b) Requested—

(i) That action be taken to remove the leaded paint.

(ii) Advice of intentions to remove the leaded paint.

Reinspections are carried out by departmental officers to check the progress of the removal of the leaded paint.

(2) No assistance is available.

14. Public Wards, Maryborough Hospital

Mr Hansen asked the Minister for Health—

(1) Has he received requests from the Maryborough Hospitals Board for the urgent upgrading of the Maryborough General Hospital public wards to cater for increased demand for beds?

(2) What funds are available for this work in the current financial year?

(3) Does he intend visiting the hospital in the near future to see at first hand the overcrowding and general situation?

Answer:—

(1) I am aware of the proposal by the Maryborough Hospitals Board to upgrade public wards at the Maryborough General Hospital. Such upgrading is not related to a demand for an increased number of beds. I have, in fact, been advised by the board that there is no overcrowding in the public wards but that on certain occasions there has been some need to use public accommodation for overflow private patients.

(2) The board has a number of projects which it currently hopes to fund from its loan works program but, at this time, it has not drawn up priorities for such projects and has stated that it intends to do so at its meeting on 22 September 1982.

(3) My last visit to the Maryborough hospital was in January 1981 and, as is customary with all hospitals, I will visit the Maryborough hospital again as soon as time permits.

15. International Air Services to Queensland

Mr Borbidge asked the Premier—

(1) How many international airlines have commenced services to Queensland since 1980?

(2) What are those airlines and what new services are likely to commence in the near future?

(3) How successful has the Queensland Government been in attracting increased international air services to the State?

Answer:—

(1) Three.

(2) Cathay Pacific Airways Ltd, Thai Airway International, and Philippine Airlines. In addition, Qantas now serves Townsville.

Singapore Airlines has the landing rights for Brisbane but has not taken them up to date. It is expected that flights by Singapore Airlines into Brisbane will commence in April 1983. Other airlines, both Asian and North American, have expressed interest in Queensland.

(3) Having regard to the above, it is considered that the Government has been very successful in attracting increased international air services to the State.

16. Annual Report of Queensland Tourist and Travel Corporation

Mr Warburton asked the Deputy Premier and Treasurer—

With reference to the inaccurate financial statements contained in the Queensland Tourist and Travel Corporation's 1980 annual report and the original 1981 annual report and in view of the requirement that sections 63 to 71 of the Financial Administration and Audit Act 1977-1978 must apply in respect of the corporation's accounts—

(1) Will he initiate an immediate investigation into how the board of the corporation allowed the inaccurate financial statements to appear in the two annual reports?

(2) Will he also investigate and advise how the certificates issued by the then Auditor-General, Mr A. J. Peel, appear on both inaccurate financial statements?

Answer:—

(1 & 2) The House is well aware that the Queensland Tourist and Travel Corporation's report for the financial year ended 30 June 1981, as first presented to this House, did not have appended thereto the financial statements as certified by the Auditor-General. This matter was corrected by the substitution of a fresh report. At the time of substituting the amended report the Honourable the Minister for Tourism, National Parks, Sport and The Arts made a ministerial statement. Presumably the honourable member for Sandgate was not in the House at the time, and I suggest he refer to "Hansard" for details of the Minister's explanation.

17. Purchase of Land to Extend Carnarvon National Park

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

With reference to the pastoral holding previously held by the Minister for Water Resources and Aboriginal and Island Affairs which has been purchased by the Queensland Government in order to extend the Carnarvon National Park—

(1) What was the purchase price for the land, said to be approximately 3 270 ha in area?

(2) Have cattle-grazing rights been given to any person or persons and, if so, to whom and to what extent?

(3) If grazing rights have been granted, what are the details of any agreements including fees and costs payable by persons with grazing rights?

Answer:—

(1) An area of about 3150 ha was voluntarily surrendered from the former Westgrove pastoral holding for national park purposes, at no cost to the Crown.

(2) The original offer made by the Land Administration Commission to the lessees provides, in part, for a special lease over the area required for national park purposes. Any special lease would, as a consequence, issue in priority to the existing lessees.

(3) The proposed special lease to issue over the addition to the national park is for a term of 30 years at an annual rental of $30 per annum for the first period of 10 years and will be subject to the special conditions applicable to grazing on a national park.

QUESTIONS WITHOUT NOTICE

Saving and Housing Finance Plan

Mr CASEY: I ask the Minister for Justice and Attorney-General: Is he aware that a further tax avoidance scheme known as a saving and housing finance plan, using the Queensland Friendly Societies Act, is currently being advertised and sold throughout Queensland by a promoter who is based in Queensland and who has the assistance of three Victorian friendly societies? As the scheme operates under the guise of collecting life assurance premiums as part of its tax avoidance measures, will he take immediate action to amend the Act to plug up yet another tax avoidance scheme that blatantly misuses the laws of this State?

Mr DOUMANY: If the Leader of the Opposition will make available to me the information in his possession, I will certainly refer it to my officers for immediate investigation.

Mr CASEY: I shall do that immediately after question-time.

Annual Report of Queensland Tourist and Travel Corporation

Mr WARBURTON: In directing a question to the Minister for Tourism, National Parks, Sport and The Arts, I refer to the financial statement appearing in the annual report of the Queensland Tourist and Travel Corporation for the year ended 30 June 1980. On two recent occasions I have pointed out that the 1980 financial statement is as false as the one that appeared in the original 1981 report, which the Minister subsequently had replaced, in that a $330,000 transaction is not shown and no mention is made of trust fund receipts and payments. I now ask: When does he intend to present to the Parliament a replacement 1980 annual report of the corporation containing a true and correct financial statement? When will he give a detailed explanation to the House explaining why the corporation's board has furnished two false financial statements in its first two years of operation?

Mr ELLIOTT: I suggest that the best course of action would be for the member to write to me officially, and I will then refer the matter to the Auditor-General. Obviously the member is not satisfied with the way in which the Auditor-General carries out his audit.

Commission Paid to Golden Casket Agents

Mr WARNER: I ask the Deputy Premier and Treasurer: Is he aware of the plight of Golden Casket agents throughout the State as a result of their commission being paid at the 1976 rate? Was an audit performed by the Internal Operational Audit Service and, if so, what were its findings?

Dr EDWARDS: For some time I have received representations for an increase in commission rates for Golden Casket agents throughout Queensland. At the earliest examination some months ago I was not convinced that I had enough information available to me to make a decision, especially as all Golden Casket agents had received Gold Lotto agencies as well and therefore would have received an increased income.

I asked the Golden Casket agents if they would agree to an independent audit of some aspects of Golden Casket activities. That audit has now been completed. It is being examined by my department. It should be handed to me late this afternoon or tomorrow. I should then be in a position, as I indicated to the honourable member for Rockhampton a week or so ago, to make a recommendation to Cabinet next week or, at the latest, the following week.

Mt Morgan Water Supply

Mr WRIGHT: In asking a question of the Minister for Water Resources and Aboriginal and Island Affairs, I point out that his interest and support in relation to the problems experienced by the people of Mt Morgan in their water crisis is well known, and that it is also known that he made a special submission to Cabinet for financial assistance. I now ask him whether the Government, the Premier or any member of Cabinet made a special submission to the Federal Government as promised, following the statement that a special case would be made to try to get finance to overcome the problem at Mt Morgan?

Mr TOMKINS: Firstly, my department is no longer responsible for the Mt Morgan water supply; it is now a local government matter. In the circumstances, I do not necessarily know everything that is happening. I do not know what the Premier has done in the matter. The honourable member should direct the question to the Premier. The Government has done what it can to help Mt Morgan. I know the honourable member's feelings in this matter. The Government has done its best, and it would like the council to respond to some of the actions it has taken.

Mt Morgan Water Supply

Mr WRIGHT: In asking the Deputy Premier and Treasurer a question, I point out that in Mt Morgan in 1980 the Premier said that he would make a special case to the Federal Government relative to Mt Morgan's water supply. That was reported in the media. I refer to a copy of a letter from the Minister for National Development and Energy, dated 4 June 1982, signed " J. L. Carrick", which is in these terms—

> "I refer to your telex message of 31 May in which you asked me to investigate the possibility of a loan to the Mount Morgan Shire on concessional terms to enable it to augment its water supplies.
>
> The Commonwealth provides financial assistance to the States under the National Water Resources Program for approved projects of national significance, or in special circumstances, on the basis of State priorities for assistance under the Program; it does not deal directly with local governments.
>
> Your proposal would be considered if it were submitted by the State Government as a high priority for assistance, having regard also to the funding requirements of already approved projects of higher priority."

Another letter, dated 17 June, refers to the same matter.

I now ask: Has a special submission been made to the Federal Government, as originally promised? If so, what was the reaction of the Federal Government? Will the Treasurer now explain why Mr Carrick is saying that no such submission has ever been made by this State?

Dr EDWARDS: Let me say at the outset that the honourable member is confused about the difference between a water supply program and the National Water Conservation Program. They are two entirely different matters. A priority under the National Water Conservation Program relates to storage resources, and the Government has a priority list that does not include the water supply for Mt Morgan. By linking the two, the honourable member shows that he does not understand how they operate.

Mr Wright: The question is: Have you ever made a special case for Mt Morgan?

Dr EDWARDS: I suggest that the honourable member wait until I have answered the question. He has been saying many things that are not factual.

Let me make it clear that it is not possible to include a program for a water supply for a town unless it comes within the guide-lines laid down by the Commonwealth. As a result, the State has not included the Mt Morgan water supply in its priority list. Many other aspects of the guide-lines would have to be met before it would be considered.

The Government has been aware of the problems at Mt Morgan for some time. In 1980, the Government gave approval for the Mt Morgan Town Council to go ahead with a program which, had it been undertaken, would have resolved the problem long before now. It must be stated clearly that the council has done nothing whatever during that period.

Mr Gunn: For 15 years.

Dr EDWARDS: For 15 years. Approval was given in 1980 to provide a subsidy.

Mr Wright: You won't pay the subsidy money. You owe money.

Dr EDWARDS: If the honourable member wants the facts, he should listen. It is about time that he listened, because he has not been telling the full story.

In 1980, the Mt Morgan Town Council received approval for subsidy and for the scheme to be implemented at a cost of about $280,000. Nothing was done. Cabinet has had to again approve the scheme, which is now estimated to cost $420,000. That amount is required to provide bores and storage so that the people of Mt Morgan can enjoy an adequate water supply.

There are other problems, including a reticulation problem. The council has done nothing to replace rusty pipes, which have hindered the water supply to many residents for several years. If a water supply was connected now, those water-pipes would burst straight away. It would be absolutely useless to implement a scheme of that nature under those circumstances.

Mr Wright: They are not bursting at the moment.

Dr EDWARDS: Because there is no water in them. It is incredible that the honourable member would play into my hands so well. Of course they are not bursting, because there is no water to pump through them.

Mr Wright: Why don't you read this morning's paper? They have the first water in two years. It is being carted by train.

Dr EDWARDS: It was the Government's action that resulted in the water being carted by train, and the Government is paying a subsidy of 75 per cent.

Mr Wright: But will you pay the subsidy?

Dr EDWARDS: The honouarble member knows full well that the Government has not failed to meet any obligation.

Mr Wright: You have not paid it in the last four months.

Dr EDWARDS: Because no claim has been submitted to the Government. The honourable member is very sensitive about this matter because he has not been giving the facts. It is time that the facts were told.

The State Government has approved the rail cartage of as much water as is needed by the council, and will subsidise the cost by 75 per cent. The Government agreed yesterday that, because of the inaction and because of the suffering of the people, three officers be sent to Mt Morgan to make sure that the people there and the Government are acquainted with the facts, so that the Government can take the appropriate action.

The honourable member is making political capital out of a very bad situation. The people of Mt Morgan have been the victims of unwise council decisions over a long period. Some councils do not act, but the Queensland Government cannot become the godfather overnight, and it does not intend to. The Government will honour its obligation and try to help those people.

Mr Wright: And you will pay the subsidy?

Dr EDWARDS: Of course the Government will pay the subsidy. The honourable member knows that full well.

Mr Wright: There have been four claims in since June.

Dr EDWARDS: I do not believe that. I shall have the matter checked and report my findings to the honourable member. I do not accept that statement. Unlike the Labor Government when it was in power in this State and unlike the present New South Wales Government, the Queensland Government pays its bills.

The water supply scheme has been approved, and the people of Mt Morgan will have supplies. The Government has honoured its obligation. It is considered to be part of the drought relief scheme and has been, or will be, submitted to the Commonwealth. The honourable member may not know that the Queensland Government picks up the tab and claims that money from the Commonwealth, so it is not a hindrance to the scheme in any way.

Notices Issued to New South Wales Workers During State of Emergency

Mr LEE: I ask the Minister for Employment and Labour Relations: Is it true that notices issued to workers under the New South Wales state of emergency were delivered to striking workers at night by uniformed police?

Sir WILLIAM KNOX: Members of the Opposition extol the way in which New South Wales is administered by a Labor Government. If somebody wants to see an example of a Labor Government in office and trying to work, he need only go next door to New South Wales to see the way in which industrial relations are conducted in that State.

There is no doubt in anybody's mind that the situation facing the Government of New South Wales was created by its capricious action in giving in to claims outside the industrial system, thereby causing an enormous increase in electricity charges. Of course, that has flowed on to Queensland because it is tied to the same awards. That was done without any reference to the industrial tribunals set up for the purpose of looking after those matters. An enormous problem has been created in New South Wales where everybody in the system has asked the Government for the same deal. Workers at refineries, such as the refinery at Kurnell, felt that they were entitled to do what they did to install a situation of anarchy.

The Premier and the Government of New South Wales found themselves in a situation in which they could not turn back. Yesterday they discovered that many thousands of businesses in that State were, to use the New South Wales Premier's words, hanging on by their finger-nails, so they proceeded to declare a state of emergency and to use facilities that are not normally used to serve notices on workers. The New South Wales Government had no hesitation whatever in using police officers to deliver notices to workers who were on strike and who could have received such notices by other means. The New South Wales Government's behaviour is indicative of the way that a Labor Government operates. People should take notice of it.

Housing Commission Rental Assessment Scheme

Mr MACKENROTH: In directing a question to the Minister for Works and Housing, I refer to the new rental assessment scheme for Queensland Housing Commission tenants. I ask: Will the scheme apply to the 6 165 tenants who live in Housing Commission homes that are rented to the Public Service or to private companies?

Mr WHARTON: The new rental scheme will apply to all those people who are living in Housing Commission homes.

Opposition Members interjected.

Mr WHARTON: Just wait for a moment or two. I am talking about Housing Commission homes.

Mr R. J. Gibbs interjected.

Mr SPEAKER: Order! The honourable member for Wolston appears to be keen to interject. I suggest that he return to his usual seat, or I will remove him from the Chamber.

Mr WHARTON: I have answered the question.

Mr MACKENROTH: By way of a supplementary question on the same subject and to the same Minister, I ask: Will this new rental assessment scheme apply to tenants who are living in houses that are rented to mining companies?

Mr WHARTON: Yes.

Mr MACKENROTH: My third question also is a supplementary question to the same Minister. I ask: Will he confirm or deny that, following the implementation of the new Housing Commission rental assessment scheme, the Housing Commission will move tenants from homes that it considers to be under-occupied?

Mr WHARTON: The honourable member should know that the scheme will not operate until after November. In the meantime, rentals are being assessed on the income of tenants. Under the scheme many people will pay a lot less; others will pay a little bit more. The scheme will make a great deal of difference to the many people who will not be paying additional rentals. However, some tenants receive high incomes—as much as $30,000, $40,000 or $50,000. Even they will not have to get out of their homes immediately; it will be two years, or some considerable time, before the scheme applies to them. It must be remembered that the scheme involves welfare money, money provided by the taxpayer.

I make the point that the commission will see that justice is done. No-one will be forced out of his home immediately. The scheme is not in operation yet. Meanwhile, people are being assessed. I am sure that, if the honourable member waits for a while, he will find that no problems will arise.

Mr MACKENROTH: I rise to a point of order. I asked the Minister a question about under-occupied Housing Commission homes. He gave me an answer concerning the new rental scheme. At no stage did he answer the point that I made in my question.

Mr SPEAKER: Order! Does the Minister wish to comment on that?

Mr WHARTON: The honourable member has made his speech, Mr Speaker.

Locomotive Manufacture in Townsville

Dr SCOTT-YOUNG: I ask the Minister for Transport: Can he inform the House of the truth of the recent article in "The Courier-Mail" about the allocation of money to create a heavy engineering works in the electorate of Townsville?

Mr LANE: I am sure that the honourable member is referring to the contract worth about $19m that the Government intends to enter into with Goninan Pty Ltd of New South Wales for the manufacture in Queensland of 13 diesel-electric locomotives to carry coal from the Newlands coal-mine. The contractors involved have a good reputation and record of service in the engineering field in this State in both the mining industry and the sugar industry.

A condition of the Government's decision is that the contract relating to decentralised industry be strictly adhered to. I have spoken with the executives of the company and they have expressed a very deliberate intention to establish this manufacturing industry in the city of Townsville in North Queensland. They are currently negotiating with GEA of Townsville to acquire its premises and also with some other landholders in that city. I know that they, together with a number of other locomotive manufacturers in Australia and overseas, are interested in the long-term possibility of supplying electric locomotives to service the main-line electrification scheme from Brisbane to Gladstone and from Gladstone to Blackwater. No doubt that has motivated them to offer themselves as contractors for the manufacture of these 13 diesel-electric locomotives and to offer to establish this industry outside the Brisbane statistical division, and preferably in the northern city of Townsville.

When this venture comes about, as I am confident it will, it will provide a source of new employment opportunities and business in North Queensland in both a direct and indirect sense. That indicates the progress and development that is taking place in this State. New businesses starting off with initial contracts of this size are being established in Queensland at a time when the trend in the other States is in the opposite direction.

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

PHOTOGRAPH FOR BOOKLET TO COMMEMORATE RESUMPTION OF SITTINGS IN RESTORED PARLIAMENT HOUSE

Mr SPEAKER: Honourable members, I intend now to suspend the sitting. I ask all honourable members and officers to accompany me now to the restored Chamber for the official photograph to be published in a commemorative booklet on the Parliament House restoration.

[Sitting suspended from 12.8 to 2.15 p.m.]

PERSONAL EXPLANATION

Mr WARBURTON (Sandgate) (2.15 p.m.), by leave: This morning, when the Deputy Premier and Treasurer (Dr Edwards) replied to my question on notice concerning false financial statements contained in the Queensland Tourist and Travel Corporation's annual reports for both 1980 and 1981, he attempted to cover his own inadequacies by suggesting that I was not in the House when the Minister for Tourism tabled an amended 1981 annual report of the corporation's activities.

I make it quite clear that I was seated in this Chamber at the time. Instead of casting aspersions upon members interested in and concerned about the accountability of this Government and, in this case, the corporation, the Deputy Premier would do better service to the Parliament by providing forthright answers to members' questions.

Dr EDWARDS: On a point of order—the honourable member will note that what I said this morning was, "Presumably, because of his lack of information, the honourable member may not have been in the Chamber."

PEACE AND GOOD BEHAVIOUR 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 relating to orders to keep the peace and be of good behaviour; to provide for offences in connexion therewith; and for purposes subsidiary thereto."

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) (2.17 p.m.): I move—

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

The purpose of this Bill, entitled the Peace and Good Behaviour Bill, is, in the main, one of preventive justice. The contents of the Bill are short but are designed to provide some remedy for actual or threatened breaches of the peace, such as the ever-present problem of actual or threatened violence occurring in the community.

Unfortunately, actual or threatened violence and anti-social behaviour abound in our society. It is impossible from a practical point of view to legislate to prevent their occurrence. However, it is possible to provide appropriate remedies and penalties in legislation in an attempt to deter recurrence of violence.

Preventive justice is a principle founded upon a well-established historical and legal basis, which I will endeavour to briefly outline. Preventive justice consists in obliging a person where there are probable grounds to suspect future misbehaviour, to stipulate with and to give full assurance to the public that such offence, as is apprehended, shall not happen by finding pledges or securities for keeping the peace or for good behaviour. Preventive justice is therefore to be understood rather as a caution against the repetition of the offence than any immediate pain or punishment for an offence. The caution is such as is intended merely for prevention, without any crime actually

committed by the party, but arising only from a probable suspicion that some crime is intended or likely to happen. It is not meant as any degree of punishment unless, perhaps, for a man's imprudence in giving just ground for apprehension.

The punishment and prevention of offences whether at common law or by statute has always included the ordering of an offender to enter into a recognizance with or without sureties to keep the peace and be of good behaviour. The expression "keep the peace and be of good behaviour" has an echo which resounds from the distant past when our modern ideas of peace, order and good government were in the making. The chief end for which a State is set up is the peace, order and good government of its members. Each of those words express a different aspect of the same general concept. Maintenance of the peace by the State is of immemorial use.

Where actual or threatened breaches of the peace occur at the present time, the Supreme Court of Queensland may order an accused person to give security as an assurance of his future conduct under a procedure known as articles of the peace.

Injunctions to restrain unlawful conduct such as an assault may be sought also from the court, but both procedures are costly and difficult to obtain.

From time to time, submissions have been received from various organisations and public-interest bodies requesting the introduction of legislation to assist in achieving some effective legal remedy when acts of violence occur in the community.

It is proposed to re-enact in a modernised form the repealed provisions of the Justices Act which related to surety of the peace and for good behaviour and to incorporate a means for effectively dealing with breaches of the orders of the courts made with respect to the keeping of the peace and for good behaviour as well as to provide realistic penalties for the breaches.

The basic function and purpose to which the proposal relates is a form of preventive justice by which a person in threatening or causing actual violence or other such breach of the peace to another through his behaviour or conduct may be dealt with by means of a readily accessible, speedy and inexpensive process.

A considerable variety of disturbances occur in the community where actual or threatened violence is involved, such as domestic disturbances, disputes between neighbours, child abuse and the like. It is considered that this proposed measure will assist in providing some effective remedy in those cases.

Violence in the community is increasing at an alarming level. Recently, my colleague the Honourable the Minister for Police informed this House of the extent of communal violence, particularly highlighting the drastic growth in the number of domestic arguments requiring intervention by the Police Force.

I shall now outline the provisions of the Bill, but before doing so, I would remind honourable members that it is uppermost in my mind that some protection should be given by statute to those whose rights or liberty have been threatened or violated by others daring to exert their will by force or threats of force.

Provision is made for a justice of the peace to issue a summons or a warrant, dependent upon the circumstances, if he is satisfied of the matters set out in the complaint, to bring before a Magistrates Court a person who has—

(a) threatened the complainant or any person under the care or charge of the complainant, such as a child, with actual violence; or

(b) threatened destruction of or damage to the property of the complainant.

A complaint will be required to be made on oath in writing by or on behalf of the person aggrieved. The justice of the peace may make his own inquiries or seek evidence from other persons to establish that the complaint is made in good faith. The court may proceed to hear the complaint whether the defendant is present or not. It may dismiss the complaint or make an order that the defendant shall keep the peace and be of good behaviour for such period as it sees fit.

If the court sees fit, a warrant may be issued to bring the defendant before the court if he does not appear in obedience to the summons. If the defendant is present, he will be given the opportunity of showing cause why an order should not be made. He may call evidence in rebuttal or show that the complaint is made from malice or vexation.

The order may include such stipulations and conditions as the court sees fit. For example, conditions requiring the defendant to keep the peace and be of good behaviour especially towards the complainant and any other person on whose behalf the complaint is made, such as a child, may be included.

A copy of the order will be served on the defendant, if he is not present when it is made, so that he will be aware of its effect.

In the event of a breach of the order, an offence is committed against the provisions of the proposed legislation, for which offence proceedings may be taken at the instance of the person aggrieved in a manner similar to institution of proceedings for an order to keep the peace and be of good behaviour.

The court may order imprisonment, week-end detention, fines, probation orders and community service orders as penalties upon conviction of a person for an offence, quite independent of any punishment which may have been imposed on him for commission of the offence causing a breach of the order.

Some realistic methods of ensuring compliance with orders of the courts as well as of providing some adequate protection for the persons aggrieved are therefore available.

A prosecution for an offence will be taken by or on behalf of the person aggrieved in a summary way under the provisions of the Justices Act in the usual manner in which a prosecution of any offence against a public Act of this State is conducted.

It is proposed to extend the provisions of the Bail Act to apply to a defendant who is apprehended under a warrant issued upon a complaint in respect of a breach of the peace or where he failed to appear in court in answer to a complaint as if he had committed an offence.

Evidence of the making of the order and of the events causing the breach of the order will be required to be led to enable the court to reach a decision on the evidence produced.

The burden of proof of the commission of an offence will at all times rest with the prosecution.

The court is empowered on the conviction of a person for an offence to make similar orders to those which the court may make upon a complaint requiring a defendant to show cause why he should not keep the peace and be of good behaviour.

In keeping with the principles outlined by me, provision is made for the service of a summons or execution of a warrant on a Sunday to permit of a speedy intervention should that be necessary, to prevent a repetition or continuation of the acts or conduct complained of by the person aggrieved.

I have outlined the provisions of the Bill in some detail so that honourable members will be aware of their thrust and importance in establishing, as I have said, a concept of preventive justice designed to provide some remedy for communal violence and anti-social behaviour.

I commend the Bill to the House.

Debate, on motion of Mr R. J. Gibbs, adjourned.

CITY OF BRISBANE TOWN PLANNING ACT AMENDMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 30 March 1982 (see p. 5285, vol. 287) on Mr Hinze's motion—

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

Mr PREST (Port Curtis) (2.27 p.m.): I understand that some amendments will be made to the Bill at the Committee stage. It is a very important Bill. It contains provisions similar to those contained in the Local Government Act Amendment Bill which we will consider later. What the Bill seeks to do is to have decisions in relation to the Brisbane Town Plan coincide with the provisions in the Local Government Act.

One very important clause in the Bill relates to the granting of approvals under a superseded town plan. As the law presently stands, after approval is given the decision is binding for some two years. That should be sufficient time for any work on any

project for which a permit is required to be completed or at least substantially started. Again, if council officers know that action is being taken and that substantial changes are to be made to the existing town plan, they should at least take the proposed changes into consideration and make the applicant conversant with them.

After all, changes to a town plan are not made overnight. The actions required to be taken in relation to a new town plan are time-consuming. Proposals are made and the council has to consider them. There is the time taken in placing advertisements, calling for objections and in considering such objections. The proposed plan is then sent to the Local Government Department for its consideration and approval. Finally, the new town plan is gazetted. I can assure honourable members that it is a very time-consuming process. The council's proposals and public opinion are known for quite some time before the old plan is superseded by a new plan.

I also believe that any decision on approval made by the council and given by way of a permit, provided the permit is not out of time, is good and binding. However, some foresight is required by the local authority in instructing the developer that no extension of the approval will be given after that time because it would not comply with the town plan.

A very important change to the Act relates to the Moreton Tug & Barge Co. Pty Ltd. It is important because the area of land owned by that company could be very valuable if this Bill is passed, not only from the point of view of unimproved value but also because of the compensation for re-siting the company. I am concerned that the ratepayers of Brisbane will have to meet the cost involved should the Act be amended.

If the Moreton Tug & Barge Co. Pty Ltd is at fault in occupying the land for a very long period of time and never putting its affairs in order by obtaining approval for such operations to be a lawful, conforming use under the Brisbane Town Plan, then it is its own fault entirely. Now that the Brisbane City Council has the intention of resuming the land for beautification of the area on the south bank of the river, I cannot see why we must agree to such a provision being placed in the Act, allowing for any amount of money by way of compensation to the Moreton Tug & Barge Co. at the expense of the Brisbane ratepayers.

On the other hand, I must agree that, as the company has occupied land and operated a business for so long without conforming with the Brisbane Town Plan, the Brisbane City Council, too, is at fault for allowing such operations to continue without taking action earlier. It is almost unbelievable, but I guess that what goes on in local government these days should not surprise us at all.

At the second-reading stage the Minister said—

> "I have discussed the matter with the Lord Mayor and with the company. The parties agree as to the acquisition of the land in question and, in fact, the company has acquired other land at South Brisbane on which to transfer its activities. The question of compensation in respect of the existing land uses is a barrier to the acquisition of the land.
>
> The matter is complicated by the question of whether the existing use is a lawful one. As previously stated, the use has extended back over a long period, and to resolve the issue it is proposed to introduce legislation to provide that the use being made of the land by the company at the time the Bill is introduced into Parliament shall be deemed to be a lawful use. This will clear the way for the acquisition of the land by the council and the payment of just compensation to the company. I think that honourable members will agree to this course of action.'

I am concerned about what the Minister meant when he said "just compensation" I believe that "just compensation" will be just too much for the Brisbane City Council, and the ratepayers in particular. I am concerned that the Bill will rectify all the problems that the company now sees itself facing because its type of business does not conform with the Brisbane Town Plan and, above all, because it might not receive compensation. However, the Bill fully favours the company in that one of its provisions makes it lawful for the company to demand and be granted whatever compensation it requests.

Even if the company and the Lord Mayor of Brisbane met the Minister and agreed on the inclusion of such a provision in the Act, it is unbelievable that the city council would agree without a fight and without strongly objecting to the inclusion of such a provision. After all, it will be the Brisbane ratepayers who will have to pay compensation of many hundreds of thousands, or even millions, of dollars to the Brisbane Tug & Barge Co.—and for what? For the beautification of the Brisbane River for the benefit of the people of Brisbane and its visitors.

The total amount of compensation has not been mentioned. It is one of the matters I am concerned about. I would like the Minister to indicate what the figure will be. As discussion has taken place, I am quite certain that a figure would have been mentioned.

If the clause is included in the Bill, can the Minister say whether it will be applied to other companies that operate on the river-bank? Is this just the thin edge of the wedge? Will other companies that operate an unlawful use on the banks of the Brisbane River use the Bill to come in on the grouter so that all companies' mistakes can be rectified in one sweep by an Act of Parliament and the companies be paid compensation? That is a burden that should not be placed on the ratepayers of Brisbane, even though, as the Minister says, agreement has been reached between that company and the Lord Mayor of Brisbane. Was the agreement reached with the present Lord Mayor or was it a previous Lord Mayor? It is all very well for somebody to make decisions and then retire from his position and allow somebody else to take over and cop the brunt of those previous decisions. Will the provisions of the Bill set a precedent so that other companies with a non-conforming use under the Brisbane Town Plan will be able to ask for huge compensation when that use is terminated?

Only recently I read that the Premier was opposed to the retrospective imposition of tax, particularly on business that had evaded tax. Can we have it both ways? As the legislation under debate would have been agreed to by the Cabinet, the Premier must approve of it, yet he asks the Parliament to accept the clause in the Bill that covers the unlawful use of land and a non-conforming use under the Brisbane Town Plan. To me, it is retrospective legislation. I am quite certain that at the Committee stage the Opposition will have much more to say about this clause.

People who live in Brisbane should be very concerned about this proposed amendment. It is all very well for me, because I am a representative from outside the area and I will not have to foot the bill. However, I am concerned that this Bill could be used as a precedent, not only in the Brisbane Town Plan but also the town plans of other centres. Once the Parliament allows a provision to be inserted into one Act, very soon, on a basis of like with like, a similar provision is inserted into other Acts—in this instance the Local Government Act, and the same principle can thus be applied to local authorities throughout the State if a problem, such as a non-conforming use, arises. A council may find that it requires land which is being used in a non-conforming way, and it will force the company to shift, but the company will then demand compensation. The company could say that compensation was paid under a clause of this Bill so that it should be paid under similar circumstances. I am very concerned that the Parliament will be asked to insert a similar provision in another Act.

One clause of the Bill provides that an application does not have to be re-advertised if there are only minor amendments to the plan that had been originally approved. I totally agree with that. Although I agree that the applicant and the council should be able to make minor modifications, those who objected to the proposal in the first instance, even though their objections were overruled by the local authority and, because of the cost they did not appeal to the Local Government Court, should be informed of the minor amendments proposed to be made. If the amendments are minor they will be accepted by those people, because they accepted them in the first instance. If the amendments are major, they will not be covered by this part of the Bill.

Opposition members have some reservation about the legislation. We agree with some of the proposed amendments, but we have reservations about the tug company that has premises on the south bank of the Brisbane River. During the Committee stage, we will be very interested to hear what the Minister has in mind relative to compensation. He may be able to inform us further about the discussions that took place with the company management and the Lord Mayor of Brisbane. He may be able to tell us when the discussions took place and who took part in them.

Mr WARBURTON (Sandgate) (2.41 p.m.): I have some comments to make about the use of land by the Moreton Tug & Barge Co. Pty Ltd. I agree with the comments made by the honourable member for Port Curtis, who is the Opposition's spokesman on local government matters, that this is bad, retrospective legislation and that this Parliament should look at it closely before agreeing to it.

In May 1979, the City of Brisbane Town Planning Act Amendment Bill was debated in this Chamber. Honourable members may recall that that Bill was introduced to correct the problems created by the Government when it made certain changes to the town plan recommended by the Brisbane City Council. At the time, I quoted a media release of 5 February 1978. The amendments to the town plan recommended by the Brisbane City Council were considered by what was known as the Government Metropolitan Members Committee. It was headed by none other than the present Minister for Transport (Mr Don Lane). That media release referred to a certain provision recommended by the Brisbane City Council that was subsequently rejected by the Government.

The relevant part of the media release is in these terms—

> "The seven year non-conforming, use provisions in the original Town Plan has also been wiped.
>
> This would have allowed noxious, industries in unsuitable areas to wind down their operation over seven years before being forced to move.
>
> Now the City Council will have to pay full-compensation if it wants industries removed from incompatible areas."

I refer to that part of the article because it is very relevant to the present situation involving the Moreton Tug Co. Had that sentence remained in the Brisbane Town Plan, we may not have been confronted with the problems that we are attempting to overcome today.

On that occasion the Government rejected a proposal. If it had read it properly, I am sure that it would have agreed that it would be good for the Brisbane community and that it would not be injurious to industry in any way.

The seven-year provision was inserted in such a way that the Brisbane City Council would not necessarily move against a person or an industry if that person or industry did the right thing. I can recall the provision well because, at that time, I was an alderman of the Brisbane City Council and was responsible to some extent for many of the provisions that were inserted in the town plan. The provision allowed the Brisbane City Council to formally contact an industry if it was felt that the industry was not operating correctly, remembering, of course, that it had to be an unlawful use at the time. The council would notify the industry that, within a seven-year period, it expected the industry to remove itself from the site and continue its operations in another area.

If, back in 1979 or perhaps even earlier than that, when the City of Brisbane Town Planning Act Amendment Bill was before the Parliament, the Government had seen fit to allow that provision to remain in what is now the City of Brisbane Town Planning Act, the problem might not exist today.

I am more directly concerned with this provision. The point I make is that, as the shadow Minister for Local Government indicated quite correctly, what we have here is a suggestion for retrospective legislation. If the Moreton Tug Co. has a right to compensation, why is the legislation necessary? There is only one answer. It has no legal right to compensation, and therefore the Government, in its wisdom, is content to introduce retrospective legislation so that, at some time or other, the Brisbane City Council will have to pay compensation to the company for its removal from the south bank of the Brisbane River.

The removal of the Moreton Tug Co. from that area is important to the south bank open space development. I understand that the company has acquired land, probably with some assistance from the Brisbane City Council, adjacent to the Queensland Glass Manufacturers Co. The glass works is a major customer of the Moreton Tug Co., so I would think that the tug company would be happy to move to that site. I understand that there are some construction difficulties, but that they can be overcome.

I appreciate that it is something of a catch-22 situation. Even if the Brisbane City Council is willing to pay compensation to the Moreton Tug Co.—perhaps it could be said that the company should rightfully receive compensation—in law it is not able to

pay compensation if the company is unlawfully sited. The Brisbane City Council cannot make an ex gratia payment to the company if the council's interpretation of the law is correct, that is, that the Moreton Tug Co. has no lawful right to be there. Basically, that is what we are discussing today. We are considering legislation to provide that the company has a right to be there and that, if the legislation is passed, the Brisbane City Council is to be forced to pay compensation for the acquisition of that land.

Perhaps the Minister for Local Government or the Minister in charge of the Bill knows the history or background of what occurred over a period of months or years; I certainly do not. Perhaps discussions took place between the various parties in an attempt to work out a fair and reasonable solution; I do not know. All I know is that it would be reasonable to suggest that the Moreton Tug & Barge Co. Pty Ltd would be asking the Brisbane City Council for far more money to remove itself from the southern bank of the Brisbane River than the Brisbane City Council or the ratepayers of Brisbane are prepared to pay. If the legislation is passed, I suggest that somebody will determine the compensation. The ratepayers of Brisbane will be expected to pay millions of dollars to that company.

There is another aspect to which the Minister should apply himself today. From the inquiries that I have made, I understand that the Brisbane City Council sought resumption of those lands by proper application through the Lands Department. It could be suggested that the Lands Department has procrastinated in this matter. The Minister may be able to explain to me why, if the Brisbane City Council sought resumption, the resumption order was not issued by the relevant Government department.

I am not aware of the discussions that took place between the parties. I accept that it is a catch-22 situation. I do not think that the company should be forced to move without some form of compensation. On the other hand, if the Brisbane City Council's knowledge of the situation is correct and it cannot pay compensation because the company on the other side of the river is there illegally, the Government's only alternative is to introduce retrospective legislation of this type to make the payment of compensation legal for an illegal activity.

Quite frankly, I cannot understand the situation. If it is necessary to introduce legislation of this type to overcome a problem, the operation of this Parliament ought to be examined. It is not good legislation. As the member for Port Curtis said, it is restrospective legislation.

I suggested that the Minister might be able to enlighten the House on one or two matters. For his benefit, I will repeat them. Firstly, why did the Lands Department not respond to the resumption order sought by the Brisbane City Council? Secondly, I would like him to explain what the position will be if the Bill becomes part of the Statutes of this State. It may be fair and reasonable to suggest that the relevant section of the Act should not be proclaimed so that the parties have an opportunity to reach agreement harmoniously. Nevertheless, I repeat that that proposed clause of the Bill is obnoxious. If the company is operating on the site illegally, it is not entitled to any form of compensation as a result of the acquisition of that land by the ratepayers of Brisbane.

Mr INNES (Sherwood) (2.55 p.m.): I take up one of the points raised by the honourable member for Sandgate and the honourable member for Port Curtis. It is wrong to characterise this legislation as retrospective legislation. As I recall the Minister's speech, his proposal is to enact what might be termed declaratory legislation in an endeavour to resolve a problem that has given rise to considerable difficulty and also, probably, to difficulty in relation to proof.

It is clear that the company has occupied the land in question and has engaged in its activity over a very lengthy period. Town-planning is a comparatively new phenomenon. Certainly in the past consents were required in a rudimentary sense. However, full-blown town-planning schemes, with their limitations and restrictions and the consequence that things done contrary to them are unlawful, are a comparatively recent development.

From practising in the Local Government Court and, on many occasions, appearing on behalf of the Brisbane City Council, I know that a great deal of uncertainty exists. As to unlawful non-conforming use, enormous problems arise in trying to find out when a use started and in deciding whether or not it complies with the let-out that is given by the

Act and has been given constantly in the development of town-planning schemes. The idea was that if an act has been lawful it should not be unlawful and that people should be allowed to continue to do what they started to do lawfully at the time.

When it comes to ascertaining whether the activity was started in the 1950s, the 1960s or the 1970s, enormous problems arise. Human memory is at fault, records disappear and the persons engaged in the use cannot recall when they began that use.

As I recall the Minister's speech, in this situation there is no certainty. The company has conducted its operation and erected buildings and structures over many years. I can recall other cases over legal problems that arose from an anomaly concerning the wharves on the south bank of the Brisbane River. The piles sunk in the river were governed by one jurisdiction, whereas the portions of the wharves attached to the bank fell within the town-planning provisions of another jurisdiction.

As I understand the position, to ensure that all parties are acting lawfully and know where they stand, and in this instance to obviate the difficulty of proving precisely what was erected when and what was done when—everyone knowing that the activity has gone on there for many years—the Government is introducing legislation to clarify the matter from the point of view of the company and the council. Obviously the council would not want to pay compensation if it could be attacked by some interested party who could say, "You should not have done that." The matter is being clarified by legislation.

Mr Warburton: It is a bit one-sided, isn't it? It is one-sided clarification.

Mr INNES: No, it is not. As I recall the matter, it had been discussed between the Minister for Local Government and the Lord Mayor. The parties agreed that the land should be acquired. I understand that the Lord Mayor and the Minister recognised the company's interest in the land. Both the city administration and the Government are interested in ensuring that the matter does not become the subject of vexatious litigation or an ongoing attack.

People want to know where they stand. Because of the problems and the time during which this activity has been conducted by this company on the south bank of the Brisbane River, both the Lord Mayor and the administration are clearly in a bind, and it is in their interests that the matter should be clarified by a declaration that whatever occurred, occurred lawfully and that the people conducting this business involving lighterage and tugboats are entitled to compensation.

I am sure that the honourable member for Sandgate, from his own fairly considerable experience in local government, will recall what I am saying about this tremendously realistic problem of people trying to remember what started when, what was built when and when the shed was extended. All we know is that it has been going on for a long time. Nobody ever thought to say that what was going on was unlawful, and that is the point. In the past, the council has never moved in and told the company to stop building, to stop its activities, or to take down its structures. No-one has suggested that the company's structures were unlawful or that what it was doing was unlawful.

Recognising the development of a town plan and the real restrictions now compared with the position previously when there were no hard and fast restrictions, the council has a real interest in knowing where it stands so that when it makes a decision on compensation, which I believe will be fair in the circumstances, it cannot be the subject of an attack.

What is being done is being done in the public arena. The legislation has been before the Parliament for a long time. It cannot be said that anybody is trying to slip anything through. I think that there is a good reason why both sides would like the matter clarified and the position made certain so that when compensation is paid that action cannot be attacked. This is a matter of real interest to the administration. That is why the Lord Mayor adopts his present attitude.

Turning to other matters in the Bill—I understand that one of the provisions that have created a great deal of controversy from both the developers' point of view and the local authorities' point of view will not be proceeded with. I refer to the provision relating to headworks charges, which is a notoriously thorny and difficult matter. I commend the acting Minister in that regard, because this is a very difficult area and it needs to be re-thought.

There is one other matter that concerns me because it involves a balance between two things. I refer to the minor amendment provisions. On the one hand, the ratepayers of the city of Brisbane or of any local authority are entitled to look to a town planning scheme or to a town plan for certainty. A solicitor acting for a person would check out the relevant town planning considerations. A prudent person would check out the town plan for himself before deciding whether he wants to buy in a particular area because of residential considerations or because of business considerations. Hopefully, all people can look to a town plan for certainty.

Perhaps there is a point at which rigidity or certainty becomes unfair. An over-rigid system that allowed no modification and could not be waived under any circumstances could hinder and impose additional expenses on people. The proposed amendments attempt to find a balance between those two public interests.

Where a person has received approval under the town plan but either engineering considerations, or, I suppose, even economic considerations or a rethink, appeal to the developer—and when I use the word "developer", it might mean merely a person who is to build a domestic structure—and to the council as a very minor amendment, that should not require the person to begin the advertising processes, to go through the appeal processes and to incur all the costs and delays that the former situation appeared to require.

I say this although, as I said earlier, I have acted on many occasions for the Brisbane City Council. It is a problem, particularly in a very large local authority area, that an increasingly restrictive or sophisticated town plan brings upon itself procedures that themselves give rise to delay. On other occasions I have referred in the House to a type of bar-chart approach that has been used by the Brisbane City Council to arrive at a period of 26 weeks for an uncomplicated type of rezoning or even consent-use application.

I express my concern and the concern of people in my electorate—companies developing residential land in my electorate and, more importantly, the people who have to pay for that residential land—that the period involved in having simple consents approved has an enormous financial impact. When money is borrowed at 22½ per cent interest and bureaucratic delays lead to an additional three months in completing a development, that adds to the cost of development and, more importantly, to the end cost of the land. Both levels of government—State and local—must review procedures. The economic circumstances that we now face make it all the more necessary to review procedures and the procedural handling delay or bureaucratic delay—and I do not want to use that word pejoratively—to ensure that no unnecessary costs are added to developments.

This is a proposal to minimise delays by allowing simple, minor modifications. Those modifications—and I, as a member of the Minister's committee, took part in discussions with the Minister on this matter—have been carefully categorised to preserve the right of appeal of a next-door neighbour who may have a real interest in the position of an entrance or exit to a retail premises, to the production of noise, or even, I suppose, to the bulk of a building—although aesthetics are not a matter that are a primary right in town-planning considerations.

A real attempt has been made to draw the guide-lines tightly to allow a legitimate modification of matters that are genuinely minor but to exclude those modifications that could have an impact on the adjoining neighbour so that his amenity, whether residential or not, cannot be modified without preserving his right of appeal.

It will be very interesting to review this provision of the Act in operation to see whether anybody is able to circumvent it. It was not thought sufficient to allow the local authority and the applicants themselves to arrive at a conclusion. It is not beyond the experience of honourable members for a developer and a local authority to arrive at what they think is desirable and for that to be thought very undesirable by the ratepayers surrounding the proposed development.

So three interests have been kept in mind and there has been a struggle to preserve a balance between the interests of the developer—that can be merely a private person—the interests of the local authority, as representing all activities that are properly under its umbrella at the local level, and the private interests of those who will be adjacent to, or effected by, the proposed minor modifications. I commend the Minister for the care with

which the matter has been approached. It still has to be tested in action, and I am sure that the departmental officers will watch anxiously to see whether what could be regarded as abuses do develop.

However, the clause appears to allow for rational, reasonable, minor amendments to preserve the rights of appeal and to preserve an objective third party interest, because there is a requirement for the matter to be supervised by the courts. Of course, unless something is genuinely minor, it has to run the gauntlet of the total provisions of the relevant town plan—in this case the Brisbane Town Plan.

It is a very difficult area and I hope that the correct balance has been struck. Certainly the amendment before the House appears to have struggled—and struggled beneficially and fruitfully—to find the right balance between those three interests. I commend the Minister for that initiative.

Hon. W. A. M. GUNN (Somerset—Minister for Education) (3.12 p.m.), in reply: I thank honourable members for their contribution. The Opposition spokesman on local government matters, the honourable member for Port Curtis, made reference to the two-year life of a permit, which is not of any great substance because once a town planning permit is issued it runs until such time as it is formally revoked in accordance with the procedures provided for in the Act. However, I accept the honourable member's support in principle for the sentiments of the Bill in relation to minor variations to planning permits.

Both the member for Port Curtis and the member for Sandgate spoke at length about the Moreton Tug & Barge Co. Pty Ltd. Their arguments and comments were based on the premise that the existing land use was unlawful. However, the company's legal advice is that the use is lawful.

Mr Warburton: Why did you need the legislation? That is the question.

Mr GUNN: I ask the honourable member to listen. The Lord Mayor of the day (Alderman Frank Sleeman) agreed that fair compensation should be paid and that legislation should be enacted to enable these payments to be lawfully made by the council. I am sure the honourable member would agree that the industry is vital to work and employment—it is the sole supplier of sand to the ACI glass works at West End. The honourable member also asked about the likely sum of compensation. I believe it is of the order of $2m to $3m, which includes the cost of relocation of the plant. Although the validity of the use is not conclusive, as I stated, senior counsel is of the opinion that it is a lawful use.

Mr Shaw: How much compensation would there be if this Bill didn't go through?

Mr GUNN: The council accepts the fact that fair compensation should be paid. That is a matter for the council. If the company is not satisfied, of course, it can appeal to the Local Government Court.

The member for Sandgate suggested that the business should be gradually wound down, but that is not acceptable. We are trying to maintain productivity in this area. We do not want the company to be run into the ground.

Mr Warburton: I think you have misinterpreted what I said there.

Mr GUNN: I do not think so.

The component cost of relocation must be taken into consideration. The amount is up to the parties concerned and, failing agreement, it will be up to the Land Court.

The Brisbane City Council sought a resumption order. That was withheld by the Government at the time, because the impact on ACI and jobs, through no sand being available, was untenable to the Government. As indicated previously the firm is the sole supplier of sand for glass-making. The legislation will in no way interfere with the non-conforming uses in any other place.

I appreciate the comments made by the honourable member for Sherwood who certainly understands the problems associated with the Moreton Tug & Barge Co. The company's activities have been expanded and modified. They rely heavily on the wharf and its operations. No-one can possibly say what was done and when it was done. Neither the council nor the company wants to enter into very expensive, time-consuming litigation. The amount of compensation will be that which properly applies to the

property in question; it will be no more and no less. I should say that the council has never wished to avoid the payment of fair and reasonable compensation. That is as it should be.

I agree with the comments made by the honourable member for Sherwood about minor variations to approvals granted. The amendment seeks to balance public interest against the needs of a developer to re-advertise his proposal and having to wait a further six months before approval can be obtained. Quite often readvertising is needed because of changes sought by the council. The Bill provides for an application to be made to the council for minor modifications and, where doubt exists, for the Local Government Court to determine whether a development is minor or not. That is a good amendment which will benefit the industry and the community as a whole.

Motion (Mr Hinze) agreed to.

Committee

The Chairman of Committees (Mr Miller, Ithaca) in the chair; Hon. W. A. M. Gunn (Somerset—Minister for Education) in charge of the Bill.

Clauses 1 to 8, as read, agreed to.

Clause 9—New s. 22E; Contribution towards water supply and sewerage works by applicant for rezoning, subdivision or consent—

Mr GUNN: I move the following amendment—

"At page 6, omit all words comprising lines 3 to 41, and at page 7, omit all words comprising lines 1 to 26."

Mr PREST (3.19 p.m.): I am concerned that these provisions, which we have been able to consider for some five months, are now being removed completely from the Bill. Clause 9 is a very important one and would be of great benefit to every local authority in Queensland. I certainly hope that, although it is proposed to be omitted from the Bill, it will not be forgotten.

At the Local Government Conference in Rockhampton in 1980 the then Minister (Honourable J. W. Greenwood) somewhat slammed local authorities for applying such conditions when approval to subdivide was granted. He said that a burden was being placed on the purchaser and on the subdivider and that it should not be so. I do not see it that way.

In the past, facilities such as sewerage, water and electricity have been lacking in subdivisions because no contribution had been made by the applicant for rezoning and no conditions had been applied to the approval granted to the subdivider.

Local governments, especially those in country areas, are being faced with great financial hardship because of the demands by residents in those subdivisions for the provision of those services. One that readily springs to mind is the Burua area of the Calliope Shire. The applicant was allowed to rezone an area of rural land as rural residential but made no contribution towards the supply of those essential services. The Gladstone Area Water Board takes water past the doors of the residents of that subdivision. They are asking that water be supplied and the council is unable to supply it. If it did, the first yearly contribution would be $1,115 and it could be a greater amount in the future.

No electricity was provided in the River Ranch Estate. The purchasers of the land wanted electricity. They were unable to make the contribution in bulk as required by the Capricornia Electricity Board. The local authority raised a loan to supply power to the estate. This year those people are paying $138 to the local authority in miscellaneous fees for electricity. The properties are not big; they are small holdings.

What is contained in the clause should be part of the Act. It has been part of local government for some time. Recently a subdivider took the Albert Shire Council to court and the magistrate's decision was in favour of the developer.

I was under the impression that the clause would make it legal for local authorities to apply the conditions on any developer or applicant for rezoning or subdivision. I was quite happy with that thought because the services would be in existence when people purchased blocks, and would not be a burden on the local authority.

This matter can be looked at in various ways. Every case should be considered on its merits. It should not be a blank cheque so that councils can apply any cost. It should not be simply another way of raising revenue. I sincerely hope that a by-law or regulation will be promulgated setting out how the condition can be applied to a rezoning applicant or a subdivider.

I am sorry that the clause is to be deleted, but it is being removed for good reason. Later on something will come before the Assembly that will meet with the Opposition's approval.

Mr GUNN: I agree with the honourable member about the importance of this provision. The deletion of this clause will enable further consideration to be given to the introduction of a future amendment, possibly during this session, and to enable further discussions to be held with interested parties. Discussions have already commenced. It would be very hard to arrive at a suitable by-law for use in all parts of Queensland, as was suggested by the honourable member, and I think he will agree with that. Interested parties should get together to establish an equitable basis for the calculation of such contributions at a later date. I hope that during this session amendments can be introduced to deal with that problem.

The CHAIRMAN: Order! The effect of the amendment before the Committee is to delete clause 9 entirely. Therefore, the correct procedure is to delete the clause by voting against it.

Clause 9, as read, negatived.

Clause 10, as read, agreed to.

Clause 11—Use of land etc., deemed lawful—

Mr WARBURTON (3.27 p.m.): I have previously spoken generally about this matter, but having now heard from the Minister, I should place this clause in its right perspective. Firstly, the Moreton Tug & Barge Co. Pty Ltd claims that it has a legal non-conforming right to operate on the south bank of the Brisbane River. I understand that the Brisbane City Council has now received legal advice to the contrary. In other words, the advice received by the Brisbane City Council is that Moreton Tug & Barge Co. Pty Ltd does not have a legal right to operate on its present site.

Mr Lee: They have been over there for a long while, though, haven't they?

Mr WARBURTON: I am trying to explain my objection to this type of legislation. For the moment I am forgetting about the principle of paying compensation to a company that has operated a site for a long time, as was suggested by the member for Yeronga.

There are two extreme points of view. As I indicated previously, I accept that some form of negotiation has been taking place. Today we were told by the Minister that representatives of the Brisbane City Council have accepted that there should be some form of compensation.

Mr Gunn: The Lord Mayor of the day.

Mr WARBURTON: It may have been the Lord Mayor of the day; nevertheless, he or she is dealing with ratepayers' money. If the advice received by the Brisbane City Council is correct, that Moreton Tug & Barge Co. Pty Ltd has no legal right to continue its operations on the south bank of the Brisbane River, neither the Lord Mayor nor any member of the Brisbane City Council has the right to say, "We will pay compensation in order to acquire that land." That is the problem. Even though somebody might have said that, and even though somebody might have said, "The Brisbane City Council is prepared to pay a certain amount of compensation", the legal advisers have said, "No, you cannot do that. You cannot spend ratepayers' money whilst you have a legal opinion that has not been tried in the courts." In those circumstances, I wonder why this clause is before us today. I could understand the attitude of people if they said, "Let us be fair and reasonable." As the honourable member for Yeronga said, the company has occupied the site for a long time. On the other hand, the Brisbane City Council has a responsibility to abide by the law and to ensure that its ratepayers' funds are spent in accordance with the law. That is the situation that I am outlining this afternoon. If the legal advice given to the Brisbane City Council was not correct, there would be no need for this legislation.

I had hoped that this matter would go to the court for determination. If it had gone to the court, it would not have been the Government's responsibility to say in this Parliament, "We will fix it up. We will make it a legal conforming use. We will say it is a lawful use of the land for compensation purposes. We will legislate to let you off the hook so that you don't have to prove the matter in the court." I would have thought that the court was the right place for determination of this matter.

If the court had ruled that the company had no right to occupy the site and that the Brisbane City Council had every right to acquire the land without paying compensation, that should have occurred. If somebody else wants to compensate the company for the loss of the site, the State Government should look at the possibility itself. I simply hope the matter can be resolved effectively. I have no doubt that the Government intends that this legislation will go into the statute-book.

I give fair warning of my intention to watch the situation carefully. All honourable members should watch it carefully. I hope that when this race is run the ratepayers of this city are not looking at a sum of $4m or $5m in compensation payable to the Moreton Tug & Barge Co. Pty Ltd because of the decision of the Government to proceed with this retrospective legislation.

Mr GUNN: I thought I had explained to the honourable member that I do not believe the Brisbane City Council wants litigation any more than the company wants it. On the one hand the honourable member claims that the Brisbane City Council suggests the use is unlawful; on the other he claims that the company suggests it is lawful. The parties have sufficient common sense to know that it would cost a lot to go to court for a determination. The Lord Mayor of the day, who was elected by the people of Brisbane——

Mr Warburton interjected.

Mr GUNN: The honourable member might not have voted for him.

Mr Warburton: He's a mate of mine.

Mr GUNN: It does not sound like it. The Lord Mayor of the day asked for just and fair compensation. This legislation will allow that. I believe the council wants it as much as anybody else. I do not see any point in the honourable member's argument.

Mr SHAW: Great play has been made of the fact that the Lord Mayor of the day agreed to this legislation and gave it his approval, saying, "Let the legislation be passed, and we will pay compensation, as long as it is lawful."

Mr Warburton: He did not agree to this legislation.

Mr SHAW: The suggestion is that he agreed to the principle of this legislation.

I wonder whether any approval he may have given was given in the light of the fact that he was given an option that he could not refuse; in other words, he had no alternative to going along with what the Government had decided, because the Government had stipulated the only way in which the resumption would proceed.

My recollection of what normally happens with the ordinary man in the street is that if the council wants to resume his land it applies for a resumption and it goes through. There is no question of fair and just compensation; the resumption merely goes through. After that, the court, if necessary, decides what the fair and just compensation will be and fixes it. If I am wrong, I would appreciate an explanation from the Minister as to where I am wrong. In this instance, because it was not an ordinary person but somebody with a little bit of clout in this State, the resumption did not go through because the State Government refused to allow it to go through. The Government was not prepared to allow the matter to go to court.

Mr Gunn: A vital industry was involved in this case.

Mr SHAW: But the Government is prepared to allow the industry to relocate.

What the matter boils down to is that this afternoon we are being asked to pass legislation that will place $2m or more in the hands of a business in this city. The Government believes that the normal processes of law will not give this business what the Government thinks it is entitled to. I agree with what my colleagues have said

about a dangerous precedent being established. The Government is saying to the ordinary citizens of this State, "We will not change the system for you. We will allow you to follow the same procedures that have always existed. But we will pass special legislation purely and simply for the benefit of this company." That legislation will put millions of dollars of taxpayers' money into the hands of that company.

I think that the council had no option other than to agree to this proposition because that was the only way in which the development of the south bank would proceed. The company will certainly get adequate compensation, and under this legislation the Government is insuring that it will get a little bit more.

Mr PREST: I support what the honourable members for Wynnum and Sandgate have said in this matter. By passing this legislation we are taking the matter out of the hands of the court. Instead of allowing the court to determine fair and just compensation or whether the use was lawful or unlawful, we are deciding the matter in this Chamber.

The Minister is trying to cloud the issue by saying that the legislation is needed to protect business and to keep people employed. I know that the Minister did not introduce the Bill; it was introduced by the Minister for Local Government, Main Roads and Police (Mr Hinze) in March this year. When he introduced the Bill he said that the company is relocating in South Brisbane alongside the glass works.

Mr Gunn: You don't relocate for nothing.

Mr PREST: That is right, but the Minister cannot tell me that the works over there are modern. In fact, since the beautification of that area of the south bank began, the company has improved its buildings, no doubt with the idea that it would receive a lot more by way of compensation when its land was resumed. I am concerned about the amount of money that the company will receive from Brisbane ratepayers.

As the honourable member for Wynnum said, if it was only an ordinary person who was involved the Government would not be introducing legislation to protect him and to ensure that he received adequate compensation. It would allow the matter to be subject to the due processes of the law. The court should determine what compensation, if any, should be awarded to this company. It should also determine whether the company is operating lawfully or unlawfully.

I am concerned at the amount. If it is, as we have been told by the member for Sandgate, as high as $4m or $5m, not even the Lord Mayor should have the right to enter into an agreement with anyone on such a basis. It was his responsibility, just as it is ours, to say, "We will not decide. We will allow the court to determine the compensation to be paid."

Mr GUNN: The honourable member is not familiar with the Acquisition of Land Act. First, in all cases there is negotiation before the matter is taken to court. That is what is happening here. There will be negotiations between the council and the company. If they fail, the parties will go to the Land Court. That is the way it will be decided. There is nothing wrong with that. That is the way all resumptions are decided. Negotiations are held first and, if they are not satisfactory to both parties, access may be had to the Land Court.

Mr PREST: No-one is denying that that is the process. However, the Bill is making a non-conforming use—one that has been illegal——

Mr Gunn interjected.

Mr PREST: It has been illegal. It is a non-conforming use.

Mr Shaw: It makes the company's case $2m better.

Mr PREST: Of course it does.

Why are we putting the legislation through? It is for the benefit of the company, to give it compensation that it would not be entitled to if it went to court. That is the crux of the matter. The Minister may rest assured that we know how compensation is arrived at. However, when an illegal activity has been carried on and the Government rectifies the illegality through legislation, we express our concern.

Mr GUNN: This Parliament will not be deciding the compensation. It will be a matter for negotiation between the two parties. If that fails, they go to the Land Court. There is a difference of opinion. The member for Port Curtis says that the use was unlawful; on the other hand, the company's solicitors say that it was a lawful use.

Mr LEE: It is good to see that the two former Brisbane City Council ALP aldermen have spoken in the debate on the legislation. They have been used to taking land without negotiation, which is what the Government does not do. It has not done so for any of the freeways or in any other resumptions of land. I am pleased that, through this Bill, the Government is making sure that there will be no disruption to a company's business. Every land-owner in Brisbane will be made aware that if ever the ALP becomes the Government—and I know that it will not—there will be resumption first and talk afterwards. That is the attitude of Opposition speakers. I do not understand such an attitude. Resumption of land should be the subject of negotiation at all times. The Main Roads Department has been at great pains to do that. It has made many people happy by the approach that it has adopted on the resumption of land for freeways. I am shocked to hear the attitude expressed by the Opposition, that is, to take land first and to talk afterwards.

Mr PREST: The words of the Minister in his second-reading speech are—

> "The Brisbane City Council intends to acquire the subject land for the purpose of river-bank beautification. There are a number of buildings erected on the land in association with its present use by the company, such use having been developed over a considerable period of time. The council is concerned that the existing use of the land could constitute an unlawful use in that approvals were not obtained prior to commencement. . ."

That is what the council contends: it was an unlawful use. The company contends that the council has never taken any action to require it to discontinue the use of the land. For its part, the company contends that the use being made of the land is a lawful one. So there is a dispute between the company and the council. Today the Parliament is asked to make the agreement lawful.

The Minister also stated—

> "The matter is complicated by the question of whether the existing use is a lawful one. As previously stated, the use has extended back over a long period, and to resolve the issue it is proposed to introduce legislation to provide that the use being made of the land by the company at the time the Bill is introduced into Parliament shall be deemed to be a lawful use."

The council says that it is an unlawful use and the company says that it is not. The Parliament is being asked to act as judge and jury and make the agreement lawful.

Mr GUNN: Both bodies are very wise; neither wants to get involved in very expensive litigation. The council has said as much. I do not think it is game to take the company on and I do not think that the company wants to be involved in expensive litigation. Both bodies have agreed with the legislation.

Clause 11, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, with an amendment.

Third Reading

Bill, on motion of Mr Gunn, by leave, read a third time.

CONSTRUCTION SAFETY REGULATIONS INTERPRETATION BILL

Second Reading—Resumption of Debate

Debate resumed from 31 August (see p. 732) on Sir William Knox's motion—

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

Mr YEWDALE (Rockhampton North) (3.48 p.m.): It would seem abundantly clear that the purpose of the legislation is simply to provide an interpretation of the Construction Safety Regulations. If there was no interpretation Queensland would lose a great amount of funds. On my understanding of the Minister's second-reading speech people in the

construction industry have argued that charges should be limited to on-site labour only and not include off-site fabrications. If one considered the range of activities that could be included in off-site fabrications, one would find that in Queensland and the rest of Australia an unlimited amount of prefabrication work is being carried out off construction sites. That is part of today's technology.

If those involved suggest to the Government that they should not be charged on the overall cost of the construction site on the basis of prefabricated material being excluded, it seems that that is drawing the bow too far in the light of the thousands of millions of dollars of prefabricated material that are used. The inspection of sites is a major problem because of the acute shortage of inspectors. They are involved in other inspectorial duties—inspections of motor vehicles and other necessary inspections.

The Auditor-General's report that was tabled earlier this year was very critical of the fact that about 70 000 motor vehicles, construction and other notifiable work were not covered by inspectors. Inspection fees are being lost in many instances because of the inability of the inspectors to do the work. Obviously the Minister does not have a direct responsibility to provide the staff. The trouble can be traced to budgetary decisions made by the Government. The staff ceilings imposed on departments by the Public Service Board are typical of the Government's pinch-penny attitude. Because of the staff ceilings, the necessary across-the-board inspections are not being made.

I am sure that everyone in the construction industry, including the constructors and those engaged in the physical work, is concerned. That is probably a far more pertinent point to raise than the Government's inaction. Through the Minister, the Government is saying that to put the matter beyond any legal doubt whatsoever the Bill proposes that the term "Construction work" used in the first schedule of the Construction Safety Regulations shall be construed to be and to have always been the term "project" I suppose the Minister's remarks were somewhat ambiguous when he said—

> "Legal advice from eminent counsel indicates that the practice adopted is in accordance with the regulation requirements."

If eminent counsel was of that opinion, I could well ask why we have this legislation. It seems that the Bill was introduced because the Government wants to make the legislation foolproof.

Although I may have rambled somewhat, I point out that Opposition members support the legislation because it will mean that the Government, in the interests of the industry and the State, will obtain the necessary moneys, particularly from large construction sites, to carry out the necessary inspections. I do not think that the small organisations engaged on minor building projects, compared with the multi-storey buildings and large complexes on the Gold Coast, cause a great deal of worry. It seems, however, that if there had been a legal challenge considerable revenue could have been lost to the State.

In addition to tidying up that portion of the Minister's responsibility, we must look also at tidying up the whole question of machinery and safety inspections throughout the State so that the State may continue to receive revenue.

Mr BURNS (Lytton) (3.55 p.m.): I rise to join my colleague the honourable member for Rockhampton North in speaking on this matter. Some time ago the chairman of the Queensland Consulting Engineers Group, Mr M. A. K. Thompson, claimed that some high-rise developers on the Gold Coast to maximise their profits were cutting corners by diminishing the role of qualified supervision of buildings. At that time somebody referred to the high-rise buildings on the Gold Coast as being faulty towers. In fact, rust is showing on some of the high-rise buildings and sections of concrete are falling off. The existing owners have long lists of complaints about those buildings, which were certified as having been supervised and inspected by consulting engineers.

Mr Don Beresford of the CSIRO, the leader of a team investigating this matter, reporting on concrete buildings on the Esplanade, said that there was a serious corrosion problem from the salty air. He said also—

> "Steel reinforcement is rusting and it's affecting the new as well as the old buildings.

The repair bill for an average 12-unit block can be up to $500,000 and millions for the taller towers.

Salt air and poor quality building materials have put some structures in danger of decay.

Concrete that is too porous allows the salt air to rust the steel reinforcements and large pieces of facing may break from the building.

There is definitely no danger of their collapsing if the problem is solved early."

As soon as I read that, I wondered what was being done to ensure proper supervision of the construction of major high-rise buildings. What is being done to see that the problem is solved early?

Mr Akers: We are doing nothing.

Mr BURNS: There is an admission from the honourable member for Pine Rivers, who is an architect and should know.

At that time Mr Thompson said—

"a farcical situation existed where developers called on engineers and architects to sign sweeping declarations that they had supervised construction;

the lip service paid to supervision in some sections of the building industry could in certain cases be classified as fraudulent or criminal."

Some supervisors have signed documents to the effect that they have supervised the construction of major high-rise buildings on the Gold Coast when they have not left Brisbane.

Mr Akers: Not supervision.

Mr BURNS: They have signed.

Mr Akers: Design.

Mr BURNS: I am talking about supervision. I am told that people have signed documents to the effect that they have supervised work on Gold Coast high-rise buildings but have not left Brisbane. On the days they claim to have done the supervising, they have not left town. That statement was made by members of the ACEA, not by me.

Local authorities are charged with the responsibility of approving construction. Some are insisting on designs being prepared by properly qualified people, but they do not carry it through to ensure quality of construction.

We have to worry about that as well as the problem of the worker on the job. His biggest problem is that half the time he does not want to take the safety precautions. More and more workers are becoming safety conscious, but on many occasions the worker himself does not erect the scaffolding because it is too much trouble. He says, "I will put a ladder up on the board and do the job and I will be gone before anyone else knows." Of course, when he falls down, it is too late. I will leave that matter to my colleagues.

The Minister now has the opportunity to tell us what is to be done to ensure good construction of high-rise buildings so that we do not have a continuation of the construction of faulty towers, which, according to the president of ACEA and the CSIRO investigators, creates serious problems for their owners.

Mr PREST (Port Curtis) (4 p.m.): I totally agree with the contents of the Bill. Construction should be the project and a fee should be paid on the total cost of the project.

I support the comments made by the member for Lytton relative to safety in industry. On Tuesday, 6 July, it was reported in "The Courier-Mail" that 2 000 persons are injured each day at work. The article states—

"About 2000 Australians a day were injured seriously in work accidents, the National Safety Council federal president, Mr Clive Peterson, said yesterday.

He said in Brisbane that he believed 80 percent of these accidents could be prevented if workers were better trained and more careful.

Work injuries greatly worried industry, not only for their effect on employees' health, but also because of the ever-increasing workers' compensation payouts."

Of course, they are worried only about that. I do not believe that any sum of money is adequate compensation for ill-health or permanent injury.

On 12 August 1982 it was reported—

"Lack of finance and shortcuts resulted in poor safety records on several construction sites in Gladstone, according to a union official.

Builders Workers Industrial Union organiser, Mr David Ryan said yesterday a lot of safety problems were being experienced on the smaller unit construction sites in the city.

He said lack of finance is forcing builders to take shortcuts and workers, who are worried about their jobs, are not ensuring safety regulations are being met.

'Too many people are killed in the building industry because of the poor regard to safety,' he said."

That backs up what the member for Lytton said today. The State Government Insurance Office is renovating an office complex in Gladstone that will take eight months to complete. While the construction of the building and redevelopment of the area is taking place, the workers are compelled to work inside the building. The workers decided to express their dissatisfaction by arriving at work wearing helmets, big boots and earmuffs.

Sir William Knox: SGIO employees?

Mr PREST: That is right.

Construction workers are operating jackhammers as they demolish the roof to make way for a second storey. Recently Gladstone received 40 points of rain. The report that has been handed to me sets out the difficulties that have been experienced. It states—

"1. Numerous leakages in roof (fortunately in staff area and not in public section).

2. Water in telephone mechanism. Phones at one time were working only spasmodically—staff couldn't hear clients but reverse was O.K.

3. Electrical wiring, plugs and sockets wet. One airconditioner took water.

4. Tin waste paper baskets were improvised to be used as water catching buckets for leaks from roof.

5. Water in fire alarm mechanism caused false alarm. Bell rang for about 15 minutes. Fire brigade engine called and disconnected alarm. It is apparently faulty owing to water damage.

6. At one stage office was carpeted with saturated newspapers used to soak up water from floor."

If that small amount of rain can cause disruption to the workings of the office, what disruption would there be following a heavy downpour?

Construction on the building will continue for eight months. It will be three months before the roof can be erected. At the moment, everyone in Queensland is praying for rain. The SGIO workers, who must put up with this inconvenience, are praying that it does not rain for the next three months. They could have been relocated in other office accommodation for the paltry sum of $3,000. The hierarchy of the SGIO, including Mr Knowles, decided that the staff would remain where they were. There is a maze of scaffolding inside and outside the building. It supports what will be the floor of the second storey. The SGIO workers must work in those conditions. The SGIO expects its customers to enter the building through a maze of scaffolding. Yellow and black tape has been used to indicate to customers the entrance and exit through which they must crawl. However, the SGIO expects to retain its custom.

Directly across the road alternative accommodation could have been found for eight months at a cost of $3,000. At the time of the investigation into alternative accommodation,

accommodation could have been hard to find in Gladstone. However, at present the situation is reversed. Although adequate accommodation is now available, the staff of the SGIO are forced to work under trying conditions.

The contractor, George Young & Sons, would be one of the most conscientious and safety-conscious contractors in the State. He has to do any jackhammer work before 9 o'clock in the morning and the SGIO, instead of opening at 8.15 as usual, now opens at 9 a.m. The work is interfering not only with the SGIO but also with the activities of the contractor himself. He has the tremendous responsibility of trying to ensure that an accident does not happen while the staff and customers of the SGIO are in the vicinity of the project.

I raised this matter with the Treasurer, who gave me a sympathetic hearing. I felt sure that the situation would be resolved. However, it appears that the Treasurer was overruled. Safety is being waved aside on the SGIO project. The cost of providing alternative accommodation, namely, $3,000, is small. If the State Government's regard for safety is as indicated by its attitude on this project, no wonder more than 2 000 persons are injured in the building industry every day in Australia. The fact that the SGIO is carrying out major renovations to its property while its staff are working under the most trying conditions is an indictment of the Government. It stands condemned. It should take action urgently to rectify the situation.

Mr AKERS (Pine Rivers) (4.8 p.m.): I support the Minister in his introduction of this small but significant Bill. Construction safety controls have improved enormously as a result of what happened on one construction project of which I had personal experience. I refer to the SGIO building in Brisbane. Three men were killed on that site. Two of the deaths occurred definitely because of the lack of any attempt to ensure construction safety on the site; the third occurred because of a little bit of carelessness and, in a way, might possibly be described as an accident. The type of construction that was used and the total lack of any form of safety rails or nets on the building caused the death certainly of two workers and possibly of three. That project had a significant effect and resulted in the imposition of many of the safety controls that are in use on building sites today. They are less dangerous places of work.

On construction sites, many steel beams had studs fixed to the top of them. Anyone walking along a narrow beam can easily trip over the studs. These days, as soon as a beam is laid, safety nets have to be provided, so that a dangerous situation no longer arises.

Another person was nearly killed on that site. In that case it was an architect. One of the architects on the job was sitting in one of the site sheds and a concrete block fell through the ceiling, knocked off the corner of his desk and continued down through the floor of the shed. If it had been a foot or two the other way there would have been another death on the site. At that time there was nothing to prevent that sort of thing from happening. There was nothing to catch that sort of material. Now, to a large extent, the construction safety codes prevent that from happening.

I am worried about something that I saw in the Queen Street Mall yesterday. The Kern Corporation is working on the Wintergarden site. A bridge is being built across the mall. I know that the contractors are trying desperately to complete that bridge by 27 September. There are more people working there than there are ants on an ants' nest. There appears to be a lack of care for safety on that site.

I walked underneath the bridge, and when I saw a man working above me I quickly got out of the road. He was handling lengths of aluminium trim. Within a short time, glass panels would have been inserted into the trim. There was absolutely nothing to protect people walking underneath that bridge. The area was very crowded because it is an extremely popular area. I hope that the glazing work has been completed and that the danger has passed. I am worried that the contractors can get away with that sort of thing in the interests of speed. Care must be exercised at all times.

I refer to the matter raised by the honourable member for Lytton. He talked about lack of supervision on high-rise buildings on the Gold Coast. The obvious problem there is that the salt air rusts the reinforcing steel that is too close to the surface of the concrete. The same thing will happen in many buildings throughout Queensland because we have been too

afraid to offend a few draughtsmen and a few spec builders. We have been afraid to place the responsibility for supervision on people who are capable of supervising the construction of buildings.

Cláuse 8.1 (11) of the regulations under the Building Act covers the design of large, complex buildings. It provides that the design must be safe, but there is nothing that requires a building to be constructed in accordance with the design. According to the clause, the design must be authorised by an architect or engineer registered in Queensland. The builder can then simply go ahead and construct the building virtually however he likes without any sort of supervision whatsoever. The most obvious examples of that are on the Gold Coast, but I think that eventually the problem will extend to every building in Queensland whose construction has not been properly supervised.

Queensland is quickly reaching the position that has been reached in other States where the repair and maintenance industry is almost equal to, if not exceeding, the new construction industry. That might be very good business, but it is not very good for the economics of building because it is non-productive. We are not getting any more buildings; we are just repairing faults, as the honourable member for Lytton said, in the faulty towers.

Reinforced concrete is designed so that there is a covering of concrete over the steel, which protects the steel from corrosion. Salt air always penetartes the concrete to a certain extent but, when it reaches the steel, rust begins to form. Rust is less dense than steel, so the steel reinforcing expands and the concrete covering cracks. That allows the whole process then to be accelerated. As the steel rusts, its tensile strength diminishes. Not only will buildings suffer in appearance; before very long some buildings on the Gold Coast will suffer from structural collapses. Not long after that, some of the high-rise unit buildings in Brisbane will also collapse.

Sadly, it will not be a big company that owns the building. Thousands of little people—retired, perhaps, on a pension—who have put most of their life's savings into a unit, thinking that they can live there for the rest of their lives, will suddenly find that they are required to pay a proportion of the cost of repairing the building. Many thousands of dollars will be required by each unit owner to effect the repairs. Once a major structural component in a high-rise building collapses, an enormous amount of money is required to repair it.

A change is required in the building regulations to provide for an independent, qualified supervisor. It is not good enough that the supervisor be an employee of the builder on the site. That would compromise him. He would not be independent. He could not say without any outside influence that the building had been constructed according to the authorised drawings. Unless control of that type exists, people living on a pension who may have paid $50,000 for a unit might well be called upon for another $50,000 to restore the building to a structurally safe condition in which it can be lived in.

I warn people who buy units in Queensland to make sure that the building has been thoroughly supervised by an independent inspector during construction. That is the best safeguard. It is not 100 per cent sure, but it is as good a safeguard as is possible. When solicitors make their checks before purchases are effected, they should check the structural sufficiency of the building as well as the town planning certificate and title. That would be very easy if there were a signed statement by an architect or engineer independent of the builder that the building was built according to the designs authorised and approved by the council.

Mr Tenni: Perhaps it would be better if a draughtsman did it.

Mr AKERS: The member for Barron River makes a comment about draughtsmen. That was how the whole problem arose. A few years ago clause 8.1 (11) was reasonably sound in the way in which it covered design. Some friends of the honourable member who interjected saw the Premier, who said, "That is terrible. You are not allowing the poor draughtsmen to do their work." The clause was taken out entirely. It took a great deal of argument by a number of sane people to have the clause put back in. The provision still is not as tight as it could be in relation to construction and design.

Mr Tenni: Are you saying that because architects have letters after their names they are better than draughtsmen?

Mr AKERS: No. I am saying that there is a professional responsibility that can be relied on.

Sir William Knox: They are prepared to accept more responsibility.

Mr AKERS: Architects and engineers have to accept more responsibility if they sign something. If a person has not been trained thoroughly, no-one can expect him to be required in a court of law to back up his signature and, consequently, provide protection for purchasers. That is the whole problem. It is not a matter of whether draughtsmen can do drawings or not; it is a matter of who can be responsible for the design of a project and then for its supervision. Certainly very few draughtsmen have had full training and experience in the supervision of high-rise buildings.

Unless very positive action is taken soon to ensure that there is thorough and detailed supervision on high-rise buildings, the people of Queensland will face tremendous problems in the future. I hope that the Minister, although it is not strictly within his responsibility, will take up the points that I have raised in the interests of the safety of people during the construction of buildings and the safety of those who later use them and try to have the Building Act amended in the manner that I have suggested.

I support the Bill.

Hon. Sir WILLIAM KNOX (Nundah—Minister for Employment and Labour Relations) (4.21 p.m.), in reply: I thank honourable members for their interest in this amendment. Small as it may be, it has created interest in a much wider range of subjects.

In reply to the member for Rockhampton North, I reiterate that the onus is on the people doing the work to notify the department. One of the great difficulties is that some of the workers are on the job for a very short time. The department must be notified of the actual time at which something will be done, and sometimes when an inspector arrives at the scene that particular part of the operation has finished and there is no need for any concern. However, at all times the onus is on the person doing the work to see that it conforms with the Act.

As the honourable member for Rockhampton North pointed out, it is true that a number of inspections are not made simply because it is impossible to do them all. But that does not remove from those who are doing the work the onus to conform with the law. Of course, spot checks are made, and sometimes ad hoc complaints are made and are followed up immediately. As well as that, there are routine inspections. Although sometimes matters are found to be at fault and advice has to be given, generally speaking the construction safety standards in the State today are much better than they were many years ago. That does not remove the responsibility from the Parliament, as the Legislature, to ensure that the law is adequate and that the officers of the department enforce the law when it is appropriate.

Although it is not physically possible to have carried out all the inspections that one would like, I would hope that we are achieving a great measure of success in industrial safety not only because people feel that they are obliged to obey the law but also because there is evidence that inspectors are likely to supervise work at any time.

Some of the matters raised by the member for Rockhampton North really fall within the field of local government. In a number of matters, local authorities impose an obligation to have inspections passed before the next stage of the construction can be proceeded with. That was the point raised by the honourable member for Lytton and the honourable member for Pine Rivers in regard to high-rise buildings and the safety of the structures. I am concerned to hear remarks from responsible people that some high-rise buildings are not safe. The local government, which passes the plans and the various stages of construction, carries the responsibility for the standard of construction, as distinct from the safety precautions that are necessary during the period of construction. Because the matter is one that is in the interests of the community, it should be pursued further with the Minister for Local Government. I will certainly bring it to his notice.

I am sure that all honourable members are concerned about the remarks of the honourable member for Port Curtis relative to the renovations and extensions to an

SGIO building in his electorate. I have arranged for an inspector to look at the safety aspects on that site, not only as they affect the construction workers but also as they affect those who are working in the building. I am surprised that the situation is as the honourable member says, but it will certainly be examined immediately.

The honourable member for Pine Rivers raised a matter concerning the Queen Street Mall. While he was speaking I arranged for an officer to ring the chief inspector to have someone look into the matter immediately. Safety during the period of construction concerns all of us. I stress that my officers and I take this responsibility very seriously. We try to carry out our duties properly. That is not always easy because it is not physically possible to have a multitude of inspectors standing by, 24 hours a day, seven days a week, on all the sites. With the project safety committees and employees appointed by the construction contractors to supervise safety, we have come a long way from the days mentioned by the honourable member for Pine Rivers. From all reports the construction of the SGIO building had a fairly unsatisfactory safety record.

One matter that has caused me a great deal of concern is the demolition of buildings and safety associated with working conditions, passers-by and other people in the precincts of the demolition operation. I have previously referred to a number of circumstances that have caused concern.

I alluded to a matter raised by the honourable member for Pine Rivers when I was dealing with the remarks made by the honourable member for Lytton. I hope that the honourable member for Pine Rivers pursues his observations about the structure of the buildings with the relevant authority. It is a matter of some concern that a man with his knowledge and understanding should feel that this is a serious matter. It should be followed up.

Motion (Sir William Knox) agreed to.

Committee

The Chairman of Committees (Mr Miller, Ithaca) in the chair

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Sir William Knox, by leave, read a third time.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 30 March 1982 (see p. 5284, vol. 287) on Mr Hinze's motion—

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

Mr PREST (Port Curtis) (4.30 p.m.): As the Minister said in his second-reading speech, this is a short Bill which contains some important town planning provisions. The changes are designed to shorten the delay in processing applications. That, in itself, is worthy of support. Far too often serious delays because of red tape cause costs to increase and, in some cases, cause applicants to become frustrated and give the whole plan of development a miss.

A further amendment deals with minor changes to an application by either the applicant or the local authority. At the present time a fresh application is required to be made and readvertising procedures commenced, and it has to be regarded as a new application even though the change may be only of a minor nature. I agree that if the minor changes do not adversely affect any person or alter substantially any plan, the application should not begin as a fresh application with fresh advertising, thus causing serious delays. But it may be considered by the Minister for Local Government that the local authority should advise any person who objected to the application in the first place, even though his or her objection had been disallowed by the local authority, that a minor change to the application

is proposed and to give that person or those persons a further opportunity to express an opinion. Then, if all are not agreeable, either side could ask the Local Government Court to determine the result, with the decision being binding on all parties.

Town planning is a very important part of local government. From time to time people object to town planning applications. Far too often the objections are not taken to any great length and are not given proper consideration by aldermen or councillors.

We can all recall the running battle between some residents at the North Coast over applications to build high-rise units and the Maroochy Shire councillors, who wanted to pass a by-law restricting buildings to six storeys in height.

On 18 June 1982 the Press reported that Mr Hinze moved to protect the developers. I do not think that the headline was a true reflection of the intent. The Minister for Local Government did recommend to Cabinet that it legislate to protect the developers from by-law amendments by local authorities. Mr Hinze's decision related to the move by the Maroochy Shire Council to allow the construction of a 16-storey unit block at the corner of Garrick and Wirraway Streets, Maroochydore. The newspaper article stated—

> "This is despite its determination to introduce a six-storey building height limit and its strong anti-high-rise stand.
>
> The developers, Mr Ross Nock and Mr John Barbeler, had said they would claim $1,500,000 compensation if their application was refused.
>
> The council's change of heart came after the Local Government Minister, Mr Hinze, called a meeting of the two developers and council representatives in his Brisbane office last week."

I do not believe that high-rise construction to any great extent is necessary in a country the size of Australia where so much land is available. High-rise buildings that look like rabbit-warrens should not be constructed. In Australia, particularly in Queensland, where there is a good deal of land, as much open space as possible should be provided. Town plans, if they are of any value at all, should allow for the development of towns and cities as beautiful places with many open areas. They should not permit buildings to be so close together that people have to live in units in which their interests in landscaping, gardening and exercise areas are virtually non-existent. Conditions such as those result from bad town planning and decisions being made by persons elected to councils who do not understand town planning.

The headline of a Press report emanating from an alderman reads, "Councils voting blind on town planning." The article reads—

> "Referring to the Town Planning and Traffic Committee, Ald Delaney said council was being asked to vote blind on certain recommendations and motions.
>
> 'Council is responsible for the decisions in Town Planning, but time and time again we know very little about some decisions,' he said."

How can people place faith in those persons who are making decisions on behalf of applicants and objectors? Those decisions have an everlasting effect on people's lives, and that should be the main concern of the people who make the decisions. The amendment to allow council to impose conditions to provide certain services will be withdrawn, so I will not address myself to that.

I have in my possession a letter written to the member for Bundaberg by P. E. Soper, who resides at Bargara. It states—

> "Dear Sir,
>
> We are enclosing herewith a copy of letter sent to the Director of Local Government in Brisbane.
>
> As set out in the letter enclosed, we are deeply concerned with the way Woongarra Shire Council have handled Town Planning Consent No. 102, and all previous applications concerning the Don Pancho Motel extensions and multiple dwellings being erected on the site. We feel that the Local Government Department should look into the affair, and we would appreciate any assistance or advice you may be able to provide."

Under the proposed section local authorities will be able to make minor amendments in relation to approvals. If they do not change the project to any great extent, those amendments can be made. Recently an application was made to increase the number

of units in a multiple-unit dwelling from eight to 14. The application went through council without any objection being raised to it. Mr Soper wrote to Mr Jacobs, the Director of Local Government, in the following terms—

"Dear Sir,

We, the undersigned, and many other residents of Bargara, are deeply concerned about recent proceedings at the Woongarra Shire Council general meetings.

On July 16th, 1982, Woongarra Shire Council considered the application for Town Planning Consent No. 102, on behalf of R.W. James Family Company Limited. The Council, after a lot of discussion, decided to grant consent for certain of the proposals, subject to conditions, and refused consent for, the 'erection of a pergola type carport', and also refused consent for, 'the division of the units in the North Block to increase the number of multiple dwelling units from eight to fourteen' and notified the applicant and objectors accordingly.

Subsequently at the next general Council meeting on August 6th, 1982, following a 'Notice of Motion' introduced by Councillor Hawe, who was not present at the July 16th, meeting, the Council reversed it's previous decision and voted to increase the number of units in the North block from eight to fourteen units, this being the only part of Application No. 102 being reconsidered at this time.

A half-tennis court was constructed on the site before the application for consent came before Council, and a subsequent apology from the applicant for making an 'honest mistake' was accepted by the Council.

The applicant R.W. James is a member of the Council, having been elected a representative for Division 1, Woongarra Shire.

A precedent would appear to have been created whereby any applicant dissatisfied by the Council's decision concerning Town Planning, can now have recourse through a 'Notice of Motion' being presented to Council to have the decision reversed without an appeal being lodged with the Local Government Court.

We, as members of the electorate of Woongarra Shire, appeal to you as Director of Local Government affairs to look into all aspects of the application for Town Planning Consent No. 102, and dealings appertaining thereto in Woongarra Shire Council Minutes of July 16th, 1982, August 6th, 1982, and relevant Subdivision and Town Planning Committee minutes.

We would appreciate your treating this as a matter of urgency as we feel that the credibility of the Woongarra Shire Council is in disrepute and a solution to the controversy must be sought before the next Council meeting which is due to be held on Friday, August 27th, 1982."

The letter was signed by seven people. Problems of that type will be rectified by the Bill. If the council changes its mind and makes provision for minor alterations, that is OK.

The case that I have outlined does not involve a minor alteration. The number of units will be increased from eight to 14. That matter should have been readvertised. If after the advertised time serious consideration had been given to the objections and the objectors still felt as they do now they could have taken the matter to court.

The provision proposed by the Minister will be of some use to local authorities. As to the town planning provision that is being deleted, I reserve further comment to a later stage. For the moment, I shall content myself by saying that the Opposition has no objection to the Bill.

Mr BURNS (Lytton) (4.41 p.m.): I am interested in any matter relating to town planning. Far too few people take an interest in town planning. It is later in life, sometimes years later, that people begin to realise that the decision of a local authority to rezone a particular area in a certain fashion adversely affects them. It is then that people become upset. So the community should take a stand when town plans are being prepared.

It is time that town planning legislation was thoroughly examined. Before local authorities draw up town plans they should look at the land that is available in their area and the environmental values attaching to that land. For example, if someone today was planning the city of Brisbane, he would not locate all of the polluting industries, such as cement works and meatworks, along the south bank of the Brisbane River,

nor would he locate meatworks and other industries on the hills of Queensport and Murarrie.

Mr Akers: You would not have the city where it is.

Mr BURNS: That may be so; but the city is where it is.

Right now Thomas Borthwick and Sons is offering for sale 107 acres of land at Queensport and Murarrie and is applying to have some land zoned as general industry and broken up into small blocks. Instead of allowing that to be done, the city of Brisbane should be looking at the land and saying, "What is that land at that site needed for?" Is the decision going to be made by the developer, is it going to be made by Thomas Borthwick and Sons, is it going to be made by the real estate agents? Or is the city of Brisbane going to say, "Here is a large area of land on the south bank of the river, overlooking the river, the airport and the golf links. Is it in our interests to buy it and to compensate Borthwicks for our using it as a residential area or for other purposes?"?

It is time that the community began to look positively at town planning. Large areas outside Queensland country towns have been converted from farmland into residential blocks. In the Redlands, good, rich red-soil areas that once were the vegetable bowl of the city of Brisbane have been turned over to housing. Outside Cairns and other northern towns, cane-growing areas have been taken over for housing. Yet, down the road, as it were, some lousy ground that could probably be better used for housing is lying dormant. This is simply because a developer bought the farm and decided to apply to break it up into small residential blocks.

Should the decision as to the future design of cities and towns be left in the hands of the developer or the real estate agent? Isn't it time that the community said, "This is how much land we have around Brisbane. This is what we want to do with it. We want somewhere in which to dump our industrial waste, we want somewhere for our industries so that the wind does not blow smoke and pollution back over the city. We want an airport somewhere and we want industries associated with it located near it."?

The money that is presently being spent on the new Brisbane Airport is being spent unwisely. The airport should not be located in the heart of the city; it should be situated somewhere out along the major freeways that are being constructed. At the time when the Federal Government's committee was calling for submissions on the new Brisbane Airport, I appeared before the committee and suggested just that. The bay and riverside site reserved for the airport should be used for other purposes such as housing and recreation that would be of far greater benefit to the people of Brisbane. But, in adopting a very short-term view, the Federal Government said, "It's cheaper to put it here, so we will put it here." As a result of that decision, the people of Bulimba, Cannon Hill and Murarrie will suffer from noise pollution for the next 100 years. The decision was made by Governments on behalf of the people without any consultation taking place with the people. The only consultation that was held with the people in the area was when the Parliamentary Standing Committee on Public Works asked for submissions, right after the decision had been politically made.

There are many examples of these unwanted Government decisions. The reason why people in America do not go to some of the high-rise building seaside resorts in that country is that those resorts have been developed along the same lines as the Gold Coast has been developed. They lose their charm and become concrete jungles. If a person has lived his life in a little home on the beachfront and then the fellow next door sells his property to a developer who builds a 50-storey block of flats, surely that person is entitled to some recompense if his property does not get any sunlight until after 2 o'clock in the afternoon. Surely society itself is entitled to ask that developer to contribute towards overcoming some of the problems that he has created.

The Gold Coast City Council is no longer subsidising sewerage schemes for local residents, as it has done for many years. It says that it has a major problem where high-rise development has occurred in non-sewered areas. As a result of the big septic tanks that are being constructed under those high-rise buildings, the water in the water-table is becoming polluted, sour, rotten and foul. Nothing is done about that because somehow or other we believe that the developer has some God-given right.

When I read the article to which the honourable member for Port Curtis (Mr Prest) has referred I was astounded to find that the Minister was to support the developer and to override the elected members of the council on the Sunshine Coast who had campaigned

on a policy of anti-high-rise development for the area. Those members were elected overwhelmingly. They replaced councillors who had been there for 20 years. The people rejected the former councillors and said, "We don't want high rise in this area." Then the developers said, "We are going to bypass the council and go to the Minister and have him override it." What sort of democracy is that? Is that giving the local people a say in town planning matters? One cannot get a better say than that—a group of people going before the electors and saying, "We are in favour of high rise." The other people said, "We are against high rise." The people voted against high rise. Then the developers went to the Minister, who was asked to override the decision of the people.

We must consider another way of preparing a town plan. We have to look at an area and at all of the valuable assets that it has. We have to ensure that those assets, whether they be gravel pits, construction material or low-lying areas that can be used for specific purposes, are set aside and used for those specific purposes.

Recently, I recall a couple of aldermen having a go at the idea of having judges and barristers in the Local Government Court. I say quite clearly that I support those aldermen. It is time that we put the high-flown barristers and judges out of the Local Government Court. Most decisions in the Local Government Court are about people and their properties. In most cases an independent arbiter, after listening to the problems, could make the decision for half the cost.

On a couple of occasions a group of people in Murarrie have lodged objections against a proposal that has been placed before the Brisbane City Council. The council has either rejected the appeal or, as happened in the last case, supported it. Then the people were issued with a notice stating that the company, with its barristers and unlimited money behind it, would go to court, and that the people could elect to go to court and face up to the major cost of preparing a case and defending it in court. What happened? It meant that the local residents, unless they had a great deal of money or a few mates in the legal profession, were pressured out.

I went to the Local Government Court on one occasion, and I will not go there again. The barristers were hopping up and down with the dead sheep on their heads taking points of order about legal matters, but no-one took notice of the fact that the people from Morningside produced to the judge photographs depicting horses standing in water up to their neck in the 1972 floods. Someone wanted to develop the area, and the judge said that he had a right to do so, irrespective of the results.

We provided evidence of pollution at Murarrie, where a polluter regularly on Friday nights, or at other times after hours when the pollution control officers had gone home, pollutes the area. He does so right now. An application was made for a new factory to do exactly the same thing. Naturally we opposed it. We prepared our case for the court. We brought all the evidence forward that we could. The people applying for the new factory said, "Don't worry about it. We'll make it clean. It will be perfectly clean. It won't pollute when we are there." Ignoring the evidence of 20 years of pollution, ignoring the evidence of all the people who came forward and all the letters and other complaints lodged with the Division of Air Pollution Control, the judge said that the new factory could be built there.

What happens if there is pollution? Whom do we sue? The Government? The judge? The counsel who was on our side? Or do we just sit back and hold our noses when we can't have a barbecue in our backyard because of the rotten, foul, ugly smells that pollute the area, as they have done for years? What rights do we have then? What good is the right of public participation if we are ignored? We are ignored because the person sitting in the chair is a judge who is more interested in the legal intricacies of the case than the heartburn and the personal problems of the people in the area. I believe that an independent arbiter listening to that problem would treat the matter completely differently. The ordinary person would take his case to an arbiter and, having fought the case before him, would be more satisfied with the decision—and, of course, would not be out of pocket for the large amounts of money that it costs him now.

It seems to me that we ought to be looking at local government and town planning from a completely different angle. At least at Spring Hill there was the first glimmer of some hope of public participation. The people in the area and the council—everybody involved—seemed to say, "Righto. Let's get together and do something about it." However, let me cite an instance of how that can go bad. Down in Hemmant five or six years ago the Port of Brisbane Authority and I had a discussion over the zoning. Finally the authority said,

"In conjunction with the council, we will ask the people in the Hemmant area what they want to do here—whether they want industry, harbour industry or residential." The vote was about 80 per cent in favour of its being a residential area. That was at least five years ago. Nothing has happened yet. The council said, "We will prepare a local plan to cover your area." Five years later it is still zoned "industry" When somebody applies for permission to commence an industry there, he is allowed to do so. However, if a resident applies to add another room to his house, knowing that there was an 80 per cent vote and that a local plan will change it to residential, the application is refused. Right through the area that voted for it to be residential, factories are cropping up. It is reaching the stage that by the time a local development plan is prepared the people who voted for it will not be there. They will have gone. They will have given up, pushed out by the developers themselves.

Let me turn to the decisions the Government is making now. It decided to put a large port at the mouth of the river and to zone the whole of the south bank of the Brisbane River for harbour industry—for the industries associated with port development. Every polluting industry that could possibly be imagined can be sited in that area. There has not been provision for one park—for one public open space—in all of that area. There will be no area where a person, his wife and his kids will be able to watch the royal yacht "Britannia" come up the river. It will be possible in a few weeks' time, but in another 10 years' time there will be factories wall to wall along the river bank. There will be no place where a man can go and drop a line in to do a bit of fishing, walk the scissors for prawns or do any of the things that used to be done in that area. Those days are over and done with because the decision has been made that that bank of the river is not for people but for factories. It is not for fishing; it is for pollution. The river is a large sewer—a large garbage dump. Polluting industries will be sited along the river and be given permits to pour discharge into the river.

Decisions made on places such as Willawong were made years ago. Although we can attack the decision not to provide a dump for pollution such as is discharged at Willawong, what are we doing today? What decision is being made today to handle waste material, particularly nuclear waste material? If the Premier is to have nuclear industries here as he demands, where will the waste material be dumped? Where will we put all the sullage and wastes that are being carted away by these grease-trap cleaners in the city who are blowing each other up with bombs over the control of the lucrative business, pouring acid in each other's trucks and doing things like that? Where is the waste being dumped? The Redland Shire Council says that some of it is being dumped in its water catchment area. Everybody knows it is being illegally dumped in the river and all over the city.

It is time something was done to change the system. It is no good just going along and putting a band-aid here and a band-aid there; it is time the town planning laws of the State were completely reviewed and dragged into the 20th century.

Mr AKERS (Pine Rivers) (4.55 p.m.): Much of what the member for Lytton has just said is perfectly correct, but it is not the town planning laws that prevent positive decisions being made on the sort of project and design problems of which he has spoken, it is simply a lack of application and lack of positive direction given by the city council. This applies particularly to the application to rezone land near the Brisbane River at Murarrie. The present town planning Acts give ample scope to the Brisbane City Council and other local authorities to provide positive planning, but the trouble is that town planning has become too much tied up in details and jargon. Local authorities do not make positive decisions; they approach town planning in a negative manner.

I agree with the member for Lytton that far too few people really understand what town planning is and what an enormous effect it has on people. Only when an application is lodged for a quarry or a high-rise building alongside them do people take some action. But it is too late then because they have not adopted a positive approach. An example of that attitude is that at the recent two-day regional town planning school attended by many representatives of local government and town planners, I was the only member of Parliament present. I was sorry to see that more members of Parliament did not attend. I attended the same school last year. The school is addressed by all sorts of excellent speakers; this year the main speaker was Judge Kevin Row of the Local Government Court. He opened a few eyes with his comment that there are no such things as precedents in town planning controls. Most people have argued along the line

that once something was done it set a precedent and therefore everybody else could do the same thing. He almost entirely ruled that out. I urge any member interested in town planning to attend that excellent school next year. It is addressed by the top Queensland town planners as well as many of the people who make decisions on town planning in Queensland.

I agree with the member for Lytton that Queensland needs a fresh approach to town planning. As I said, most town plans are negative, very straightforward zoning plans. The aim of town planning should be to remove standardisation to prevent sameness and to provide an exhilarating and different feeling about a city, instead of having a whole series of buildings that are exactly the same. Unfortunately, the zoning plans that have been adopted in Queensland actually create that sort of uniformity and sameness. If one goes to areas of Brisbane that under the old town plan were classified as residential B, one finds that all the building blocks are exactly the same size and on those blocks have been constructed a whole series of buildings of exactly the same size. Although it happens to a slightly lesser extent now, in those days the building controls almost forced upon developers a mathematical formula as to the shape and size of a building. It had virtually nothing to do with design. All that could be done to improve an appearance of a building was a superficial fenestration, nothing that was really basic to principles of town planning or basic to the design of the building. That is the problem the present zoning controls create. An even worse example of that is a place like Drummoyne in Sydney which has vast areas of row upon row of buildings of exactly the same dimensions and which cover exactly the same area on the site. That is the maximum that can be done on the site within the mathematical formula. Nothing is done to create a different feeling.

Even with the new town plan we still have the same problem, but instead of having one large area that is exactly the same, we have a lot of smaller areas that are almost exactly the same, although they may contain some variations.

Zoning has become the basis of town planning whereas it should be only one of the tools used in town planning. It should really only protect neighbours from each other and protect such things as the resources of the State, especially resources in areas that will develop into rural residential areas. Developments like quarries and gravel pits are clear examples of what I have in mind.

Town planning should apply only to the extent that it touches on the lives of other people through noise, obnoxious odours and dust; and appearance only so far as neighbours are affected by shadows over a property or the creation of some other difficulty. Town planning should not specifically set out everything that can be done, with guide-lines for each site.

The honourable member for Lytton referred to the protection of resources. The need is obvious when one looks at the very serious problem of an application for a gravel pit in the Highvale area of the Samford Valley adjacent to properties on which people have spent up to a couple of hundred thousand dollars or more. Permission to operate a gravel pit in that area would be typical of the lack of planning that occurred many years ago when one type of development was permitted next to a totally incompatible development.

Mr Simpson: We should define where those resources are.

Mr AKERS: That should have been done a long time ago.

Studies have been undertaken into available gravel pits. Brisbane was very lucky that major supplies of gravel were available on the North Pine River at Lawnton. Some problems were created when they were developed, but they were overcome. Nobody had protected the area. It was pure luck that the deposit was surrounded by APM, the railway, an industrial area and open country. Other sites containing gravel, which is really important to Brisbane's development, will never be exploited. One such site, on the South Pine River at Bald Hills, is hard up against a residential area. Tremendous problems will be created because residential development is totally incompatible with the development of the site as a gravel pit. Beside the residential areas there are on the South Pine river flats several million dollars' worth of roads, overhead power lines on pylons and a railway line. The area contains an enormous amount of gravel which will eventually be needed. I hope that I am not the member for the area when it finally has to be exploited.

Residential development has been allowed adjacent to a quarry at Petrie. Tremendous problems have arisen with the quarry. Rocks as big as footballs have been flying across the road into houses. A few years ago one went straight through a window and hit a wall 15 to 20 feet away. Luckily no-one was in the house at the time. Residential use of land in such circumstances highlights the total lack of planning.

The details of town planning must be reviewed. Uniformity must be achieved in terms of town planning and town planning definitions. An obvious example is that in a town plan the word "shop" can mean anything. In one town plan it may mean just a single shop, yet in another it might include a large shopping centre.

People making applications under a town plan have the problem of learning the language in that plan before commencing a project.

The same applies to zoning. One example is residential B. Most people think of residential B as being an area of multiple dwelling, and in the city of Brisbane it is. Some of it can be high-density residential development. However, in the Pine Rivers Shire, residential B restricts development to three housing units per acre, which is very low-density development. There is a tremendous problem with only a creek separating the two meanings.

Mr Moore: Why not get uniformity in terms?

Mr AKERS: That is what I am asking for. We must try to achieve some form of uniformity. I do not mean that there should be overall planning control but there should be simple uniformity of the intention of different words. That would make a big difference to town planning control. It would mean that people would accept town planning. At present "town planning" are dirty words. People talk of town plans as if they are a scourge. They are not; but they have created problems. Some of the problems have been created unnecessarily by what I have been talking about.

The jargon used in town plans is another cause for concern. Town plans must be dejargonised, if I may use jargon. "Action Area" is an expression used in town plans. Who knows what that means? "Strategies" and "precincts" are words that the ordinary person might know.

Town plans cover shires, which might contain only one or two small towns. Why not call them "shire plans" and not use false terms? Town planning is becoming half smart in the use of terms.

Mr McKechnie: You don't think it is to make jobs for people?

Mr AKERS: No. Town planning is essential, particularly as more and more people come to live in this State.

When the Pine Rivers Shire contained about 6 000 people the council was run by a group of very nice farmers, one of them being my father. At that time town planning was not considered. Within a few years the population reached 35 000 or 40 000 people and no preparation had been made to cope with that growth. I hope that other councils learn from that experience. The Caboolture Shire Council has learned a little from it but it has not taken enough action. The councils further away from the built-up areas, which will experience that sort of development in the future, should now be considering not the things that create problems, not the confusing things, and not the jargon, but proper town planning that takes notice of what is likely to happen in the area.

Queensland has two town planning Acts. One covers Brisbane. The other covers the shires outside Brisbane. There is a far greater difference between the town planning needs of Murweh or Boulia and Gold Coast than between Gold Coast and Brisbane. But Gold Coast and Murweh are covered by the same town planning rules while Brisbane has its own rules. One town planning Act should control the whole State. One set of rules should cover the way in which town plans are set up, with allowances being made for the different types of local authority.

The rapidly developing city of Logan and shires of Albert, Pine Rivers, Caboolture and, to some extent, Moreton, should be under the same sort of controls as Brisbane and the Gold Coast. Shires that do not need any town planning can work on the basis of a consent use over the whole shire. Certain parts of the Town Planning Act could cover them. I urge the Minister to find a way to return some sanity to town planning in Queensland.

Town planning applications should be processed more quickly. Some of the present uses under a town plan should be transferred to the consent uses column and, at the same time, the "administrivia" should be removed. Councils should be given more power to deal with applications and to simplify the process. They should organise themselves to make their areas suitable for people to live in.

Mr Simpson interjected.

Mr AKERS: New South Wales has State planning controls, and they are a disaster. The controls must stay with local authorities, but assistance should be given by the State Government. Consultation should take place between local authorities.

For example, Westfield was granted approval to construct a shopping centre at Strathpine. Another firm was given authority to construct a shopping complex at Bald Hills. Little more than a mile separated the two sites. However, they were situated in different local authority areas. They would have competed totally with each other. If the two shopping complexes had been planned for one local authority area, only one application would have been approved. The Local Government Court decided that two shopping complexes were not required. Unfortunately, the complex proposed for Bald Hills was rejected. I have received the blame for that. Nevertheless, that was the decision that was made.

At present, an applicant can appeal against a decision made by a local authority. That is termed a deemed refusal. Consideration should be given to changing that to a deemed approval. That would force councils to make decisions more quickly and allow the whole process to begin. If the applicant agrees, the council should be given power to make an automatic extension of time in which to make its decision.

Mr Simpson interjected.

Mr AKERS: They would then be the ones who would take out the appeal. That needs working out. There should be some method of saying, "It is not automatic that you cannot have it; it is automatic that you can have it, provided that it is reasonable." It would speed up the process enormously and the system would work much better.

One safeguard that could be included would be to allow the council to obtain an extension of time if it could show that there was a good reason why an application was being held up. At present, a council is able to use the deemed refusal as a method of bludgeoning people into doing what it could not otherwise get them to do. I think that a much better system could be created.

More consideration should be given to design guide-lines being used in decision making rather than the strict details of zoning that I have already mentioned. By doing that, a reason for decisions can be provided instead of somebody simply outlining what can and cannot be done; otherwise in five or six years' time somebody making a decision will not know the reasons why the decision was made and will not know generally what people were seeking when the rules were approved.

Those guide-lines could set out reasons why something is being done, such as wanting to retain local character. A good example is what has been attemped in Spring Hill. Unfortunately, the Spring Hill Development Control Plan has become a very complicated and legalistic plan, so it has failed in that regard; nevertheless, it is a good start. I hope that the State Government can help local authorities move towards that type of control.

With some real imagination and effort, the Government and local authorities could create in Queensland some town planning that would give the State the sort of development and character that every Queenslander wants, without the traumas and tremendous problems that are presently created by town planning proposals.

Mr WRIGHT (Rockhampton) (5.16 p.m.): In the Minister's second-reading speech he said that one of the purposes of the Bill is to clarify certain powers given to local authorities. I make a call specifically for clarification of the rezoning powers of local authorities.

I refer to a report that appeared in "The Courier-Mail" of 27 August 1982 under the headline "We're powerless to prevent it: Government, city council" The Government

and the Brisbane City Council said they were powerless to prevent it—"it" being the proposed hypermarket at Aspley. I hope that the Minister in his reply will tell the House what powers the Government has, or what powers it believes it ought to give the Brisbane City Council, to prevent what could be seen as a prostitution of the original application.

You, Mr Deputy Speaker, will recall that in 1975 when the relevant area of Aspley was rezoned, the concept was the traditional complex, the normal concept of a K mart, a Coles or some other shopping centre controlled by a major tenant and embodying a number of specialty stores. At that time no-one believed that at Aspley there would be established a super-duper supermarket. That is the only way in which the project could be described.

The proposal that the Brisbane City Council and the Government claim they are powerless to stop is a supermarket two and a half times the size of K mart, Chermside. It would increase the available retail floor space in the Brisbane area by a quarter of a million square feet. When it is realised that the area within a 10 km radius of the Aspley district contains 40 per cent of the total Brisbane retail floor space, even though it has only 26 per cent of the population, it becomes clear that no-one would believe that that was anticipated when approval was given for a shopping complex at the site.

This problem arises not only at Aspley but also at places such as Collingwood Park in Ipswich and Red Hill Quarry in Rockhampton. It arises in any area that was approved as one for a shopping centre prior to the economic impact laws that were promulgated in this State. Those laws require a council to carry out an economic study before it gives approval. I suggest that the laws need to be further amended to ensure that a council that believes that the original purpose is not being pursued has the power to amend the application or to require its amendment.

I note that in the article to which I referred previously the Minister for Commerce and Industry (Mr Sullivan) is reported as trying to discount the whole issue. First of all, he said the Government had not jurisdiction over the establishment of a hypermarket; next he went on to say that there was a great deal of misleading information on the Aspley project. He stated that he had been told the total area of the shopping centre would be 11 000 square metres, and he added that that meant that in the Brisbane area there were at least five shopping centres larger than it.

I begin to wonder whether the Minister is the main spokesman for those people who want to establish shopping centres in this State. I remind honourable members that on the same day that the Minister is reported to have made those comments, the following comment was made in an article in the "Property-Mail" section of "The Courier-Mail"—

> "Nothing will deter South African businessman, Mr Raymond Ackerman, from his plan to build a hypermarket in Brisbane—and certainly not the remarks made by some Australian traders about the consumer tycoon and his company Pick 'n Pay."

On the one hand, the Minister assures the business people of Aspley within the 10-km area that would be affected that the position will not be what they think. On the other hand, the South-African tycoon behind the project—I am not playing a racist game here, but he is certainly a foreigner with foreign money—says that he intends to carry it out.

I do not know what will finally happen, but I wish to canvass what could happen if this hypermarket project goes ahead. An in-depth study was carried out, and it showed that if this supermarket or hypermarket project proceeds it will affect 55 Brisbane suburbs. It will wholly or partly influence the buying practices of 277 000 people in the Brisbane area. In the 10-km radius of the proposed site, there are 2 394 existing retail establishments, including retail shopping centres and single traders. Three months ago when the survey was carried out, these enterprises employed 15 400 people, including 2 076 working small-business proprietors. If this proposal goes ahead, as Mr Ackerman says he intends to ensure it will—remember that he now has Federal Government approval, and the State Government says that it cannot stop it, so one would think that it will go ahead—then a large number of those jobs will be under threat. I suggest that the effect will be disastrous on those jobs and also on the businesses in the total region.

As I pointed out before, there is no need for this hypermarket because the area covered by this 10-km zone already contains 40 per cent of the total shop-floor space in Brisbane. I do not have the average standards that are set for an area, but, from information supplied to me, I believe that the actual retail floor space in this region

is far above the standard. In fact, it has been suggested that it could be double the standard. If another quarter of a million square feet of floor space is added, it is sheer nonsense to say that the local retailers will not be affected. It is total nonsense and total stupidity to say that those retail outlets and the employees will not be affected. I support what the member for Aspley said in her comments previously.

How can this happen? We say, "We are the decision-makers in this State. This is the Assembly that will make the law. This is the Parliament that will determine what will really eventuate in the State of Queensland." How is it that the Government issues a Press release throughout the State saying, "We are powerless to prevent it."? It is wrong that anybody can use a previous approval, in this instance an approval that is seven years old, to proceed with a project that is not in keeping with the original intention. I am sure that the acting Minister for Local Government would agree that the original intention was to establish a traditional shopping centre, which would have a major tenant, probably three or four medium-sized tenants and 30 or 40 smaller retailers. If that were the case, the other retailers in the area would not be as drastically affected as they will be if this super-duper supermarket project goes ahead.

I am not sure how we will stop it—whether it will be by public opinion or by amending the law. If an amendment to the present law is required, then we should act now. We have no right to jeopardise the investment and the future of so many thousands of people. As I said before, 2 394 retailers have put a lot of money into their small stores. We have no right to jeopardise the jobs of all or any of the 15 400 people who work in the retailing industry in that area. I do not know the answers. It is easy for Opposition members to say, "Let's change the law." If it can be done another way, it should be done that way.

However, it is ridiculous to have a Minister for Commerce and Industry saying that he can do nothing about it and then virtually putting the case for the developer. If that is the sort of thing practised by this Government, that Minister ought to rethink his own role. Surely that does not reflect the feelings of members of this Assembly. It certainly does not reflect the feelings of members of the Opposition; neither, I believe, does it reflect the feelings of the member for Aspley.

Surely the powers given to a local authority are given not so that it has some sort of bureaucratic control but so that it can act in the interests of the entire community. When the Government sets health standards, floorspace standards and parking requirements, it is because it is trying to meet community demands. I cannot believe that the hypermarket will meet any community demand, but it will destroy the viability of many, many hundreds of businesses, and so should not be allowed.

Debate, on motion of Mr Gunn, adjourned.

ADJOURNMENT

Hon. W. A. M. GUNN (Somerset—Minister for Education): I move—

"That the House do now adjourn."

Hibiscus Retirement Village

Mr R. J. GIBBS (Wolston) (5.26 p.m.): In the five minutes available to me, I wish to bring a matter to the notice of honourable members following the report by the Minister for Justice and Attorney-General a number of weeks ago warning people against investing in the Hibiscus Retirement Village in Queensland. Some disturbing facts about the development have come to my attention. I say "disturbing" because recently the project has been advertised in my own city of Ipswich in "The Queensland Times" I take this opportunity to warn the people of Ipswich about investing in that project. I have received the following correspondence, which I will outline to the Press—

"Dear Mr Gibbs,

Mr Doumany recently named Hibiscus Village proprietors as people who had acted in an improper way to induce people to put deposits on their intended retirement village, or to enter in agreement to sell their homes, in order to enter the village.

If all is not above board in the actions of the proprietors of this intended development, they have been assisted by a reputable name in real estate—Ray White.

I am the owner of a property... Hollywell Road, Labrador. The back fence borders the intended development. I had a phone call back about May from Ray White real estate office, Labrador saying they had a buyer for a home in the area and offered to buy my home. I told them I was not interested. A further phone call resulted a couple of weeks later, this time the woman calling and telling me of the sale of the caravan park at the rear with a view to developing the village and asking again for me to sell. I replied I was not interested.

Early in July the Gold Coast Bulletin carried a story with accompanying plan of the intended village. Our property was shown as a car park. Our neighbouring blocks along Hollywell Road, backing onto the caravan park were also shown as part of the village development although none of them indicated they were interested.

This paper came out on the Friday and on the Sunday a woman from Ray White real estate Labrador hand delivered to me at Brisbane some completed forms, describing my property at No. 17 and my mother's at No. 13. They were to the Gold Coast Council, purporting to be applications by us as owners for site approval to be included in the application for the retirement village. A check with the Gold Coast City Council by my daughter who lives in our home, revealed that they had no plans lodged at this stage and from the plan shown in the Bulletin it contravened councils regulations in various aspects. It also contravened Trade Practices by offering for sale something that was not approved.

The attached cutting I have taken from a magazine for older people shows the misleading ad in June issue, obviously inserted around May at the latest. Yet I was being approached for site approval in July. We, each, were told that almost everybody round the perimeter had signed except for a couple. Yet I know Nos. 11, 13, 15 and 17 indicated no intention to be part of the development. Its one thing for 'sharp' methods to be used by developers. Its another for a local real estate office who carries a reputable name to stretch the truth as has been done to us. Property owners have been strongly pursued against their will in some cases, and the area consists of many elderly retired people who were put in a state of confusion and uncertainty on their future. For instance it was replied when my daughter asked what would happen if we did not sign site approval, that a high fence would be erected round us and we could not join the project later. Our elderly neighbours at No. 15 were afraid if we at 17, and my other at 13 sold out, they would be 'fenced in' instead of having neighbouring gardens."

The correspondence continues, but the point that I am trying to make this afternoon is that a supposedly reputable real estate agent, Ray White, has had agents at Labrador harassing elderly people to get them to take part in a bogus and phantom program which at the present time does not even exist. An advertisement for Hibiscus Village has appeared in southern newspapers. It implies that site approval has already been obtained, that the development is set in a magnificent parkland only 300 metres from the protected Broadwater beach and that the units are fully furnished, architectually designed and of one and two bedrooms. This is an obvious scandal, a dreadful rort and a deliberate intent to perpetrate a massive fraud on the public of Queensland. I urge not only the people of Queensland but also the people in my electorate of Wolston and in the city of Ipswich not to enter into investments in these retirement village programs until such time as the Gold Coast City Council has given an assurance that site development has been approved and the owners of the properties have agreed to sell. They have only been approached by a supposedly reputable real estate agent but honourable members should bear in mind that their properties have already been advertised in southern newspapers as being part of this overall development, even though no development has taken place.

I can assure honourable members that the owners of those properties are in no hurry to sell. The Queensland Government should seriously consider launching some sort of investigation by the Corporate Affairs Office into the persons who are developing and advertising this project on the present bogus basis.

(Time expired.)

Mr DEPUTY SPEAKER (Mr Miller): Order! I apologise to the House but some difficulty is being experienced with the timing clocks.

Tennyson Power House

Hon. N. E. LEE (Yeronga) (5.32 p.m.): As honourable members know, the Tennyson Power House, commonly known as the "shower house", is within my electorate. Many years ago through my representations soot arresters were installed, but unfortunately they were never totally satisfactory. After years of complaints from many of my constituents, who year after year have been showered with soot, I have finally received a letter from the Queensland Electricity Generating Board stating that it will spend $18m on new arresters, which is more than the cost of the original powerhouse.

I congratulate the QEGB and the Government for what they have done. They have shown that they care about people and about pollution throughout Brisbane. I am pleased to be able to announce this evening that I have received the following letter from the QEGB—

"The Hon. N. Lee, M.L.A.,
Member for Yeronga,
Yeronga Electorate Office,
Moorvale Lane,
183 Beaudesert Road,
Moorooka. Q. 4105

Dear Mr. Lee,

Complaints—Tennyson Power Station.

I write in reply to your letter of 1 September in which you mention complaints from Yeronga constituents about fallout from Tennyson Power Station.

The station's dust collecting equipment has been examined to determine whether there are any operational or mechanical faults. To date none have been found but the checks are continuing.

It has been suggested that the fallout problems Yeronga residents have experienced could be related to prevailing winds. During the winter months from May to August, the prevailing winds blow from a narrow sector, west to south-west, whereas during the remainder of the year they are from a much wider sector, south-east to north-east. As a result, there could well be a concentrating effect in the Yeronga area.

I am sure your constituents will be interested to learn that the Generating Board is currently installing, at a cost of almost $18 million, new high efficiency dust collecting equipment at Tennyson which will remove all particulate emissions including black smoke. About half the equipment will go into service early next year and the remainder will be operational a few months later.

The dust collecting equipment comprises thousands of fabric bag filters which will work in much the same fashion as the filter bags in the household vacuum cleaner. The installation of the filters should reduce dust emissions at Tennyson to a negligible level with considerable benefit to nearby residents.

I can assure you that the Generating Board is conscious of its environmental responsibility wherever power stations operate and is particularly alert to dust emissions in urban areas.

Yours sincerely,
F. A. McKay
General Manager"

Mr Lickiss: That's good representation.

Mr LEE: That is dead right; basically it is because of good representation. Because I have made continuing representations my efforts have at last been rewarded in that $18m, which is more than the original cost of the powerhouse, is being spent.

(Time expired.)

Cairns Base Hospital

Mr TENNI (Barron River) (5.37 p.m.): I wish to bring to the notice of the House and to those responsible for the welfare and care of people in hospitals, the problem of understaffing at the Cairns Base Hospital. This matter was brought to my attention by the Cairns Base Hospital Specialists Association. The hospital is in the electorate of Cairns but it serves a very large portion of the electorate of Barron River and other adjacent electorates.

Early in 1981, at a meeting of the Cairns Base Hospital Specialists Association, the opinion was expressed by many members that the base hospital was dangerously understaffed, particularly in certain areas. The understaffing was leading to poor patient management with a high risk rate. This concern has been emphasised by numerous letters of complaint in the Press from the public, and many letters directed to me. A meeting was held in Cairns in May 1981, at which the Director-General and the members of the association were present. Subsequent to that meeting, Dr Musgrave visited the hospital and held extensive meetings and discussions with the consultant staff and the medical superintendent about the problem. Following that, recommendations were made.

It was recommended that the hospital should have a staff increase in the nature of an orthopaedic staff surgeon, another medical registrar and an additional second-year resident. The recommendations were only proposals and have not been acted upon as yet. In the interim, the award governing the hours of junior hospital doctors has been changed. That meant a decrease in available rostered hours from 54 to 50 hours. That, in fact, heightened the problems in that, effectively, another resident has been lost because of the change. A change has also been effected in the rostering of registrars on call. None of the registrars are now obliged to live within the hospital.

In general terms, the problem confronting the hospital is the lack of adequate medical after-hours cover. At present, the hospital is staffed from 11 p.m. until 8 a.m. by one resident medical officer, usually a first-year doctor whose experience and training does not equip him to deal with problems that arise during this time. These problems can be very serious when a bad accident occurs on a highway and many people are brought to the hospital by ambulance. The problem is particularly apparent in the after-hour management of intensive-care patients. The problem has been heightened by the lack of senior registrar cover which the recent change to the award has brought about.

The basic problem in obstetrics is the lack of continuous care by doctors of sufficient experience because they are not readily available after hours. My time today is limited so I point out simply that the same problem occurs in the intensive care ward, which requires a permanent doctor in charge of the ward 24 hours a day.

Overall, I am very concerned about the shortage of staff in general. I should like the Minister for Health and the Health Department to treat the matter as being of great urgency. If something is not done in the forthcoming Budget there is no doubt that lives will be lost owing to the inability of the staff to cope with the pressure of work at that hospital. I am sure that my colleague the honourable member for Cairns would agree with what I am saying.

I have been visiting that hospital for the past 14 weeks because my mother was a patient there. I have transferred her to the Calvary Hospital because I was very worried about the service that could be provided by the minimal staff available at the Cairns Base Hospital. Many people have complained to me about this matter after visiting the hospital night after night.

Mr Moore: What do you want done about it?

Mr TENNI: I want the staff at the hospital increased immediately to the level recommended by the association.

Mr Lee: Have you asked for it?

Mr TENNI: I have. It has been asked for over the past two years and the request must be acceded to. Patients right throughout the State should be looked after, and part of our State is the Cairns Base Hospital.

(Time expired.)

New Police Launch

Mr McLEAN (Bulimba) (5.42 p.m.): I enter the debate to speak on a matter that I attempted to raise at question-time a week or so ago. My question followed one asked by the honourable member for Maryborough. Those questions referred to the Government's decision to purchase a new police launch manufactured in Hong Kong. The honourable member for Maryborough asked if the vessel was a production-line game-fishing boat that required some modifications. The Premier, in his reply, said that the boat was built to police specifications and that no modifications were required.

I have spoken to a number of people in the industry and I feel that the Parliament is being deliberately misled on this issue. Most definitely the boat is a production-line boat. It is exactly the same as a game-fishing boat manufactured by the firm in Hong Kong.

I asked a question of the Premier last week. I admit that it was a long question and I came in for some criticism on that point. But it is very frustrating to have to sit on the back benches and wait for two or three months before being able to ask a question. That is one of the reasons why those sorts of questions are asked.

Some of the points in my question were very pertinent. At some stage in the future the Government will have to answer them. I repeat that I feel we are being deliberately misled because that boat is a production-line boat. In my speech I intend to pose a few questions. If the Premier is right in saying that the boat was built especially for the State Government, can he explain why it is identical with a production-line boat except for a fly bridge? Apparently the police boat will not have a fly bridge on it.

That leads me to further points in the question that I asked. From what I have been told by the experts in the boating field, there is some doubt about the safety of the boat because of its design. The controls will now be situated in the cabin and it is virtually impossible, when the boat is cruising, for the person driving the boat to be able to see ahead with safety. Does that mean that a person will be placed at the front of the boat when it is cruising up the river or out on the bay? They are only minor points.

In answer to the first question I asked on 2 September 1982, the Premier said that the tenders received from local boat builders did not meet with police requirements. That is the crux of the whole matter. When the local boat builders were asked to tender for this boat, they were given certain specifications by the Government on which to act. A boat has been purchased with specifications and design outside that originally requested. It would cost nowhere near the same price to produce. The local boat builders were not given an opportunity to resubmit a tender on the same basis as their competitors in Hong Kong. The Government openly promotes the propaganda that it supports the "Buy Queensland made" theme. In the time available to me, I come out in defence of the local boat builders. They have a very proud and long record of a very high quality product. They can hold their own in all areas of boat-building competitiveness.

(Time expired.)

Aspley Hypermarket

Mrs NELSON (Aspley) (5.47 p.m.): In the last nine months much has been said in this House about the proposed development of a hypermarket in the suburb of Aspley, a suburb that takes in part of my electorate. A lot of what has been said has been emotional rhetoric indulged in not by members of the Government but by Opposition members. I would like to clarify the position so that members clearly understand the

series of circumstances which has reluctantly led to the decision by the Brisbane City Council to allow the development to proceed.

In 1976 the land was purchased by Nick Girdis, who owned Lindsay Estates. A proposal was submitted to the Brisbane City Council for a major development on the site, of approximately 250 000 sq ft of retail space, of which 150 000 sq ft was to be a large department store and 100 000 sq ft occupied by small specialty stores. That proposal was rejected outright by the Brisbane City Council. Lindsay Estates challenged that refusal and took the matter to the Local Government Court. There was a number of major objectors, not the least of which was Myers. A number of other small businesses in the area also took part. However, the Local Government Court ruled that the project could proceed. A rezoning proposal was presented to the Government for ratification and was approved by Executive Council.

In 1977 consent was given to Lindsay Estates to develop a major departmental store and a series of specialty stores on 25 acres at Aspley. Adjacent to that land was a further 5 acres which was rezoned at the same time for the development of a caravan park. That caravan park is still in use today and there is no challenge to that rezoning at present. I stress the words "at present". Late last year many rumours were circulating in the electorate about the proposed sale of that land. In the intervening four years there have been a number of attempts to develop the site. David Jones and Woolworths had conducted feasibility studies and decided not to proceed, and apparently Lindsay Estates decided to sell the land. It must be borne in mind that the land was the subject of a rezoning decision by a court, which made it a very valuable piece of property to a developer.

The land was sold to Permewan Wright Consolidated Ltd on 15 December 1981. That sale was made with the proviso that the Brisbane City Council would approve the development of a hypermarket on the site. Approval in principle was given by the council before the sale went through. The sale went through and was ratified in the middle of 1982. A lot of nonsense has been spoken about how big it is going to be, how big it is not going to be, who can do what and who has the power to stop it. The only Government in Australia that has the power to stop that development at the moment, without the introduction of retrospective legislation by this Parliament—and I do not believe that any member of this House would wish that to happen—is the Federal Government.

It could do it only on the basis of the strict guide-lines laid down by the Foreign Investment Review Board. The South African company Pick'n Pay, whose managing director is Raymond Ackerman, together with Permewan Wright, submitted a proposal to the Foreign Investment Review Board after I had drawn to the attention of the Federal Treasurer the fact that no such proposal was before the board at that time.

There are three bases on which the Federal Government could prevent the proposed development: Australian content of the proposed development; whether or not it is in the national interest; the attitude of the State Government or the Governments that are affected.

The Australian content aspect developed into an interesting exercise with numbers falling like confetti at a wedding. Finally, the proposal was for two-thirds Australian content and one-third South African content in the development site only. I stress that because it appears that the construction of the site and its operation will be two separate undertakings.

The Federal Government decided that in the national interest it could make a decision either for or against the proposal and that it intended to rely heavily on the advice of the State Government. The State Government was given advice by various honourable members, and on advice given to it by the Minister for Commerce and Industry it decided that it could not support the project on a town planning basis but because of the change in company structure it could not oppose it on the basis of the guide-lines laid down by the Foreign Investment Review Board.

Recently a Press report stated that the centre would comprise "only 11 000 square metres" and that it would not differ substantially from the original proposal put forward

in 1977. Incidentally, 11 000 square metres is not equal to 250 000 square feet. The proposed development provides for a total gross floor area of 24 064 square metres of retail space and for 15 737 square metres of ground-floor area.

(Time expired.)

Gold Coast Crime Rate

Mr BORBIDGE (Surfers Paradise) (5.52 p.m.): I rise to reply to criticism levelled at the Gold Coast, particularly because of what is alleged to be its high crime rate. I intend to put the record straight and to reveal what I believe has been an orchestrated campaign of scaremongering, smear and innuendo by certain interstate elements, particularly the southern media, against the Gold Coast, which is Australia's No. 1 tourist resort.

It is interesting to look at relevant crime figures for Brisbane and the Gold Coast over the period 1 July 1981 to 20 June 1982. It is not my intention to denigrate Brisbane; I merely want to put the facts in their true perspective to show quite clearly that the crime rate on the Gold Coast is not higher than that in any other city of a comparable size in Australia.

Over the period to which I have referred, in the South Brisbane region there were 32 reported rapes, 393 other sexual offences, 289 serious assaults, 538 minor assaults and 35 homicides. In the northern region, including Redcliffe, there were 15 reported rapes, 106 other sexual offences, 201 serious assauts, 255 minor assaults and 20 homicides.

In contrast, over the same period, on the Gold Coast, which does not include Beenleigh, there were eight reported rapes and there were 104 serious assaults, of which 63 were cleared, 39 were arrested and 10 summonsed, which represents a 61 per cent clear-up rate. There were 189 minor assaults, of which 119 were cleared, 72 were arrested and 11 summonsed, which represents a 63 per cent clear-up rate. There were 19 homicides, and there were 97 other sexual offences. Of those, 42 were cleared, 20 were arrested and seven were summonsed, which represents a clear-up rate of 43 per cent.

In view of those figures and of the ratio between them and the number of people who live on the Gold Coast permanently and who visit it over a 12-month period, I suggest that the figures for the Gold Coast are comparable with those for the South Brisbane region and the northern region.

That is not to say that problems do not arise from time to time. It must be stressed that the performance of the Gold Coast police has been exceptionally good and that the crime rate on the Gold Coast is no worse than that in any other city in Australia. More police are needed, and I pay a tribute to the Minister for Police for the efforts that he has made to provide more police on the Gold Coast. I welcome the recent Cabinet decision to provide another 80 police on the Gold Coast as soon as possible. That will bring the police numbers there to somewhere near the required level.

I also welcome the announcement about the construction of a new police complex at Broadbeach. Tenders for the job have closed.

The Government should be looking at the particular problems that face police in maintaining law and order in any holiday area. From time to time, groups of people get carried away and drink too much "holiday cheer" and the police have difficulty in dealing with them. We, as members of Parliament, should be looking at what we can do to assist police to deal effectively with certain unsavoury groups that from time to time cause problems.

In conclusion, I emphasise that the figures on the crime rate speak for themselves. The Gold Coast has nothing to hide or to be ashamed of with its crime rate, particularly when it is compared with that for the Brisbane region.

Motion (Mr Gunn) agreed to.

The House adjourned at 5.57 p.m.