Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 7 MARCH 1985

Electronic reproduction of original hardcopy

THURSDAY, 7 MARCH 1985

Mr SPEAKER (Hon. J. H. Warner, Toowoomba South) read prayers and took the chair at 11 a.m.

PAPERS

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

Small Business Development Corporation for the year ended 30 June 1984.

The following papers were laid on the table—

Proclamation under—

Small Claims Tribunals Act Amendment Act 1984

Orders in Council under—

City of Brisbane Act 1924-1984 and the Statutory Bodies Financial Arrangements Act 1982

Fauna Conservation Act 1974-1984 and the National Parks and Wildlife Act 1975-1984

Land Act 1962-1984

National Parks and Wildlife Act 1975-1984

Regulations under—

Building Act 1975-1984

Prisons Act 1958-1974

Small Claims Tribunals Act 1973-1984

Fauna Conservation Act 1974-1984 and the National Parks and Wildlife Act 1975-1984

Proposal—

(a) Proposal by the Governor in Council to revoke the setting apart and declaration as State Forest under the Forestry Act of—

(a) All that piece or part of State Forest 3, parishes of Bowarrady, Moonbi, Poyungan, Talboor and Wathumba described as Area "A" as shown on plan FTY 1302 prepared by the Department of Mapping and Surveying and deposited in the Office of the Conservator of Forests and containing an area of about 773 hectares and,

(b) All those pieces or parts of State Forest 12, parishes of Charlestown and Cherbourg described as Areas "A", "B", "C", "D", and "E" as shown on plan FTY 1301 prepared by the Department of Mapping and Surveying and deposited in the Office of the Conservator of Forests and containing in total an area of about 138.41 hectares.

(b) A brief explanation of the proposal.

FEES PAID BY CROWN TO BARRISTERS AND SOLICITORS

Return to Order

The following paper was laid on the table—

Return to an Order made by the House on 28 August last, on the motion of Mr Randell, showing all payments made by the Government to barristers and solicitors during the 1982-83 financial year, stating the names of the recipients and the amounts received separately.

66531—129

MINISTERIAL STATEMENT

Restoration of Electricity Supply

Hon. I. J. GIBBS (Albert—Minister for Mines and Energy) (11.3 a.m.), by leave: I rise to make a ministerial statement on the South East Queensland Electricity Board electricity supply system and attempts being made by members opposite to undermine confidence in that system. We have all heard claims by the Leader of the Opposition (Mr Warburton) and his followers that the system is in imminent danger of collapse, that equipment is faulty and needs replacing immediately, and that another heavy storm would black out areas for days.

Last night, the south-eastern area of Queensland had what the media termed a wild thunderstorm that up-rooted trees, flooded houses and cars and, not unexpectedly, brought down power lines. In fact, it caused 2 800 consumers to lose power in the Brisbane area. Yet, within one hour 2 000 of those consumers were reconnected, and in two hours 2 500 were back on power. By midnight, all but two of the consumers had electricity restored, and those two consumers were prevented from being reconnected by a broken power pole. So much for the claims that SEQEB'S repair teams are inexperienced and ineffective! I can assure honourable members that the regular board repair teams and the contract labour that the board is employing on repair work are doing the job most efficiently.

In fact, if the Leader of the Opposition cared to check, he would find that some of the dismissed Electrical Trades Union linesmen who previously worked for SEQEB are now working for electrical contractors doing the repair work.

I trust that the evidence I have presented in this statement ends once and for all the inaccurate and malicious accusations that are made against the SEQEB supply system.

PERSONAL EXPLANATION

Mr CASEY (Mackay) (11.7 a.m.), by leave: In this Chamber yesterday, in answer to a question from the honourable member for Caboolture (Mr Newton), the Minister for Transport (Mr Lane) implied that a derailment two days ago in the Koumala Range on the Goonyella line, caused by a cracked wheel, was an unusual accident. I inform honourable members that a further derailment occurred this morning, the third in five days. I believe that action——

Mr SPEAKER: Order! What has this got to do with the honourable member personally?

Mr CASEY: I am coming to that, Mr Speaker. This is the third derailment in five days on that line, yet the Minister has said that I am being alarmist in what I am saying about the State's railways.

Mr LANE: I rise to a point of order, The honourable member is misusing the provisions of Standing Orders by not personalising the explanation. No aspersions have been cast on him, no personal reflections made, and he has no grounds for submitting matters to Parliament on this basis. He will have plenty of opportunity during question-time to address himself to that issue and to use the proper forms of the House.

Mr SPEAKER: Order! The honourable member for Mackay must explain to me how he has been misrepresented or how this matter affects him personally before I will allow him to make a personal explanation. Unless he does that immediately, I will not allow him to continue.

Mr CASEY: I am the Opposition spokesman on Transport, and the Minister has just now claimed that I am abusing the privileges of the House. Members should know that by his maladministration he is risking the safety of railwaymen in this State.

Mr SPEAKER: Order! I cannot allow the honourable member to continue.

QUESTIONS UPON NOTICE

Questions submitted on notice were answered as follows—

1. **Levels, Dams and Weirs**

Mr NEAL asked the Minister for Water Resources and Maritime Services—

As the annual wet season has not eventuated and conditions throughout the State are deteriorating, what is the situation regarding the levels of water stored in dams and weirs throughout the State?

Answer—

The volume of water presently stored in commission storages throughout the State respresents about 84 per cent of their full capacity.

That volume is 9 per cent less than that at the same time last year, but much greater than the volume stored during the drought of 1982-83, when it was 63 per cent of total capacity.

Although the overall position across the State is guite good, there are a few storages which could cause concern if the dry spell continues.

The Eungella Dam, which supplies water for Collinsville power station and the Burdekin River Irrigation Area, is storing only 42 per cent of capacity. The Kinchant Dam, which provides water in the Eton area, is storing 35 per cent of capacity, and the Callide Dam near Biloela is storing 53 per cent of capacity, The combined volume in storage of Beardmore Dam and Jack Taylor Weir at St George, which supply water to the St George Irrigation Area, is 56 per cent of capacity.

2. **Overseas Loan Raisings**

Mr BURNS asked the Deputy Premier and Minister Assisting the Treasurer—

With further reference to the overseas loan liability of Queensland statutory authorities and the Treasury's overseas debt management techniques, and as New South Wales Treasury has released information on the following points about their overseas borrowings—

(1) To date, what is the Australian dollar equivalent hedged cost to maturity of the offshore borrowing portfolio (defined as including actual payments of interest and principal to date and an assumed refinancing of the remaining cash flows to maturity in Australian dollars based on the current exchange rate and Australian dollar interest rate)?

(2) What is the equivalent domestic Australian dollar borrowing cost of overseas loan-raisings to date, assuming the offshore borrowing program had actually been borrowed in Australian dollars in the Australian market from the draw-down dates to maturity of the loans?

(3) What is the Australian dollar equivalent cash cost (defined as including interest payments on the offshore borrowings and currency gains and/or losses on principal amounts paid to date) vis-a-vis the equivalent domestic Australian dollar borrowing cost and the resultant cash savings or additional cash costs incurred by borrowing overseas for annual or semi-annual periods since 1979 or a later period if calculations back to 1979 have not been done?

Answer—

(1 to 3) Because of the effects that the additional borrowings would have had on domestic interest rates, it is not possible to assess what interest rates would have been required to be paid had those funds raised overseas been raised in Australia. Indeed, it is highly unlikely that the funds would have been available in Australia. Accordingly, there is no meaningful way in which the cost of overseas borrowings can be compared with supposedly "alternate" domestic borrowings.

Notwithstanding this, I assure the honourable member that the actual costs to date of our overseas borrowings have been less than they would have been had the funds

been able to be raised in Australia and had the additional borrowings had no effect on domestic interest rates.

However, the key issues in any debate on the matter of overseas borrowings are—

The funds had to be borrowed from overseas if the works were to be done.

The State's foreign currency exposure is managed in the most cost-effective manner, given the uncertainty of international exchange rates.

As "The Australian Financial Review" correctly pointed out yesterday, it is the purpose for which the funds are used that is of prime importance. In this regard, the funds in Queensland have been applied to productive capital works, such as power stations and port facilities, which will have long-term benefits to the State.

Because the funds could not be raised in Australia (without serious detriment to domestic interest rates), the only alternative to our overseas borrowings would have been to not proceed with some of these works. That is an alternative that would have been totally inconsistent with this Government's aim of promoting the economic development of Queensland.

I ask the honourable member to indicate whether he would have taken the latter alternative and, if so, which works the Opposition would not have proceeded with.

3. **Railway Electrification, Petrie-Caboolture**

Mr NEWTON asked the Minister for Transport—

What progress has been made on the rail electrification works between Petrie and Caboolture?

Answer—

The electrification works on the Petrie-Caboolture section are progressing on schedule and all works are expected to be completed by June 1986.

All major civil works are in progress and will be completed by August, 1985. Three major bridges and seven deviations will be constructed. Departmental forces will undertake trackwork, foot-bridge alterations, etc.

A contract has been awarded for a new station building at Caboolture. A new road overbridge is being constructed at King Street, Caboolture, by the Main Roads Department, and Queensland Railways will contribute towards the cost.

Contracts have been awarded for the supply of most of the overhead materials, and tenders will be called next month for the construction of the overhead system.

A contract has been awarded for the immunisation of the signalling system. Negotiations have been finalised with SEQEB and QEGB for the power supply, and with Telecom for the immunisation of the Telecom telephone system.

The cost of this project is currently estimated at $27.6m of which $9,148,000 has been expended to the end of February.

Mr LANE: Mr Speaker, in addtion to my prepared answer, I point out that the programs of electrification of the Queensland railway lines are creating employment and business opportunities for many Queenslanders. They will not be damned by the honourable member for Mackay. No matter how hard he tries to put the system down, obviously it is successful. The honourable member for Mackay is worried about the developments that are taken place in the railway system and he is attempting to condemn and belittle the efforts of good railwaymen, as well as the opportunity for employment.

Mr Casey: I am worried about lines.

Mr LANE: The honourable member for Mackay has nothing to worry about relative to the lines. Because he interjected, the honourable member for Mackay has given me an opportunity to deal with the matter that he tried to introduce dishonestly this morning.

The honourable member for Mackay referred to a derailment that he wanted the House to believe was a serious one at Mackay this morning. In fact, it was a very minor derailment and it took place at 5.20 a.m. at Mindi near Coppabella. The train was on its way from Oakey Creek to Dalrymple Bay.

Mr Burns interjected.

Mr LANE: Is the honourable member for Lytton the Opposition spokesman for railways? Doesn't he trust the capabilities of the member for Mackay? Doesn't he think the honourable member can handle this matter? Has the honourable member for Lytton got to come out of the woodwork to protect him?

Mr Burns interjected.

Mr LANE: Years ago, the honourable member for Lytton put the knife into the member for Mackay, who had to become an Independent in this place. However, now the member for Lytton is trying to protect him.

At the moment, the cause of the derailment is unknown. Inquiries are proceeding. Only one wagon in a train of over 100 wagons was derailed. It was a very minor affair.

I was intrigued to read an article this morning in the "Daily Sun" headed, "Rail blunder delay claim" It was a report of a statement made yesterday by the member for Mackay. The heading intrigued me because it included the words, "Rail blunder". There was no blunder. It also included the word "delay", which there was not, and the word "claim", which certainly was made, but it was a dishonest one.

I think that that should, once and for all, give the lie to the claim being made by the Opposition that the "Daily Sun" and other "Sun" newspapers are in the grip of this Government in terms of editorial policy. Obviously they are not when dishonest propositions, such as those put forward by the honourable member for Mackay, can be peddled in prominent places in newspapers.

Mr CASEY: I rise to a point of order. The Minister has alleged that I have put dishonest propositions through the "Daily Sun" and to this House. That is not correct. I strongly object to those words and ask that they be withdrawn. Unquestionably, trains are going off the line almost daily in Queensland.

Mr SPEAKER: Order!

Mr LANE: Mr Speaker, that is a serious reflection on the railway staff.

Mr SPEAKER: Order! The honourable member for Mackay has asked the Minister to withdraw certain offensive words, and I ask him to do so.

Mr LANE: Which words, Mr Speaker?

Mr SPEAKER: Order! Would the honourable member for Mackay repeat the words that he finds offensive?

Mr CASEY: I rise to a further point of order. The Minister has just said that I was casting a serious reflection on railway staff. I object to that as well. I cast no reflection on railway staff. I cast a reflection on the Minister and his administration for having stopped examining railway wagons at Jilalan.

Mr SPEAKER: Order! That point of order is different from the one that the honourable member raised in the first place. There was no point of order on the second occasion.

4. Expenditure on Government Advertising, Electricity Industry Dispute

Ms WARNER asked the Deputy Premier and Minister Assisting the Treasurer—

How much of tax-payers' money, that is, Government revenue, has been spent on advertising the Government's position on the current power dispute in the "Daily Sun", "The Courier-Mail", provincial newspapers and on radio and television?

Answer—

The cost to the Government of informing Queenslanders through the media of the issues in the power dispute was approximately $278,000 to 22 February 1985. The Government considers this money well spent if it brings home to every member of the public the irresponsibility of certain unions which are, in the pursuit of their own selfish objectives, prepared to inflict suffering on the whole of Queensland.

5. **Defence Contracts**

Mr PALASZCZUK asked the Minister for Industry, Small Business and Technology—

(1) Has his attention been drawn to a report in "The Sunday Mail" of 24 February that a survey conducted by the Departments of Defence and Defence Support showed only one Queensland firm with sufficient quality control to receive defence contracts?

(2) Is the report accurate?

(3) Do not the results of the survey give the lie to the often repeated claims of the Government that it has expanded Queensland's industrial base?

(4) What action does the Government propose to take to rectify the shortcomings as outlined in the departmental survey?

Answer—

(1 to 4) I thank the honourable member for this opportunity to discuss quality control, a subject that is one of this Government's priorities, and one in which I personally have taken more than a passing interest. Indeed, I am convinced that Queensland industry can and must have greater participation in defence contracts and purchasing offsets, and can only do so through quality control and quality assurance.

The Queensland Government is committed to ensuring wide acceptance of quality control.

It is true that, recently, I have criticised the lack of commitment by many Queensland companies to the concept. I will continue to do so—as indeed I will continue to ensure that, through my department, every possible assistance that can be given, is given, to Queensland companies to adopt modern formal quality control measures.

I am aware that a number of Queensland companies have achieved the highest levels of quality control and quality assurance. Versatile Toft of Bundaberg, for example, has reached the highest Australian standard; Evans Deakin Industries, North Queensland Engineers & Agents Pty Ltd of Cairns and Mack Trucks have also maintained high standards and, indeed, the efforts of NQEA and Mack in this regard have been recognised by national awards. These are a few of the exceptions—albeit outstandingly successful exceptions. It is significant that companies such as these, devoted to quality control and quality assurance, have been successful in securing major contracts.

It should be noted that quality control and quality assurance standards played a role in the recent Queensland Government contract let to Comeng and Walkers—as joint venturers with overseas concerns—for the supply of new electric locomotives. I have no doubt that these companies will have to upgrade in certain respects to meet quality control standards.

Honourable members on both sides of the House will appreciate, therefore, that to compete in today's highly competitive world, it is absolutely essential that Queensland companies, large and small, specialised or not, be committed to the concept of total quality control and assurance. If they do not, they will simply be unable to compete, and will go under.

Quite frankly, there is, at present, no such general industry commitment, and the challenge has been taken up by the Metal Trades Industry Association, the Queensland Confederation of Industry, and the Australian Organisation for Quality Control. These organisations, with this Government's blessing and support, are presently conducting a

series of seminars and other programs to heighten Queensland industry awareness of the necessity of quality control and quality assurance.

Shortly, I will be having talks with a tertiary institution in this regard, and I understand that plans are well advanced to introduce courses in quality control and quality assurance. As well, the Department of Commercial and Industrial Development is helping to fund a just-in-time technology project involving 10 Queensland manufacturing companies. The department actively supports the Australian Design Council and the Productivity Promotion Council. The work of these bodies contains essential elements of quality control—design, market research, concept and product specification.

It is not true, as was reported in "The Sunday Mail" of 24 February 1985, that only one Queensland firm had sufficient quality control to receive defence contracts. The evidence of the superb work of NQEA and EDI in this area gives the lie to that report.

It is true, however, that, in 1983, only one firm in the State met the quality control assessment standards of the Lockheed aircraft company with regard to highly specialised aircraft off-sets contracts.

However, even though the situation has improved considerably since then, there is no room for complacency, and certainly, in its efforts, the Queensland Government has not been complacent. It must be fully understood that, in quality control and quality assurance, the Government can only provide the basics, as it were, create the proper climate, and move, as it has consistently done, to ensure that local firms are made aware of the latest techniques and the latest demands of overseas customers. The ultimate responsibility lies with the manufacturers themselves. I know that they can do it and I am sure that they will.

6. Private Catering Service Run by Hospital Employee

Mr PALASZCZUK asked the Minister for Health—

(1) What was the name of the hospital kitchen-worker caught running a catering service from a public hospital as outlined by him in the "Sunday Sun" on 28 October 1984?

(2) What was the name of the hospital concerned?

(3) In view of the large amount of money involved, what criminal charges did the worker face and what was the penalty imposed by the court?

(4) If no charges were laid against the worker, what was the reason?

Answer—

(1 to 4) The matter was investigated by the police and, as no criminal charges were sustained, I am not prepared to abuse the privilege of Parliament by revealing the name of the officer under investigation or the hospital concerned.

7. Ipswich City Council Election; Nomination of Mr R. W. Klopp

Mr INNES asked the Minister for Local Government, Main Roads and Racing—

(1) Has his department received a letter from solicitors for the Liberal Party and Rodger Wayne Klopp referring to Mr Klopp's attempted nomination for Division 2 of the Ipswich City Council, a nomination that was returned after being accepted and certified by the returning officer as substantially complying with the Local Government Act?

(2) Was the nomination the subject of objection by the sitting ALP councillor, Mr Paul Tully?

(3) Do the local government rules state that no nomination should be rejected for mere formal defect or error?

(4) As the letter from the returning officer did not specify the reasons for declaring the nomination invalid, what does his department understand to be the reason?

(5) Was the only relevant deficiency the absence of one out of two Christian names of one lady though in all other respects her name and address are correct and there is no other person with whom she can be confused?

(6) Was there one other nomination rejected in another Ipswich division on similar grounds?

(7) What have his departmental inquiries disclosed?

Answer—

(1) Yes.

(2) Yes.

(3) Rule 6 (3) of the rules made under the Local Government Act 1936-1984 to govern the conduct of local authority elections provides that a nomination paper shall not be rejected for any mere formal defect or error therein if the returning officer is satisfied that the provisions of the rules have been substantially complied with.

(4 & 5) I understand that, in rejecting the nomination, the returning officer acted in accordance with advice he obtained from counsel on the matter.

(6) Yes, in Division 8 of the city of Ipswich.

(7) Advice obtained by the Director of Local Government is to the effect that, under the Act, the returning officer, being the clerk of the local authority concerned, is charged with the conduct of local authority elections, and neither the Minister nor the Department of Local Government has any powers of intervention. It would, however, be open to a person with legal standing, who considered that the returning officer has acted improperly in rejecting a nomination, to apply to the Supreme Court for redress.

8. Permanent Part-time Teachers

Mr LINGARD asked the Minister for Education—

With reference to a press article on 26 February which refers to the fact that the Queensland Teachers Union is meeting during the week ending 9 March to plan new tactics to persuade the State Government to introduce job-sharing for teachers in Queensland schools and as the president of the QTU is quoted as saying "that students' educational continuity is disrupted unnecessarily because there are excellent teachers being forced to resign through the work-load"—

(1) Why has the Government not introduced plans to employ part-time teachers to assist in covering absenteeism of Queensland teachers?

(2) Have any surveys indicated that students will benefit by having several teachers during the week rather than one permanent teacher?

(3) Will the continuity of extra-curricular activities for students be severely affected by part-time teachers?

(4) Has the QTU used the original Government concept of part-time teachers to cover absenteeism, and to promote its own policy of permanent part-time employment for those who wish to pursue other vocations as well as teaching?

Answer—

(1) The whole issue of permanent part-time employment in the public service is presently being considered by the Department of the Public Service Board and, until the board makes a decision on the matter, I am unable to comment further.

(2) I am not aware of any surveys that indicate whether students will or will not benefit by having permanent part-time teachers. However, if permanent part-time teaching were introduced, it would be closely monitored to ensure that no child was disadvantaged.

(3) This could well happen.

(4) I am not aware of the motives of the Queensland Teachers Union in this regard. I hope that this is not the motive behind the QTU's campaign. It is my understanding that permanent part-time teaching could well be used in situations in which students require the specialist services of a particular teacher.

QUESTIONS WITHOUT NOTICE

Mr WARBURTON: Mr Speaker, am I to understand that the Deputy Premier and Minister Assisting the Treasurer (Mr Gunn) is the Acting Premier?

Mr SPEAKER: Yes.

Mr Hinze: Haven't you been advised?

Mr WARBURTON: No.

Capital Works Program

Mr WARBURTON: In asking a question of the Acting Premier and Treasurer, I point out that the 1984-85 Budget documents do not outline a total Capital Works Program and that, when I have questioned both the Premier and Treasurer and the Deputy Premier and Minister Assisting the Treasurer on this matter, I have been advised that the total program is not yet known but will be available later this financial year. As the final quarter of the 1984-85 financial year is about to commence, I now ask: Is the full State Capital Works Program now available and will the Acting Premier and Treasurer provide the details for the House?

Mr GUNN: Yes, certainly. It is available and the honourable member can have a copy, along with a copy of the Special Capital Works Program, any time he likes.

Interdepartmental Task Force on Unemployment

Mr WARBURTON: In asking a question of the Acting Premier and Treasurer, I refer to three recent reports, namely, those of the ANZ Bank, the Metal Trades Industry Association/Commonwealth Bank and the Queensland Confederation of Industry, all of which give bleak prospects for the Queensland economy in 1985-86.

Bearing in mind that a further slump in the State's economy must increase the unemployment rate, which is presently 11.1 per cent, will the Acting Premier advise whether the interdepartmental task force, which the Government announced during the Rockhampton by-election campaign was to be set up to address the problems of unemployment, has met at this stage, who are the members, and what progress has been made to date?

Mr GUNN: No one person has done more to undermine business and investment confidence in this State than the Leader of the Opposition. He continues to do so. In the "Business/Home Computers" section of today's "Courier-Mail"——

Mr Warburton: What about the task force?

Mr GUNN: In his question the Leader of the Opposition mentioned the MTIA. The article to which I am about to refer was written by Brian Hale, not a known supporter of the Government. He wrote—

> "Queensland's metal and engineering groups expect a fall in activity next year after functioning below the national average during most of last year following the scaling-down of resource-related activities.
>
> The latest Metal Trades Industry Association/Commonwealth Bank national survey of the industry forecasts production levels remaining around current levels until the end of this year before falling 'discernibly' in 1986.

However the immediate outlook for the State is a little better than the national picture."

He admits that the outlook for Queensland is better than the national picture. The Leader of the Opposition should be talking about the other States.

In answer to a question from the Leader of the Opposition, I said yesterday that the State had spent only a minute amount of the money allocated for the Special Capital Works Program. I also said that tenders worth $100m had already been let. Another $700m is to be spent by the Minister for Transport. Almost another $500m is to be spent through the Special Capital Works Program. The Government is doing its utmost, in spite of the fact that, all the way through, the Opposition has tried to undermine confidence in the State.

Mr WARBURTON: I rise to a point of order. I appreciate the restrictions contained in Standing Orders, but is it not correct that if one asks a question of a Minister in this place, the Minister is certainly expected to answer? I asked the Acting Premier about the task force. To this stage he has not made one mention of the task force.

Mr SPEAKER: Order! The Chair has little or no control over how a Minister answers a question, as long as the question is within his jurisdiction. I rule that the answer to the question is within the jurisdiction of the Acting Premier.

Mr GUNN: The Leader of the Opposition made a statement that warrants correction. Ever since he became Leader of the Opposition, he has been the voice of doom and gloom. He would be a wow at an undertakers' picnic. In this place all he has done is knock the Government and knock Queensland. In that he has been aided and abetted by his motley crew.

I assure the Leader of the Opposition that he has no reason to worry about the future of Queensland. The Government will do its utmost. In spite of the fact that the Leader of the Opposition aided and abetted those who were the cause of one of the worst strikes that the State has ever witnessed, one that cost the State $25m——

Mr Warburton: That is all I want to know.

Mr GUNN: There are a few things that the Leader of the Opposition should know. It should be told and retold. Queensland lost $25m in pay-roll tax revenue because the Opposition aided one of the worst strikes that has occurred in this State.

Electricity Industry Dispute

Mr NEAL: In directing a question to the Acting Premier and Treasurer, I refer to recent protests allegedly associated with the SEQEB dispute. I ask: Is the Minister aware that a group commonly known as rent-a-crowd has been infiltrating the ranks of ETU members and stirring up trouble for their own socialist motives?

Mr GUNN: One sees them everywhere. Recently I had a look at the crew who came to Parliament House. I looked at the same crew outside SEQEB and when an attempt was made recently to stop me from boarding a ship. I will name a few of them. There was Rintoul, McLennan, Zischke and Ferrier—prominent members of the international socialists. They were all involved. Opposition members can tell the ETU——

Mr Burns: Why do you have answers written out for questions without notice?

Mr SPEAKER: Order! I warn the honourable member for Lytton under Standing Order No. 123A. Any further interjections of that kind will not be tolerated.

Mr R. J. Gibbs interjected.

Mr SPEAKER: Order! I also warn the honourable member for Wolston. I warn Opposition members, particularly the member for Lytton, that how the Minister answers a question and whether he has notes——

Mr Burns interjected.

Mr SPEAKER: Order! I will ask the honourable member to leave the House. That is my final warning.

Mr Burns: Are you asking me to leave or stay?

Mr SPEAKER: That is the honourable member's final warning. I call the Minister.

Mr GUNN: I will return to the reference that I was making to rent-a-crowd. There were more members of rent-a-crowd than ETU members.

Mr FOURAS: I rise to a point of order. I move—

"That the document cited by the Acting Premier and Treasurer be laid on the table."

Mr GUNN: I will table it willingly.

Whereupon the honourable gentleman laid the document on the table.

There is nothing wrong with that. I say to ETU members that if they sleep with dogs they will end up with fleas. If the cap fits, wear it.

The member for Kurilpa (Ms Warner) was with the international socialists whom we know so well. Time and time again we have seen them. On the recent occasion, they asked motorists for support. They displayed signs saying, "Toot your horn if you support us." Motorists poked their heads out of their cars and said, "Get back to work, you bludgers." The demonstration obtained no support from the motorists or from the public. Their actions were a dead loss. The members of the ETU are backing the wrong horse in backing the international socialists group with which they are involved.

Compensation for Expo 88 Resumptions

Mr BURNS: In directing a question to the Minister for Industry, Small Business and Technology, I refer to the statement by the Premier and Treasurer (Sir Joh Bjelke-Petersen) that established business in South Brisbane would be given fair and reasonable compensation and that no-one would be disadvantaged by the Expo development. I refer to the article in this morning's newspaper about Watson Ferguson. I ask: Is the Minister aware that the Watson Ferguson/Jackson & O'Sullivan group at South Brisbane, which has been in operation since 1868 and employs 137 staff, is currently facing massive problems with loss of jobs and profit as a result of the requirements of the Expo 88 authority that they vacate their premises by 30 June this year? Did directors of that company approach his department and were they offered land at Carole Park, Marsden and Lytton? Is it true that the company agreed on the Lytton site and that an officer of his department said that its application would be approved? Is it also true that the company was later advised by a top official of the department that that person had no authority to make such a recommendation and that the company would not be given the Lytton site because it was in a noxious and hazardous area and that, to be sited there, it had to be a noxious industry?

As the site adjacent to the one proposed for the printing establishment is occupied by a cricket bat manufacturer and creates no pollution—and even though the Australian cricketers are not doing very well, does not make it a noxious industry—will he as a matter of urgency consider the company's request for land at Lytton so that the 137 jobs and that long-established business, which handles major Government printing and private enterprise work, can continue to operate? I might add that such an enterprise would be welcomed as a clean industry rather than some of the chemical plants to which the Minister has made an offer.

Mr AHERN: I am aware of the problems faced by that company. Junior and senior officers of my department have been doing everything in their power to assist it. There have been ongoing discussions, and a range of options has been considered. Those discussions will continue in an effort to achieve a solution to the problem. In addition, discussions with the Expo authority will continue to ascertain whether it is possible, within its time frame, to obtain an extension of time to allow other options to be considered.

At the moment, the fact is that the land at Lytton is about the only land in the city of Brisbane on which the Government can site industries that have a noxious and hazardous classification. On a number of occasions, I, together with my senior officers, have discussed the matter with the Lord Mayor (Mr Harvey). It appears that everybody wants jobs but nobody wants industry. It is as simple as that. There are no areas in the city of Brisbane or its contiguous shires that are prepared to tolerate a chemical plant, even with all the environmental quality regulations covering such companies. Those regulations would be enforced in relation to any such development, whether it be in Lytton or anywhere else.

Discussions have been held regarding a future development proposed for the electorate of the honourable member for Wolston (Mr R. J. Gibbs), or in that general area. The Brisbane City Council does not want to know about it, regardless of the fact that the area in which the proposed development would take place is already totally industrialised. Hundreds and hundreds of jobs in Brisbane are hanging on the provision of that type of classification under the town plan. The Brisbane City Council does not want to know about it.

Returning to the development under discussion—the land at Lytton is about the only land left in the city of Brisbane on which that type of industry can be placed. It is also an area that is being reserved for large-scale enterprises that need to be located close to the port of Brisbane. I will be having discussions with my colleague the Minister for Mines and Energy (Mr I. J. Gibbs) to ascertain whether there might be some land owned by SEQEB that could be used for this purpose.

My department receives at least three applications a week for land in the Lytton area. A fellow who was in my office yesterday said to me, "Give me some of that land." Therein lies the problem. In the interests of providing jobs in the city of Brisbane, my department has a policy that that land must be reserved for that purpose unless the Brisbane City Council finds another area of land on which that type of industry can be placed. It must operate somewhere.

The Government has given an undertaking to the Watson Ferguson/Jackson and O'Sullivan group to do all that it can to assist. That commitment will continue.

The siting of noxious industries is a serious problem. The Lord Mayor and the chairmen of shires contiguous to Brisbane should ask my department, "Where can we put this type of industry?", because, at the moment, nobody wants it.

Threatened Take-over of MIM Holdings

Mr BURNS: In directing another question without notice to the Acting Premier and Treasurer, I point out that, in recent weeks, much comment has been made on the Holmes a Court raid on Asarco and the resultant threat to the control of MIM Holdings—one of Queensland's largest and most respected companies. Has the Minister had discussions with MIM concerning this take-over threat and, in particular, has he considered the implications of the take-over threat for Queensland, given the likely splitting of companies from the Asarco group and the loss-making coal operations of MIM?

Mr GUNN: In answer to the honourable member's question—early next week I have an appointment with MIM management.

Federal Budget Deficit

Mr CAHILL: I ask the Acting Premier and Treasurer: Has his attention been drawn to reports published in "The Australian Financial Review" indicating a Federal Budget blow-out? Does he agree with the report and supporting documents from the Federal Government indicating that the 1984-85 Federal Budget deficit is likely to exceed $9.5 billion, more than $1 billion above earlier projections, and, if so, what impact does he think that will have on the national economy?

Mr GUNN: That matter came to light during the national wage case. It is the first time that the Commonwealth Government has admitted that there will be a $1 billion trade deficit blow-out. The deficit will have repercussions throughout the economy. Representatives of the Queensland Government met with the Deputy Prime Minister (Mr Bowen) and the Minister for Sport, Recreation and Tourism (Mr Brown) recently, and I do not wish to reveal what transpired at the meeting. The Budget problems of the Federal Government are very serious indeed. What is more serious is the downward trend of the Australian dollar.

Mr R. J. Gibbs interjected.

Mr GUNN: The honourable member for Wolston would not know.

Mr R. J. Gibbs: Then explain it to us.

Mr GUNN: I suggest to the honourable member for Wolston that he should not worry about problems with the economy because he has his share of worries with Mr Paul Tully. At the next State election, the honourable member will not be able to rely on the backing of the Minister for Foreign Affairs (Mr Hayden). Mr Tully is after the honourable member's seat. I draw to the attention of honourable members an article published in "The Queensland Times" that bears the headline, "Labor in new faction push" The article, which indicates that Mr Hayden is on the outer, and that the push has been started by Mr Manfred Cross, reads "Although stringent efforts have been made to keep the initiative secret—" it is out now. Another centre unity party will be formed. The honourable member will be unable to turn to Bill Hayden because Hayden will be out on a limb. It looks as though Paul Tully will win at the next State election, so the honourable member should be very careful. On the occasion of the last State election, the honourable member for Wolston almost became an inmate of Wolston Park when Paul Tully suggested that a plebiscite should be conducted. The honourable member immediately went round to Bill Hayden for support. I should tell the honourable member that Paul Tully is ambitious and is the unopposed Labor Party candidate. He is telling everybody, "I will do Gibbs."

New Labor Party Faction

Mr CAHILL: Following upon the statement made by the Acting Premier and Treasurer, I now ask him: Has his attention also been drawn to reports of the emergence of a new Labor centre-left faction in Queensland?

Opposition Members interjected.

Mr GUNN: Naturally enough, Opposition members want to laugh the question off.

Opposition Members interjected.

Mr GUNN: What the honourable member for Aspley (Mr Cahill) has referred to is very serious for the Australian Labor Party. The Labor Party does not know which way to turn. Opposition members are correct; I previously mentioned the emergence of a new centre-left faction when I referred to the article that had been published in "The Queensland Times". I would like to enlarge upon my previous statements. The surprising feature about the emergence of that faction is that the most stable member of the Labor Party, Mr Manfred Cross, must be very concerned to have taken such action. I can understand and appreciate his concern.

The emergence of that faction would be a worry for the honourable member for Wolston because that honourable member is one of the few extreme left members of the Labor Party from the area surrounding Ipswich. The emergence of a new centre-left faction will weaken Mr Hayden's power in the Federal sphere, and I think all honourable members would appreciate that that is so.

Again, I point out to the honourable member for Wolston that he will be unable to appeal to Mr Hayden for support, as has happened on every other occasion of a State election, because Mr Hayden will be in a weakened position. I do not wish to add to the problems that the Labor Party is experiencing, and Government members know the problems that I am referring to. The future prospects of the Australian Labor Party are of very serious concern.

Decentralisation

Mr BRADDY: In asking a question of the Minister for Industry, Small Business and Technology, I refer to the Government-commissioned decentralisation report by Professor Harris of James Cook University, and to the criticism of the Queensland Government in volume 2 of that report for its failure to adopt a decentralisation policy favouring the establishment of industries in non-metropolitan parts of the State. I ask: Does the Minister stand by his reported remarks of last month that the report does not contain decentralisation proposals? Does not table 52 of volume 2 of the report contain explicit examples of assistance that could be provided by the Queensland Government to assist decentralisation of industry in Queensland?

Does the Minister intend to recommend to the Government that it put into effect the decentralisation proposals contained in table 52 of the report?

Mr AHERN: The Harris report was commissioned by the Manufacturers Council of Queensland. It has taken a very long time to develop, and the Government is still considering it. When its contents have all been processed, recommendations will be made to the Government.

However, the criticisms were taken out of context to the extent they were interpreted as criticism of the Queensland Government's policy on decentralisation, and that is not fair. A comprehensive range of measures assists decentralised industry in Queensland. It includes a 5 per cent preference on State Government purchases and a number of other measures in respect of Government guarantees on decentralised estates that are not available here in Brisbane. I felt that the taking out of context of that criticism was a quite unfair interpretation, because the Government does have a decentralisation policy that is the most comprehensive and fair dinkum in Australia.

Labor Governments in the other States have progressively gone through their decentralisation departments and dismantled decentralisation measures. The best example was the Cain Government in Victoria, which abolished $44m worth of decentralisation incentives. The Cain Government lived in fear that it would lose a substantial number of decentralised industries to other States as a result of the dismantling of its elaborate decentralisation scheme.

The Government is considering the very voluminous Harris report, and recommendations will undoubtedly be made as a result of that consideration.

Granting of Title to Community Reserve Lands

Mr BRADDY: I ask the Minister for Northern Development and Aboriginal and Island Affairs: As it is almost three years since the Parliament passed legislation providing for the granting of title of community reserve lands to elected councils of the Aboriginal and Torres Strait Islander people and over one year since that legislation was amended, will the Minister advise which Aboriginal and Islander communities have been granted title to their lands by deeds of grant in trust? If the answer is none, firstly, why have none been granted, and, secondly, when will the communities receive title to their lands?

Mr KATTER: I know that the honourable member is new to this Chamber, but I hope that, in future, he would liaise with the Opposition spokesman on Aboriginal affairs and avoid wasting the time of the House. If the honourable member had spoken to his colleague, he would know that I have already informed the Opposition spokesman that the problem centres on surveying. It was decided originally that the areas around State Government facilities would be surveyed, and that was thought then to be a fairly reasonable idea. Only two such areas have been surveyed in the first six months and a continuation of the work at that rate would waste an enormous amount of time and money. In this session, I hope to introduce a minor piece of legislation that will overcome the surveying problem.

Effect of Rice-dumping by Thailand

Mr STONEMAN: I ask the Minister for Primary Industries: What are the long-term economic prospects for north Queensland rice-growers and local communities as a result of the Federal Government's failure to prevent Thailand from dumping rice in Australia? What will the Federal Government's lack of action mean to unemployment in Queensland's rice-growing areas?

Mr TURNER: I thank the honourable member for his question. I am aware of the problem. Thailand is dumping rice into Australia. If that continued, it could cost the north Queensland rice industry millions of dollars annually. In the light of the depressed state of the sugar industry, employment opportunities will be affected on that part of the coast.

I point out that, currently, the Federal Government has no restriction on the entry of rice to Australia. In many ways, it is a great pity that the Federal Government does not afford primary industry the same protection as it affords secondary industries, including the motor vehicle building industry. In view of the astronomical overseas debts that the country is incurring, it will be dependent to a great extent on primary industries for its recovery. I only ask that primary industries be placed on a footing equal to that of secondary industries, and that cognisance be taken of the effect of dumping.

Government Advertising in "The Courier-Mail"

Mr HAMILL: In asking the Acting Premier and Treasurer a question, I refer to the placing in "The Courier-Mail" of large display advertising concerning job vacancies with SEQEB and the propagandising of the State Government's views on the current power dispute. I now ask: When did the Government remove its ban on placing advertisements for job vacancies with "The Courier-Mail" and have all Government departments, public authorities, instrumentalities, universities and CAEs been advised accordingly?

Mr GUNN: The Government has had no restriction on display advertising with "The Courier-Mail"

Unemployment

Mr HAMILL: I hope I have more success with my next question to the Acting Premier and Treasurer. I was hoping to ask the Premier and Treasurer this question, but he is not here today. I ask the Acting Premier and Treasurer: In view of the fact that the Queensland unemployment rate of 11.1 per cent is the highest of those of all States, what employment multiplier was envisaged in the 1984-85 State Budget and was the growth in full-time employment in Queensland in the first half of the 1984-85 financial year on target with Budget projections?

Mr GUNN: If the honourable member would only spit the marbles out of his mouth, I would be able to understand him. The honourable member is fairly hard to understand.

Mr Hamill: What is the employment multiplier?

Mr GUNN: I cannot understand the honourable member's mumbling.

Honourable Members interjected.

Mr SPEAKER: Order! If honourable members wish to hear the Minister's reply, they should be silent.

Mr HAMILL: I rise to a point of order. I understand that the Minister had difficulty in hearing the question. I am prepared to read it for him if he has any problems.

Mr GUNN: I do not think I would be able to understand it; it is very hard to hear. The honourable member's voice is badly muffled.

Mr Hamill interjected.

Mr GUNN: I will give the honourable member a few facts. It has been determined that, of all the new jobs created last year in Australia, 30 per cent were created in Queensland. Does the honourable member challenge that?

Mr Hamill: What about youth unemployment?

Mr SPEAKER: Order! The honourable member for Ipswich has put his question. He will please listen to the answer.

Mr GUNN: One of the worst problems in Australia today is youth unemployment. New South Wales happens to be 1 percentage point above Queensland. We acknowledge that youth unemployment is very serious throughout Australia.

Mr Hamill interjected.

Mr GUNN: The honourable member asked his question. I have a fair idea of what it was about and I will answer it.

Youth unemployment is serious. It is no laughing matter. The other day I heard Senator Button answer a question in the Senate in this way: "All we have to rely on is economic expansion within Australia."

How can economic expansion take place in Australia when the Australian dollar is down to its lowest level ever and when people are taxed to the hilt, with further taxation on the way? A tax summit is to be held to find out whether we should have a capital gains tax, a value-added tax and a multitude of other taxes, including death duties.

Let us look at the record of this State. Queensland has no financial institutions duty, no petrol tax and no tobacco tax. It is the lowest-tax State in Australia, and that is acknowledged. Does not the honourable member read the newspapers?

This State does not have to apologise to anybody for anything. The position in Queensland is sound and solid. If the honourable member for Ipswich opens his eyes when he is travelling down from Ipswich——

Mr Hamill interjected.

Mr SPEAKER: Order! I again have to ask the honourable member to desist from interjecting all the time when an answer is being given by the Minister.

Mr GUNN: The honourable member has been a member of this Chamber for only a short time. He has done nothing for Ipswich; nor has any other Opposition member. I brought Vickers into Ipswich. The honourable member did nothing; he sat on his tail and grizzled and grizzled. My colleague the Minister for Industry, Small Business and Technology brought in the mini-mill. As I say, the honourable member has done nothing for that city. He sat down and grizzled. I, as a member from outside the area, went down to Melbourne and created 400 jobs for the city of Ipswich. Now the honourable member is talking about unemployment. He should go out and do something about it.

The honourable member is of the same political persuasion as the Federal Government, and he should convince that Government to create work in Queensland instead of letting it out to the Labor States of New South Wales and Victoria. It should provide some work in north Queensland. It promised patrol boats and submarines. If the honourable member goes out and says something about that, he will be doing something for Queensland.

Effect of Electricity Industry Dispute on Electronic Equipment

Mr KAUS: I ask the Minister for Industry, Small Business and Technology: Is he in a position to give any indication of the amount of damage done to electronic equipment during recent breaks in the power supply, particularly regarding memory wipe-outs in micro-computers, word processors and telex machines?

Mr AHERN: I am advised that, as a result of the interruptions to power supply, considerable problems arose with computers in industry at all levels. The computing industry requires a high-quality electricity supply. This is a major problem that must be confronted in Australia in the days ahead. As technology increases, particularly in the information technology area, the quality of the electricity supply simply has to improve. What happened during the electricity strike was absolutely devastating to the computing industry generally.

There is growing up an industry that is technologically designed to level out those little peaks and troughs in the electricity supply, and I am hoping to encourage that industry to Queensland. The technology is advancing in that area. As well, a company is looking at devising a battery system that would deliver very-high-quality electricity from a battery. The low-quality electricity would be used to charge the battery. The Government is hoping to develop that industry in Queensland.

Generally speaking, around the world, high-technology requires a high-quality electricity supply—higher than that that can be delivered in Queensland at present. As I have said, the problem that arose during the electricity dispute was absolutely devastating for anyone who had a computer.

"Silver Plains" Pastoral Holding

Mr SCOTT: In directing a question to the Minister for Tourism, National Parks, Sport and The Arts, I refer to the proposal by the Government to grant Richard Rand and the Princess Charlotte Pastoral Company large parcels of land in north Queensland. I ask: Is it correct that Mr Rand has sought and received from the Minister's department an assurance in writing that the department will not promote a tourist or resort development in competition with any similar development on "Silver Plains"? Why will the Minister not table in the House the letter given to Mr Rand and the departmental memorandum that records the negotiations that took place between a representative of the department and Mr Rand?

Mr McKECHNIE: I am quite happy to reply to that question, but I remind the honourable member that the member for Salisbury (Mr Goss) very recently asked exactly the same question, without notice, which I answered.

Mr Goss: You are misleading the House. That is not correct.

Mr McKECHNIE: Well, this question has exactly the same intention.

Mr Goss: I haven't asked a question since last year.

Mr McKECHNIE: I know that one Opposition member asked me a similar question, and I thought that it was the honourable member for Salisbury. However, I do not mind giving the answer again. It is obvious that the honourable member for Cook must have been asleep when the original question was asked.

Nothing untoward has gone on between an officer of my department and Richard Rand. I am not sure whether I have named him in this place, but I will do so now.

Peter Stanton, who is the director of the northern region of the National Parks and Wildlife Service, gave Mr Rand a letter that explained departmental policy. As I understand it, that letter was written in May of last year, and it stated that the Government does not favour competing with private enterprise. If a tourist development is built on the boundary of a national park——

Mr Scott: They haven't got approval.

Mr McKECHNIE: I ask the honourable member for Cook to listen to my answer.

The Government has nothing against the building by private enterprise groups of tourist complexes adjacent to national parks. It does not believe in spending Government money to do things that can be done by private enterprise just as well, and it will not compete against private enterprise.

At one stage, the possibility of the Government's building facilities at Lake Eacham was discussed. Those facilities will not now be provided by the Government, but at no time did it intend to build something that is similar to the private enterprise caravan-park down the road from the national park.

Since the letter to Mr Rand was written, policy has changed in that if private enterprise facilities are not built outside some of the State's national parks, I am quite happy for them to be built inside the parks. The Government wishes to facilitate the building by private enterprise of facilities in national parks, which are for the use of all Queenslanders. The National Parks and Wildlife Service has not made a specific offer to Mr Rand. He has merely been sent a letter, which I have read and in which the policy of the department is pointed out.

"Silver Plains" Pastoral Holding

Mr SCOTT: In asking a question of the Minister for Lands, Forestry and Police, I refer to the offer made by the Lands Department to one Richard Rand in relation to the acquisition of a large parcel of land. As the Minister is responsible for both the Lands Department and the Police Department, I now ask: Has he investigated the circumstances surrounding the involvement of Richard Rand with marijuana in north Queensland, in particular alleged visits by Mr Rand to the Mount Molloy/Julatten area where two people who were thought to be involved in drugs were burnt to death? If the Minister has not investigated that matter, will he now do so and table the relevant police file in the House?

I also ask the Minister to advise the House whether or not police have at any time located, or received reports of, a plantation of marijuana on the property known as "Silver Plains", and whether police have received reports that Mr Rand regularly flies between Honolulu and "Silver Plains" without having a customs or immigration clearance? Have these reports been investigated by the police?

Mr GLASSON: I have made a ministerial statement in the House in relation to dealings involving "Silver Plains". By way of emphasis, I repeat that there is no difference between the dealings with Mr Rand and the dealings with any Queenslander, Australian or other person from overseas.

Mr Scott: What about the police report?

Mr GLASSON: The honourable member for Cook should wait until I have finished.

The publicity surrounding this matter began on the front page of "The Courier-Mail" and was promoted by the Oppositions spokesman, the honourable member for Salisbury (Mr Goss). I have a map here that indicates clearly the area of land involved. I repeat what I have said before. If I were to undertake a developmental project in the State of Queensland with money that I had saved, I most certainly would not do it on "Silver Plains"

As to the honourable member's allegations about Mr Rand's involvement in the drug scene—indeed, at the age of 21 years, he was convicted of being in possession of marijuana and was fined a certain amount of money, just as has happened to many young Queenslanders of the same age.

It is interesting that the honourable member for Cook should raise the point of marijuana. The former Leader of the Opposition said that the policy of the ALP was to decriminalise the use of marijuana. I am shocked and surprised to hear that the current Leader of the Opposition condones that policy. That is unbelievable! The results of an opinion poll published in this morning's "Courier-Mail" show what the general public thinks about marijuana.

I cannot answer off the cuff the last portion of the honourable member's question, but I will have the matters that he raised investigated. On the next day of sitting of the House, I am prepared to give him the information that he requires.

Fairfield Road Railway Crossing

Mr LEE: I ask the Minister for Transport: Further to several questions to him regarding the construction of a fly-over at Fairfield Road, Yeronga, and his answer that design and construction would commence before the end of the 1984-85 financial year—would he advise of the progress of that project to date?

Mr LANE: Preliminary investigation work on the layout of the proposed overpass has now been completed. This has included a detailed study of traffic movements in the area, as a result of which the original proposal has been modified.

Mr SPEAKER: Order! The time allotted for questions has now expired. Does the honourable member for Yeronga wish to place that question on notice?

Mr LEE: I do so accordingly.

FIRE BRIGADES ACT AND FIRE SAFETY ACT AMENDMENT BILL

Hon. M. J. TENNI (Barron River—Minister for Environment, Valuation and Administrative Services), by leave, without notice: I move—

"That leave be given to bring in a Bill to amend the Fire Brigades Act 1964-1984 and the Fire Safety Act 1974-1984 each in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. TENNI (Barron River—Minister for Environment, Valuation and Administrative Services) (12.10 p.m.): I move—

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

The continuing revision of the management of Queensland's fire services being conducted by my office has identified the need to improve certain administrative aspects of fire services and to make minor amendments to the Fire Brigades Act and the Fire Safety Act.

Many of these amendments are machinery matters, but one in particular, which relates to the administration of the Fire Safety Act, requires some restructuring.

Currently, the Fire Safety Act is administered by individual fire brigade boards, and by my office in relation to State Government buildings and areas not included in fire brigade districts, or where a board does not have a fire safety officer. This situation has led to a fragmented approach to fire safety throughout the State. The importance of

ensuring the best possible level of fire safety to the citizens of Queensland requires that a more uniform approach be made to the administration of this vital legislation.

It is proposed to amend the Fire Safety Act to establish the Minister as the sole fire safety authority throughout the State. The Minister would also become the sole employer of fire safety officers. This amendment will have the double advantage of providing a co-ordinated approach to fire safety and developing a career structure for those fire officers who may wish to specialise in fire safety. The amendment is a significant step in that it creates a single fire safety service throughout the State.

The amendment also provides for the smooth transition from the current situation of multiple fire safety authorities to a single authority and provides for continuity of employment for those officers currently serving as fire safety officers. During the transition stage, my office will be holding detailed discussions with existing fire safety officers to ensure that they are not disadvantaged by the change.

As honourable members are aware, the State Fire Services Council has for many years provided advice to the Minister on fire service matters. The council has served the State well in this task, but experience over the past 18 months has revealed that there is a requirement for the body advising the Minister to be more representative of individual fire brigade boards. To this end it is intended to replace the State Fire Services Council in its advisory role to the Minister with the Queensland Fire Services Association. The Queensland Fire Services Association will be representative of the bulk of the State's fire brigade boards. Membership on that association is available to all boards, should they so wish.

Since becoming Minister responsible for fire services, I have endeavoured to ensure that a career structure is developed within the Queensland fire service. To this extent the Fire Brigades Act has already been amended to facilitate the transfer of firemen and officers from one fire brigade board to another. It is now intended to amend the Act to further develop this career aspect.

The amendment proposed will require fire brigade boards to advertise vacancies occurring within their brigade throughout all other brigades in Queensland. Similarly, boards will be required to display, within their stations, notices of vacancies that have occurred within other brigades. This will ensure that firemen and officers can take full advantage of the new career structure being developed.

In line with this, it is intended to provide continuity of service for officers transferring from the employ of fire brigade boards to the Minister and vice versa. This will be similar to the continuity provisions that currently apply for transfer of firemen and officers between fire brigade boards.

To ensure that future promotions within the fire service are based on merit, the amendment establishes efficiency as the basis for promotions and appeals, rather than seniority. With the passage of this amendment, we will have within the fire service a total career structure based on the ability and merit of individuals.

Honourable members may not be aware of it, but there is currently no standard fire service uniform throughout Queensland. The amendment to the Fire Brigades Act provides for the approval of a standard fire brigade uniform by the Minister and specifies certain requirements relating to the ownership of the uniform and controls over the wearing of uniforms. This is a much-needed step to ensure that all firemen and officers receive the same standard of uniform and that uniforms are used only for the purposes for which they are issued.

Stage 2 of the revised Fire Service Funding Scheme, incorporating commercial and industrial premises, will become effective on 1 July this year. As we move towards this stage of the new funding scheme, there are certain minor amendments to be made to the funding provisions of the Act.

Recently my office conducted a series of seminars for local authorities in relation to the introduction of Stage 2 of the funding scheme. During these seminars it became

apparent that there is confusion over a particular definition in the Act relating to a certain class of exempt property. A minor amendment involves the removal of this definition from the funding provisions of the Act to prevent further confusion over the interpretation of the exemption.

Currently, local authorities are required to remit twice a year levy funds that are collected. In future, with all fire brigade funding being generated from the State Government and property levies, it will be necessary to require local authorities to remit funds more frequently. An amendment to the Act allows for the Governor In Council to nominate the dates on which funds will be remitted to the Minister, up to a maximum of four remittances in any one year.

A particularly important aspect of this Bill is the provision which allows the Government to offer a discount on fire levies to pensioners with respect to property owned by pensioners and occupied as their principal place of residence. It is proposed that the discount to be offered will be similar to that currently provided by the Government as a rebate on local authority rates and charges. This is a significant step and will further benefit the State's pensioners.

I commend the Bill to the House.

Debate, on motion of Mr Milliner, adjourned.

NOISE ABATEMENT ACT AMENDMENT BILL

Hon. M. J. TENNI (Barron River—Minister for Environment, Valuation and Administrative Services), by leave, without notice: I move—

"That leave be given to bring in a Bill to amend the Noise Abatement Act 1978-1984 in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. TENNI (Barron River—Minister for Environment, Valuation and Adminstrative Services) (12.18 p.m.): I move—

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

The Noise Abatement Act does not provide an adequate mechanism for regulating noise from open-air concerts. The procedure established in the Act to control noise from commercial activities is initiated by complaint. Significant periods are always necessary for investigation and resolution. Accordingly, the procedure is unsuitable for one-off events, such as open-air concerts, because control cannot be effected following the event.

The most practicable approach is to place conditions of operation on the staging of concerts with a view to minimising the effect of the music on nearby residents while at the same time enabling the expectations of the concert patrons to be satisfied. This is beyond the Noise Abatement Authority because of the varying nature and location of concert venues, scale and type of concerts.

In contrast, local authorities are ideally placed to judge the expectations of local communities and to regulate open-air concert noise by means of operational conditions placed on permits to stage concerts. Many local authorities already exercise this function very effectively.

Therefore, to clarify this issue, the Bill definitively places open-air concert noise in the local government arena by providing optional by-law-making power to complement powers contained in other legislation, notably the Local Government Act.

The Noise Abatement Authority will be able to lay down guide-lines on minimising open-air concert noise to assist local authorities in establishing conditions of operation for permits. Advice on individual events will also be provided if required by local authorities.

The Bill also exempts aircraft noise generated in flight and on the ground from the application of the Act. The Department of Aviation has traditionally used administrative and operational means, such as the use of preferred runways and flight paths, modified approach and department flight profiles and curfews, to minimise aircraft noise. Recently, that department promulgated the Air Navigation (Aircraft Noise) Regulations requiring noise certification of aircraft to the international standard established by ICAO, the International Civil Aviation Organisation.

Ground-level aircraft noise is exempted because it is frequently associated with maintenance for safety reasons or with flight-scheduling.

The spirit of the Noise Abatement Act is to provide control of noise from commercial and industrial premises. The mechanisms available under the Act clearly relate only to fixed installations such as factories and shopping complexes.

The Noise Abatement Act already exempts certain specific commercial and industrial activities from the operation of the Act. These include the use of premises for any purpose of agriculture or animal husbandry, and noise emitted in the course of operating a public utility. The latter includes the provision of ambulance, police or fire-fighting services and the operation of rolling-stock in connection with the provision of public railway services. In addition, jurisdiction over motor vehicle noise is vested with the police under the Act.

Accordingly, specific exemption of aircraft noise from the Noise Abatement Act will put beyond doubt the hitherto uncertain issue of jurisdiction over such noise and maintain consistency with the exemption of other transportation-oriented sources. It is therefore considered desirable to exempt all aircraft noise from the application of the Act.

I commend the Bill to the House.

Debate, on motion of Mr Milliner, adjourned.

VALUATION OF LAND ACT AND OTHER ACTS AMENDMENT BILL

Hon. M. J. TENNI (Barron River—Minister for Environment, Valuation and Administrative Services), by leave, without notice: I move—

"That leave be given to bring in a Bill to amend the Valuation of Land Act 1944-1984 and the Valuation of Land (Annual Adjustment) Act 1984 each in certain particulars and the Land Tax (Adjustment) Act 1984 in a certain particular and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. TENNI (Barron River—Minister for Environment, Valuation and Administrative Services) (12.23 p.m.): I move—

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

Honourable members will recall that last year I brought the Valuation of Land (Annual Adjustment) Bill into this House to phase in increases in valuations over a maximum period of five years. At that time, I said that the measures contained in that

Bill were only temporary and would not be required once an acceptable system of annual valuations was implemented.

Since the introduction of that Act last year, together with the Honourable the Minister for Local Government, Main Roads and Racing (Mr Hinze), I have undertaken a comprehensive review of the system of valuations and rating in this State.

The Bill now before the House provides, among other things, for a system of annual valuations that will apply initially to those local authorities where general valuations took effect for rating purposes from 30 June 1984, and where the rateable value of land is not determined by the provisions of the Valuation of Land (Annual Adjustment) Act. Of the general valuations that came into effect on 30 June 1984, only those for the city of Maryborough and the shires of Eacham and Miriam Vale have not been affected by that Act. Therefore, annual valuations will be undertaken in those local authorities, to take effect from 30 June 1985.

The new system of annual valuations will not be applied to all local authorities where general valuations take effect from 30 June 1985, as the local authorities concerned have been advised that these general valuations will be phased in in accordance with the provisions of the Valuation of Land (Annual Adjustment) Act. Having advised the local authorities of that, it would be desirable to permit the local authorities who so wish to operate under the phased in valuation system until the next general valuation of their respective areas. The new system of annual valuations can be applied to those local authorities after that time.

Resource constraints also prevent the Valuer-General from introducing immediately the annual valuation system for all local authorities. However, the progressive application of the new system will allow all local authorities whose general valuations take effect on and after 30 June 1986 to operate on annual valuations. The only exceptions would be those in which the date of effect had been postponed from previous years, and those which are subject to the phasing in of values under the Valuation of Land (Annual Adjustment) Act.

Once the new system is fully operational, with every local authority being subject to annual valuations, the Valuation of Land (Annual Adjustment) Act will no longer be required.

The scheme of annual valuations outlined in the Bill is intended to assimilate the annual valuation measures into the present five to eight-year valuation program for general valuations currently in use by the Valuer-General. That means that, in addition to annual valuations, at intervals of from five to eight years, the Valuer-General will make further general valuations of the local authorities concerned. This will enable the system of annual valuations to be monitored for effectiveness at regular intervals.

The Bill inserts into the Valuation of Land Act new provisions under which the Valuer-General is charged with the duty of making annual valuations. It provides for a complete code governing the making of annual valuations, informing land-owners of such valuations and providing for a process of objections and appeals. Annual valuations, like general valuations, will be made by the Valuer-General following an investigation of the market for land based on sales evidence at the date of valuation.

The new system of annual valuations should make very large increases in valuations a thing of the past. Moreover, the effect of any downward trend in land prices can be reflected in unimproved values shortly after it is identified.

Trials carried out by the Valuer-General's Department have indicated that the system of annual valuations would have the desired results. The trials amply demonstrate that an annual valuation system will allow an early adjustment to values in areas in which land prices are depressed and in those areas in which market conditions are increasing. The advantages of such adjustments on an annual basis would eliminate the excessive fluctuations that at times accompany valuations which are reviewed at periods of up to eight years.

Because of the high cost of postage, it is considered necessary to change the method by which land-owners are notified of annual valuations. Instead of posting valuation notices, as in the case of general valuations, for each annual valuation of a local authority, particulars of those valuations will be made available for inspection by land-owners free of charge at appropriate and convenient places. The Valuer-General will advertise in newspapers circulating in the local authority in which the annual valuation is made to advise owners that particulars of the annual valuation will be available for inspection at the places and times indicated, and that objections may be lodged within the specified period.

The Bill provides a period of 21 days in which the particulars of the annual valuation will be available for public inspection during office hours. Departmental staff will be available to answer questions during that period and to assist owners with their inquiries. The objection period will be 28 days, commencing on the first day on which the particulars of the annual valuation are opened for public inspection.

The Valuer-General will be required to consider all objections against an annual valuation and issue his decisions thereon within 60 days of the closure of the objection period. If dissatisfied with the Valuer-General's decision on his objection, a land-owner will have the right of appeal to the Land Court within 28 days after the issue of that decision. Appeals against annual valuations will be heard by a member of the Land Court in chambers. Such hearings will be less formal and simpler than open court hearings, but provision is made for an appeal to be adjourned for hearing in open court if the member thinks fit.

The present Act provides for 60-day periods for objection and appeal against general valuations. However, the shorter time periods for the lodging of objections and appeals against annual valuations are absolutely essential if the Valuer-General is to cope with objections and the Land Court is to determine appeals on an annual basis.

Because the periods for objection and appeal against annual valuations are to be shorter than for general valuations, provision has been made for the Valuer-General to consider objections from those owners who were unable to object within the 28-day period. Provisions have also been made for the Land Court to hear and determine appeals that are lodged outside the 28-day period.

The Bill provides for major changes in the law affecting the valuation of mining tenements. At present, all mining tenements must be valued as if they were held as unrestricted freehold with full surface rights, regardless of whether they are in respect of surface or underground areas. That is the result of a decision of the Land Court in 1979 in Queensland Coal Mining Co. Ltd and Dampier Mining Co. Ltd v. The Valuer-General.

However, the adoption of this method of valuation would have created absurd results in the West Moreton area, and a temporary expedient was adopted to limit the level of such values in the city of Ipswich and the shire of Moreton.

In order to prevent such an absurdity arising again, the Bill provides for upper limits for the valuations of mining tenements. The unimproved value of the surface area of a mining tenement will not exceed 20 times the yearly rent as defined in the Bill, and the valuation of the subsurface area is to be 30 per cent of the surface valuation.

The Bill defines "yearly rent" as the rent payable pursuant to the Mining Act at the date of valuation as if the mining tenement in question were granted on that date. At the present time, that rental is $19.50 per hectare, so that the maximum value for surface area will be $390 per hectare, and the maximum value for subsurface area will be $117 per hectare.

The Bill also amends the provisions of the Valuation of Land Act that govern the valuation of special leases. The Act presently requires the Valuer-General to take into account the restrictions and limitations imposed upon special leases over State forests, national parks, timber reserves and camping and water reserves. However, there are

many special leases, equally restrictive, that are valued as if they are held as unrestricted freehold. The provisions of the Bill will ensure that, in future valuations, the Valuer-General will be required to have regard to such restrictions and limitations in valuing all special leases.

The principal Act is also amended in relation to the method of valuing larger subdivided estates which remain in the hands of the original subdivider.

Under the present Act, from the time of registration of a plan of subdivision, each allotment is valued separately and the total value of the allotments discounted for multiple holding. The developer is therefore required to pay rates upon the increase in value which follows his own expenditure on development works, thus increasing his holding charges.

The provisions of the Bill will require the Valuer-General to value estates of six or more allotments as a single parcel, provided they continue to be owned by the original developer. Any enhancement in value by reason of the development works carried out by the developer on the subdivided land will be excluded from that valuation.

Small estates of five allotments or fewer will be valued in the normal manner. However, where estates are valued under the new provisions, the valuation shall not be less than five times the average unimproved value of the parts continuing to be owned by the original developer. This latter safeguard is necessary to prevent estates containing more than five allotments having lower valuations than estates containing five allotments or fewer.

The Bill contains provisions that will enable the Valuer-General, at the request of a local authority, to group lands by categories, such as land use and land type, on criteria to be decided upon by individual councils. With this information, under the complementary legislation being prepared to amend the Local Government Act and the City of Brisbane Act, councils will be able to strike different rates for each category of land.

The details of this scheme, and the proposal to allow a further extension of the power of a local authority to remit rates in cases of hardship, will be explained further by the Honourable the Minister for Local Government, Main Roads and Racing when he brings those amendments forward.

The provisions in the Bill governing the valuation of special leases, mining tenements and subdivided land will apply only to those local authorities whose valuations take effect on or after 30 June 1985. Where valuation notices had issued before this change in the law, fresh valuation notices will issue under the principal Act, and the owner will have the usual rights of objection and appeal.

The Bill also provides for amendments to the Valuation of Land (Annual Adjustment) Act 1984 to enable the system of annual valuations to progressively replace the phasing-in of valuations for rating purposes. As I indicated at the outset, it was always intended that the adjustment Act should be a temporary measure until the Valuer-General could make annual valuations.

A small amendment to the Land Tax (Adjustment) Act is included in the Bill to provide that, for the financial year commencing 1 July 1985, annual valuations shall be disregarded for land tax purposes. That is being done to honour an undertaking given by the Government, when the Land Tax (Adjustment) Act was introduced, that valuations which took effect on and after 30 June 1982 would be phased in for land tax purposes. The position will be reviewed in respect of the financial year commencing 1 July 1986.

The present system of valuation and rating has been the subject of much criticism over the years. However, rates based on land values continue to be adopted to finance local authorities in most Western countries.

Valuations themselves must be based on sales of similar land in an area, but not all sales can be used as a basis of valuation. Some sales are to purchasers who are so anxious to obtain particular properties that they ignore normal business considerations.

A valuing authority should use only those sales that are transactions between prudent vendors and purchasers and are in the mainstream of the market. One or two high sales in an area, quite outside the normal market, can never be used without supporting evidence as a basis of valuation.

The Valuer-General is sometimes criticised for valuing properties on their potential. This term is often misunderstood. Although all land may have a potential for any number of uses, it is the reasonable and economic capacity of land that the Valuer-General is required to recognise.

For example, a piece of vacant land may have potential for development as a hotel site, but, if it is zoned for single-unit residential purposes, it has a legal and economic capacity for development and use only as a house site. It is this economic capacity for use, limited by legal constraints, that the Valuer-General is required to recognise.

Similarly, although vast areas of Queensland may have potential for cultivation, it is only in those areas where cultivation is established as the appropriate use of the land that the Valuer-General takes it into account.

I am confident that these amendments will solve most of the problems that exist under the present rating and valuation system. They have been discussed with various interested parties, including the local government executive, and have received widespread support, which indicates recognition of the need for change.

I commend the Bill to the House.

Debate, on motion of Mr Milliner, adjourned.

CITY OF BRISBANE TOWN PLANNING ACT AND ANOTHER ACT AMENDMENT BILL

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

"That leave be given to bring in a Bill to amend the City of Brisbane Town Planning Act 1964-1984 and the City of Brisbane Town Planning Act Amendment Act 1983 each in certain particulars and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. R. J. HINZE (South Coast—Minister for Local Government, Main Roads and Racing) (12.38 p.m.): I move—

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

The purpose of this Bill is, primarily, to amend provisions that were enacted in 1983 but have not yet been proclaimed in force, relating to contributions by land developers to the Brisbane City Council in respect of water supply and sewerage works to serve land being developed.

The amendments included in the Bill are, in the main, similar to amendments to the town-planning provisions of the Local Government Act that were included in the Local Government Bill that I recently introduced into the House. Accordingly, I do not propose to repeat, in detail, the provisions included in the Bill relating to the matters in question.

This Bill does, however, contain a further provision, and this relates to the provision of the City of Brisbane Town Planning Act under which the Brisbane City Council is required to advertise proposals for the subdivision of land owned by it.

The Brisbane City Council has pointed out that where it proposes to subdivide land owned by it in order to make land available to organisations such as the Scout Association, the Girl Guides Association, Crown instrumentalities and authorities empowered by statute to provide public utility services, it is an unnecessary imposition to require such a proposal to be advertised.

After all, the zoning of the land provides for its use for the purpose for which it is proposed to be subdivided. Accordingly, it is proposed to remove the requirement for the advertising of this type of subdivision. The council has also represented that, where a road is proposed to be opened over land transferred to it for the purpose of creating an access restriction strip, this proposal should not have to be advertised.

As honourable members will be aware, access restriction strips are created when land is being subdivided to prevent an adjoining owner from subdividing his land using a road constructed as part of the first subdivision to provide access. To prevent this happening, a strip of land along the road constructed as part of the first subdivision is transferred to the council and the second subdivider has to acquire this strip of land from the council and then construct a road on it for the purpose of giving access to his subdivision.

The requirement for the advertising of this type of operation is a hardship on land-developers and they support the council proposal that this type of transaction should not have to be advertised. It is considered that these submissions have merit and the amendments contained in the Bill provide that transactions of this type will not have to be advertised.

One further matter dealt with in the Bill relates to the use of land as a service station in combination with general shopping uses. In terms of the Act as it stands, such a use may only be permitted where the subject land is included in a special uses zone under the Brisbane town plan wherein the only permitted use in that zone is for a service station in combination with a particular shopping use.

As I stated recently in introducing amendments to the Local Government Act, this matter has been further considered, and it has been agreed that, in present day circumstances in developed areas, it is not desirable that the use of land for the combined purposes of a service station and general shopping should be permitted. The Bill accordingly provides for a prohibition of such a use in the city of Brisbane.

In the case of local authorities outside the city of Brisbane, provision has been made for a continuation of rights existing in respect of those combined uses that already exist or that have been approved by way of rezoning or consent and that are still in the process of being established. Provision has also been made to permit the establishment of such a use after the date of the coming into force of the amending Act if a rezoning application to provide for that use is in train at present and is finally approved.

As I said previously, the Bill largely follows amendments of town planning provisions contained in the Local Government Act Amendment Bill that I introduced recently.

I commend the Bill to the House.

Debate, on motion of Mr Shaw, adjourned.

MOUNT ISA MINES LIMITED AGREEMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 28 February (see p. 3595) on Mr I. J. Gibbs's motion—

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

Mr VAUGHAN (Nudgee) (12.43 p.m.): Although this Bill contains only six clauses, the attached schedules, which set out the terms of the agreement entered into by the

Minister for Mines and Energy (Mr I. J. Gibbs) on behalf of the State with Mount Isa Mines Limited, are fairly comprehensive.

For the record, I point out that, although Parliament can amend the clauses to the Bill, the contents of the schedules cannot be varied in any way other than by agreement in writing between the parties—that is, the Minister on behalf of the State and Mount Isa Mines Limited—with the approval of the Governor in Council by Order in Council. However, Parliament is not restricted in making laws that affect the rights and obligations of the parties to the agreement, any other agreements made under it, or any variations of it.

As has been indicated by the Minister, the purpose of the legislation is to consolidate the numerous mining tenements held by Mount Isa Mines Limited at Mount Isa into one tenure. In his second-reading speech, the Minister referred to the establishment in the early part of the century of mining operations at Mount Isa and the attempts that have been made over the years to amalgamate the leases held by the company. This legislation will result in the amalgamation of the whole Mount Isa operation into one mining lease covering approximately 31 970 ha.

The Minister referred briefly to the way in which Mount Isa Mines Limited came into being. In view of the importance of this mining operation to the State and the nation, I feel that this is an opportune time to record in "Hansard" some facts about the extent of the operation and the part that it plays in the economy of the State. To do so, I will refer to the 1984 annual report of MIM Holdings Limited.

Page 19 of the annual report deals with the ownership of the company. The company has an authorised capital of $500m, which is divided into 1 000 million ordinary shares of 50 cents each, and an issued capital of 502 548 213 fully paid shares, all with one vote for each share.

I am sure that people would be interested to know that, as at 30 June 1984, the total number of shares held was more than 502 million. An analysis of that share-holding reveals that Australians hold 261 766 022; New Zealanders, 5 698 067; Asarco Incorporated in the United States of America, 221 121 214, or a little less than half of the total share-holding; other American share-holders, approximately 1.6 million; the United Kingdom, 10 122 587; and other countries, 2 238 944.

The report also lists the 20 largest share-holders as at 29 August 1984. As I have just indicated, Asarco Incorporated is the largest share-holder with more than 221 million shares. The Australian Mutual Provident Society holds more than 30 million, and ANZ Nominees Ltd, more than 28 million.

Another part of the annual report deals with production. As I will point out later, the company is going through a rather depressed period.

In 1984, 4.9 million tonnes of copper ore was treated to produce 153 174 tonnes of refined copper; 4.1 million tonnes of ore was treated to produce 157 748 tonnes of refined lead; 4.1 million tonnes of ore was treated for the production of 375 505 kg of refined silver; and 4.1 million tonnes of ore was treated to produce 184 636 tonnes of zinc concentrate for sale. That proves that, for anybody who has not been to Mount Isa, it is certainly worth making a visit to have a look at the operations of the mine. The company conducts tours through the mine. In fact, that is one of the best tourists attractions of the area. The company's very comprehensive operations play a very important part in the economy of Queensland.

The financial results for 1984 are of significant interest because the company plays such an important part in the economy of Queensland and Australia. The following table sets out the financial results for 1984—

Total sales	$987.9m
Net earnings	$27.2m

Return on assets employed	0.9 per cent
Return on share-holders' funds	2.8 per cent
Earnings per 50c share	5.4c
Total, full year dividend	$25.1m
Dividend per share	5c

Other interesting figures contained in the annual report relate to major Government imposts. I know that recently the Premier and Treasurer made some rather harsh and cryptic statements about Mount Isa Mines Limited, not about that company's operations at Mount Isa but about its coal operations. There has been disagreement on the amount of rail freight that Mount Isa Mines and all other coal-producers have to pay. Of course, that freight charge is a Government tax.

On page 7 of the annual report, under the heading "Major Government Imposts 1983/84", it can be seen that the following amounts were paid to the Queensland Government—

	$m
Pay-roll tax	11.3
Land Tax	0.8
Royalty	31.1
Rail freight—$86.8m of which estimated profit is	43.1
Stamp duty	1.1
Total	87.4

In comparison, the amount received by the Federal Government was as follows—

	$m
Sales tax	2.9
Excise duty	2.9
Customs—tariff (direct customs duty only)	6.0
Company tax	0.4
Total	12.2

I have referred to the report of MIM Holdings Limited so that anyone who reads this debate will be able to obtain some appreciation of the activities of that company.

I have had the pleasure of being associated with Mount Isa Mines Limited since 1965. Although, from 1939 to 1949, I grew up at Richmond, which is half-way between Townsville and Mount Isa, I had never been west of Julia Creek, which is about 150 km west of Richmond. Mount Isa is located about 480 km west of Richmond. It was not until I went back to Mount Isa in my capacity as a State official of the Electrical Trades Union in 1965——

Mr I. J. Gibbs: You didn't cause any strikes out there, did you?

Mr VAUGHAN: No. I am proud of my record as a union official. It is a good one. In my 13 years as a union official, I certainly would not have allowed the present situation that has been caused by the drastic action taken by the Queensland Government. It is virtually crucifying 1 000 SEQEB workers.

Mr I. J. Gibbs: If you had been leader of the ETU at this time, it would not have happened.

Mr VAUGHAN: I think that the Minister was determined to see it happen. As I said yesterday in this Chamber, the Minister for Mines and Energy, the Premier and Treasurer and the Government set out purposely to escalate the dispute with SEQEB on 7 February. The Minister purposely did not wait until the order issued by the Industrial Commission that the men return to work was conveyed to the SEQEB employees. Following a special Cabinet meeting that night, the Minister went ahead and introduced a state of emergency. He certainly did not, in accordance with section 98 of the Industrial Conciliation and Arbitration Act, conduct a ballot of employees to ascertain whether they are being led or directed by their union bosses. I would be quite happy to debate the matter with the Minister at any time and at any place he likes to nominate.

Mr Deputy Speaker, I am sorry that I digressed from the Bill, but it was important for me to clarify the position. The Minister has been very vocal this morning. I know that he is an authority on stamp duty. I am sure that he will give honourable members a comprehensive answer to any questions about stamp duty, which is referred to in clause 6. Would the Minister like to comment on that matter?

Mr I. J. Gibbs: I will comment on anything you like to say about stamp duty.

Mr VAUGHAN: That is very good, because I know that he is an authority on stamp duty.

Mr Fouras: He knows how to get round it.

Mr VAUGHAN: He does.

In 1965 I made an unhappy visit to Mount Isa. Following an explosion in a switchboard, two members of the Electrical Trades Union were burnt. One person was killed instantly and the other person lived for a week in extreme pain.

Since that time, I have visited Mount Isa on a number of occasions. I participated in the negotiations on wages and conditions agreements at Mount Isa Mines. My association with Mount Isa Mines, together with my association with other large industrial companies in this State, was very good.

The Government could learn much about industrial relations from the way in which big industrial companies in this State, such as Mount Isa Mines and Queensland Alumina Limited, conduct their industrial relations.

The last occasion on which I participated in negotiations with Mount Isa Mines was in 1974. When I recently visited Mount Isa in my capacity as the Opposition Mines and Energy spokesman, I noticed a big transition since my first visit in 1965. My recent visit to the Mount Isa area was for the purpose of looking over operations there and keeping up to date on the way in which Mount Isa Mines is being run. The operations of the mines at Mount Isa are a credit to all concerned. It is virtually an oasis in the desert. The agreement embodied in the Bill will amalgamate all the mining leases into one consolidated tenure. That is a good thing. Of course, the agreement deals with many other matters, and I will deal with those shortly.

Mount Isa Mines has experienced a few strikes. However, in my opinion, the parties concerned have learnt from them. Since 1964, the manner in which industrial relations have been conducted at Mount Isa Mines has been exemplary. All parties could learn a lesson from the industrial relations policy followed in Mount Isa since 1964.

The agreement set out in the schedule to the Bill is similar to a number of other agreements covering mining operations elsewhere in this State. I will deal with some aspects of the agreement. As I said at the outset, the Bill contains six clauses. It is a straightforward Bill. The schedule is very comprehensive. I have been through it with a fine-tooth comb to satisfy myself that everything is as it should be.

Paragraph 10 on page 10 of the agreement refers to a security deposit that the company is required to lodge, in relation to its mining operations, with a view to

ensuring that the area is restored correctly and, as far as possible, the environment is returned to its natural state. The agreement contains a formula whereby a security deposit of $1m must be lodged. That security deposit can be escalated. That formula is related to the Mount Isa Mines Award.

The agreement provides that, if the company goes into large scale open-cut mining operations, the amount of the security deposit will be adjusted. The agreement also contains provision for the company to spend $50m each year. That sum is indexed.

Sitting suspended from 1 till 2.15 p.m.

Mr VAUGHAN: Before the luncheon recess, I was speaking to the agreement. I referred to the fact that the company will spend $50m a year on exploration and mine-planning, and that that figure has an escalation provision incorporated into it under the agreement to ensure that the amount spent each year increases. I point out that the amount of $50m was based on the total turnover of approximately $900m, which is the value of minerals mined at Mount Isa during 1984-85. It is easy to understand how the amount of $50m could be spent. Clause 14 of the agreement sets out that the provisions of the Mining Act and the Mines Regulation Act, as amended from time to time, will continue to apply. I wish to query clause 16 of the agreement, which sets the yearly rental that the company will pay. Clause 16 reads—

> "16. (1) The Company shall pay yearly rental in respect of the Mining Lease on and from the date of commencement of the Mining Lease firstly from such date of commencement to 31st December of the year. . ."

I point out that the agreement covers a period of 50 years made up of two periods of 25 years each. In clause 16 (1) (a), reference is made to the rate applicable to all mining leases granted under the Mining Act 1968-1983 as at the date of the term of the mining lease. Clause 16 (1) (b) refers to the following 25 years of the period of the agreement and sets the rate at which rental will be charged. I ask the Minister to clarify the basis of calculation of the rental. I interpret the clause to mean that rental that will be charged on 31 970 ha will be the specified rental per hectare calculated as at the date of the commencement of the term of the mining lease. My interpretation may not be correct, so I ask the Minister and his advisers to examine that clause very carefully. As I read the clause, rental will be charged as at the date of the commencement of the mining lease, and the clause includes a proviso contained in subclauses (2) and (3) in respect of Lake Moondarra and Rifle Creek, which are areas covered by the lease. The Minister would realise that those two stretches of water provide a water supply to the mine and the township.

Clause 17 of the agreement provides for the payment of royalty and sets out that royalty will be paid in accordance with the terms contained in the provisions of the Mining Act. I previously mentioned that the amount of royalty that was paid by the company to the Queensland Government in 1984 was the substantial amount of $31.1m. Mount Isa Mines, the same as all other mining companies, is required, under the provisions of the Mining Act, to pay a flat rate of royalty. I point out that that company, because of the low price being obtained for minerals on the world market, is going through a difficult period, and flat rate of royalty applies irrespective of whether the company is enjoying good times or experiencing bad times. That could cause problems for the continued viability of mining operations.

The Australian Labor Party's policy on mining royalties, which will be implemented upon our attaining Government in this State, is to impose them on a two-tier basis, one related to the level of production and the other to the profitability of the operation. The aim of that policy, of course, is to give due consideration to the viability of a mining operation from time to time.

Mr FitzGerald: They pay income tax, which takes that into consideration.

Mr VAUGHAN: I am talking about royalties.

That policy will encourage the development of lower-grade or marginally viable resources. At present, if a mining company carries out exploration and works out that the ore body or mineral resource would be only marginally profitable, it does not continue with the project. I instance the Greenvale nickel project. One could not find anything more marginal than that at present.

Our policy would take into consideration the fact that Greenvale is a marginal operation, and therefore the royalty that it would have to pay would be based on two factors, the level of production and the profitability of the operation. Perhaps somewhere along the line the Government might even borrow our idea.

Part III of the agreement relates to water, dams, reservoirs and pipelines, and electricity distribution. Reference is also made to Lake Moondarra and Rifle Creek Dam, the waters of which are used for electricity works in Mount Isa. Most people would be aware that the Mount Isa Mines power station supplies the mine and also the township, as it has done for many years. It is virtually the only town in this State supplied by a private enterprise power station. Some time ago, when the Government was considering allowing private enterprise to construct and operate power stations in this State, the press cited the Mount Isa Mines power station as an example. Of course, the circumstances in Mount Isa are different from those applying in most other areas, because the company needs a huge amount of power for its operations and it is not economic for the new Queensland Electricity Commission, formerly the Queensland Electricity Generating Board, to transmit power from the State grid over the long distance to Mount Isa. The Mount Isa operation is very beneficial to the State.

I cite an example of the extent of the supply generated by the Mount Isa Mines power station. In 1983-84, it supplied 103 776 MWh to the North Queensland Electricity Board at a total price of $5,937,140. That works out at 5.72c a unit, and that is a higher price than the Queensland Electricity Commission charges for electricity that it supplies to the other distribution boards in the State, including NQEB. For instance, in 1983-84 the Queensland Electricity Commission charged the South East Queensland Electricity Board 4.4c a unit, but it has to be realised that the Mount Isa Mines power station is nowhere near as large as the power stations that supply the State grid. In addition, coal has to be transported the enormous distance from the Collinsville mine operated by Mount Isa Mines, all the way through Townsville, to Mount Isa. That accounts for the difference between the prices charged.

At page 17 of the Bill, the following appears in the schedule—

> "The Company shall for the purposes of this Agreement so far as is reasonably and economically practicable—"

and reference is then made to the fourth preference in this way—

> "(d) give proper consideration and where possible preference to Queensland suppliers, manufacturers and contractors when letting contracts "

In the light of the Government's change of policy on preferences, I do not know whether that provision is currently applicable. In view of the Government's changed policy, perhaps the wording may not be appropriate.

Mr Ahern: There are two points. Firstly, the agreement has not been made. Secondly, under the draft agreement, there is a clear provision for acceptance.

Mr VAUGHAN: That is fair enough. I reserve further comment until the Committee stage.

Mr FITZGERALD (Lockyer) (2.27 p.m.): As has been said by the Opposition spokesman, the Bill is before us as a result of negotiations between the Queensland Government and Mount Isa Mines Limited. Because of the serious situation facing Mount Isa Mines through the downturn in the price of its products, and because the company needed to know exactly how long the lease was to run, discussions were entered into, and the proposition is now being debated by Parliament.

It is reasonable that, because of its effect on the Queensland economy, such a large mining company should be given an extended lease rather than have to rely on the balance of the 21 year lease. The lease is to be extended to 50 years. Honourable members should realise that the lease area covers only the 31 978 ha shown in the schedules relative to the Mount Isa Mines area. It has nothing to do with coal-mining or other areas of operation. The company has been given security of tenure. The extended tenure does not apply to other mining leases. The various amounts paid by the company will depend on the mining undertaken. Royalties are not to be altered and this Parliament is not precluded from passing legislation relative to other mining matters.

During the term of the lease the company has an obligation to spend over $50m a year on exploration, mine-planning, development and supply and maintenance of equipment, as well as the mining, winning and treatment of the designated materials. Presently, under the Mining Act, the company is required to spend certain money for every 4 ha of lease area. The security deposit that has to be paid by the company is quite reasonable. It is to cover the cost involved if the mine closes down. The State would use the money to close up the hole or make it safe. If that happened, the State would be in a disastrous position. The loss of $1m there would be small compared with the other losses to the State.

When debating a Bill such as this, one takes the opportunity to reflect upon other matters relating to Mount Isa Mines or to the mining industry in general. The position in which Mount Isa Mines finds itself at present has resulted from a number of factors. The main factor has been a downturn in the world prices of the commodities that the company produces. The company has virtually three major sources of income, and I understand that each source produces roughly the same amount of income. There is copper production, silver, lead and zinc production, and coal production. The prices for all of those commodities reached historically low levels at the same time, and they have remained at those levels over a long period.

I think that the manager of the company said that, over the last three years, the return on capital to share-holders has been 3.6 per cent. That is a very low return. However, I believe that that position is only temporary. Mount Isa Mines, like any other mining company or primary producer, realises that it does not have very much control over the world prices for its products. If the prices for all the commodities go down at once, the company will not make any money. It is a matter of whether Mount Isa Mines can continue to produce and be in a position to take advantage of the market when world prices recover.

The Opposition spokesman on Mines and Energy noted that Mount Isa Mines has a large production of coal and that its mineral production has continued to increase. Despite the downturn in prices, the company's expansion programs have continued. Of course, the expansion of mining operations must take place over a number of years. Large mines just cannot be turned on and off.

Some years ago, the board of directors of Mount Isa Mines decided to enter coal production. I do not think that it could have picked a worse time to expand into the relatively new area of export coal. The company did produce coal for its own power station. It is to be hoped that when the coal market picks up, Mount Isa Mines will be in a position to take advantage of it.

The main concern for Mount Isa Mines is whether Australia as a whole will be in a competitive position in the future to take its rightful place in the world markets. I refer to the 1984 report of MIM Holdings Limited and the the chart on page 9 that shows Australia's competitive position. There is a comparison of unit labour costs, using 1977 costs as a base of 100. Between the last quarter of 1979 and the last quarter of 1983, unit labour costs were twice as high in Australia as they were in the rest of the Western World.

Those figures show that Australian wages have continued to cost companies more and more. The alarming thing is that the black line that represents Australia's unit

66531—130

labour costs is rising very, very sharply, whereas the line that represents the unit labour costs of the Western World is curved and on the downturn. If the pattern that has been depicted on that chart continues, Australia's competitiveness will slip further behind that of the rest of the Western World. That is probably one of the major concerns for Australian companies, such as Mount Isa Mines, that are dependent upon their ability to compete against other companies in the Western World.

Last week, I referred to the March 1985 issue of the Department of Trade's journal "Overseas Trading" On page 14, an article appears concerning the steps that Australia has to take in order to be competitive in the Japanese market. The article begins in this way—

> "Persistence, performance and price are the key to entry to the Japanese market, according to the report of the Japanese Market Access Promotion Mission which visited Australia in November."

In a number of debates I have spoken about the ability of Australian exporters to service overseas markets, and I will not canvass those issues again today. However, I must say that it is very important that Australia's industrial climate improves so that Australian exports can flow freely onto overseas markets. Australia must reduce the number of industrial disputes at mines, on farms and in the transport industry, particularly on the wharves. Australia has a very sorry record in this regard and it must recognise where its strengths and weaknesses lie.

The costs affect the competitiveness of our companies. As I said last week, unless Australia can become more competitive, it is doomed to be a third-rate banana republic.

Recently, at a meeting in Toowoomba, the chairman of MIM Holdings Limited (Mr Bruce Watson) stated—

> "Mining is still suffering from the most severe and prolonged trough in prices for many decades. Most base metal prices in particular have been at historically low levels. The price of coal, which is this State's biggest export earner, remains unsatisfactory.
>
> Although the recession affected all food and mineral exporting nations, Australia is particularly vulnerable to these sustained downturns in commodity prices, because, like many third world countries, our economy is heavily dependent on exports from the agricultural and mining sectors."

The next point that he made is particularly important—

> "The longer term issue which dominates both these industries is not this severe cyclical downturn in prices from which we will emerge, but rather how long Australia can maintain the competitiveness of its export industries.
>
> This is an issue which goes right to the heart of Australia's economic performance.
>
> In my view unless positive action is taken to improve the competitiveness of our economy, living standards in Australia will fall dramatically."

With regard to the mining and primary industries, Mr Watson said—

> "Not only have both industries had to strive to be efficient in the face of fierce competition in the international market place, but together they were responsible for building the very economic foundations of Australia."

Mr Watson suggested that the primary reason why the value of Australia's manufactured exports remains very low by international standards is that much of our manufacturing industry cannot compete in the international market-place, because it has lived behind protective barriers for too long.

It is very important that members of this House and the general public recognise that the downturn in the profitability of Mount Isa Mines Limited is only a short-term

one. It has been brought about by the current low price of metals, the lowest in history. The people of this nation must believe that Mount Isa Mines is concerned more about the economic viability of Australia than about the low prices for its products, because if Australia becomes an unprofitable country and cannot compete on international markets, the company will become uncompetitive. I realise the company has tried to branch out and now owns mines overseas. It has become an international company, but its main base is in Australia and it will continue to be an Australian mining company for many, many years to come.

The Bill will give the company a secure base at Mount Isa. The fact that the company will have a lease over the area will give it confidence. One of the provisions of the agreement is that no other company can mine in the area covered by the agreement. That gives Mount Isa Mines Limited total mining control over the land in which it wishes to operate.

It is with pleasure that I support the Bill.

Mr PRICE (Mount Isa) (2.41 p.m.): The purpose of the Bill is to ratify and approve an agreement—the Mount Isa Mines Limited Agreement—entered into by the Minister for Mines of the State of Queensland, for and on behalf of the State of Queensland, with Mount Isa Mines Limited.

I have not had sufficient time to do enough homework on the Bill to offer any great criticism of its contents. The Bill is rather short, with only six clauses. I concur with the majority of the comments made by the Opposition spokesman. I take this opportunity to record my thoughts on matters connected with Mount Isa Mines.

Before I do that, however, I should comment on the statements made by the member for Lockyer about the competitiveness of Australia on world markets and his zeroing-in on the labour content of operating costs. I point out that in mining operations labour is not the only cost factor. The mining companies are complaining not so much about the cost of labour, even though it is a highly labour-intensive industry, as about the high cost of royalties and rail freights. It is in that direction that I shall concentrate my remarks for the next 29 minutes.

In pointing to the value of Mount Isa Mines to the Queensland and Australian economies, I shall read the objectives of Mount Isa Mines Limited as taken from the December 1983 issue of its own magazine. The following words from a speech of Mr Bruce Watson display how the aims of the company complement the aims and objectives of Australian mining companies, of which Mount Isa Mines Limited is the undoubted leader—

> "The broad objectives of MIM are to maintain efficient and technologically advanced mining and mineral processing operations. Although we are now diversifying, we remain a strongly focussed company. It is not our intention to diversify into areas that are unrelated to mining."

Honourable members might recall that, a few years ago, the company divested itself of the broader base of commercial enterprises in which it was involved and made a decision to stick to its principal base of mining. It may have been a disastrous decision at the time, but the company knew best, and the mining operations will continue to emphasise the metals and energy sectors of its business.

As members who have preceded me in this debate have said, MIM's group activities are now spread world-wide. It has its head office in Brisbane, but, following the recent lay-offs, that office is a little vacant at the moment. In Mount Isa, copper, silver, lead and zinc are mined in what is arguably the largest mine in the world. The uniqueness of the mine in Mount Isa is that it has a diversity of minerals. Copper, silver and lead are smelted by the company.

The company operates a copper refinery in Townsville and has interests in transport, materials handling and stevedoring. Those activities are mostly related to the company's refinery usage, even in the transport area, although it is beginning to spread its wings.

Because of the company's coal interests in central Queensland, its transport interests are moving into that region. Recently, after 50 years absence from Mount Isa, it reintroduced its transport operations to curb the excesses imposed as a result of its rail freight agreement with the State Government.

The magazine further states—

"Our Collinsville mine supplies steaming and coking coal to the domestic market and is soon to commence exporting coking coal."

About 70 per cent of the domestic copper produced in Australia goes through Townsville from Mount Isa. The roof of this building is made from copper that originated from the mine at Mount Isa.

The magazine continues—

"Shortly we will open the Newlands steaming coal mine which is connected by rail to Collinsville and will ship through the new port of Abbot Point.

We have recently opened the Oaky Creek mine which is supplying coking coal to three European joint venture partners as well as to steel mills in Japan.

In Western Australia MIM has joint venture interests in the Goldsworthy iron ore project—"

it was sold recently—

"the Agnew nickel mine and in the Teutonic Bore copper-silver zinc project."

MIM has gone overseas in the spirit of world trade, and its interests include an investment of just under 20 per cent of the stock of the large American company Asarco. That is now the subject of a take-over bid by Robert Holmes a'Court, the corporate giant from Western Australia. That is something that should be watched very carefully by the Queensland Government. Mr Holmes a'Court's record is not exactly compatible with the aims of Mount Isa Mines Limited and therefore should not be left to the whims of the market-place. The nervousness that Holmes a'Court can cause in his take-over bids is frightening, particularly with present world metal prices. The reverberations in a concentrated settlement such as Mount Isa can be devastating.

The long-term aims of Mount Isa Mines's planning for the future of Mount Isa probably reach well into the next century. At any one time, the livelihood of between 25 000 and 30 000 people are at stake. The labour turnover rate in Mount Isa is very high. Thousands of other persons would rely at some time in their lives on the economic viability of the mine at Mount Isa.

Outlining the international interests, the magazine continues—

"A silver/lead refinery in London;

Metal trading companies;

A 50% holding in a zinc refinery and a 33⅓% holding in a zinc products plant both at Datteln in West Germany; and

A marketing subsidiary in Singapore to market lead which has been toll refined in Japan."

I point out again that the objectives of this mining giant are certainly in keeping with the idealistic views of anybody entering the mining industry in Australia. I have no doubt that it is showing the way in becoming Queensland's largest employer, Queenslands largest mine, Queensland's largest commercial enterprise, arguably the largest mine in the world, and probably the most diversified mine in Australia.

It is good to see the company make its objectives so clear so that the rest of Australia, particularly the mining industry, can follow suit. MIM's record, cradled in Mount Isa, is also commendable in the employment field in the way that it has looked after its employees in the 50 years of its existence.

The decision many years ago by Sir James Foots to detach the mine from the city of Mount Isa and make it separate—although it was dependent on the city economically—was a very good decision. Today, many other mining companies are following that pattern. As a matter of fact, MIM is responsible for the creation of several towns in Australia quite apart from Mount isa. Townsville obtained a good deal of prosperity as a result of the operations of MIM, as did Collinsville, Leinster, Teutonic Bore and Shay Gap, and soon Tieri and Glenden will also benefit. The lives of many young Australians are bound up with MIM's continuing development. Of course, those people are part of MIM's plans for the future. Its reliance on its employees is borne out by its treatment of its employees over 50 years of development.

My comments are centred on the subject of royalties and rail freights. I will give some background to the matter. In August 1974 in a Bill that was introduced, Government charges were multiplied to such a degree that the old system of a standard fee at the beginning of a mining lease was changed. The new system, which was a rather complicated indexed system of charging royalties, was brought in by the Government. At that time quite an argument erupted. Most of the mining companies realised that, with the mining boom throughout the world and the demand for minerals, they would be liable for—and were quite willing to pay—higher royalty charges. There was quite a storm when the Government announced its intentions—and there has been a storm ever since.

The formula is quite complicated. On 1 August 1974 the charges took effect. That Bill provided that royalties be charged on the quality of ore or minerals won or based on a percentage of the profits. The basic royalty was to be 10 per cent of the value of the mineral mined. That applied only in instances in which there was either no other or very little benefit to the State from the operations of the mine. In the case of large, profitable operations—and I suppose Mount Isa Mines was in that category—where there are other benefits to the State, such as rail freights, a rate of 5 per cent of the value of the minerals, or an amount per ton of ore mined, varying according to the price of the mineral, is charged. For the smaller, not-so-profitable mine, a royalty based on 2 per cent of the value of the minerals or 5 per cent of the profits before tax, was contemplated. In cases of minerals other than those termed base minerals, such as mineral sands, clay, limestone and silica sand, the rate of royalty per ton was at least doubled. In addition, the exemption rate for the small-scale miner or gouger was raised.

I am concerned about whether, in consolidating the leases in Mount Isa, the gouger was taken into consideration and about what would happen to him if he took up a lease that was handy to or alongside Mount Isa Mines. Of course, in years to come MIM will want to expand. This State does have a problem with smaller miners rushing in and trying to capitalise on a new discovery. As in this case, where the leases for Mount Isa Mines have been consolidated—and I would not deny MIM a claim to those areas—what becomes of the small gouger who now takes on a new lease adjoining Mount Isa Mines?

It is interesting to note that the "Telegraph" published a report on 7 June 1974 stating that the Premier took the view that mining companies had spent hundreds of millions of dollars in development and should be allowed to make huge profits. That statement, which has been attributed to the Premier and Treasurer, has never been challenged or repudiated. Shortly after that statement was made, the new royalty Bill was introduced into Parliament. At that time, according to Sir Gordon Chalk, the Government took the view—

> ". . . that, with rising prices and costs, the fixed-charge royalty as a general rules should be abandoned, and a percentage of value substituted. It prefers this method to that of a percentage of profit because of its fairness, and because it considers that the value of the State's asset should not vary with the ability or otherwise of the company to make profits."

I intend to illustrate where the intention of the Government went astray since the provisions of that Bill were brought into effect.

The statement continues—

"The Government now seeks royalty as a charge for its minerals—"

I can see nothing wrong with that—

"as a definite cost in the mining companies' operations, the same as wages, debt costs and so forth. It also envisages that royalties will move along from time to time with the increase in the value of the minerals being won.

Because of the many other benefits derived from the operation of the industry at Mt Isa including the profit on rail haulages, the rate of royalty has been based on the 5 per cent level of the value of the contained metal in the ore won with adjustments for freight processing. On the 1973-74 experience where approximately 7 million tons of ore were mined, the royalty assessed would represent approximately $2 a ton on all ore mined."

Production from Mount Isa rose to 9 million tonnes for the year 1983.

The statement continues—

"For simplicity, it is proposed then to take $2 a ton of ore mined as the basis of the royalty and to vary this royalty rate by the ratio of the weighted average of London metal prices in the relevant year to the base 1973-74 year."

I emphasise—based on the London metal prices for that year.

The statement continues—

"There will be a provision in the Order in Council which will set the minimum royalty under the formula at $1 a ton of ore up the shaft. With an expected production of about 8,000,000 tons of ore per year in future years, the return to the State from Mt Isa would be less than $8,000,000 and on 1973-74 prices would be $16,000,000."

I take umbrage at the Government's practice of basing royalty rates on prices which have not remained constant. Prices obtained for minerals on the world market have not remained constant and the royalties received by the Government from mining operations have continually increased, so Mount Isa Mines Limited is not benefiting from increased production.

Instead of the present system, and following the lines of Australian Labor Party policy, a two-tiered resource tax should be applied. The rate of tax should be based on levels of production and the profitability of the operations. The extent to which the State benefits from the development of mineral and energy resources depends upon the extent to which royalties are levied by the Government, and the Government should encourage the development of production of lower grade ores or marginally viable resources.

In Mount Isa at the present time, to cut costs of production and increase the return from the ore produced, the mines are already turning to higher grade ores, leaving aside the 20-year schemes that had been envisaged for Mount Isa to mine the lower grade ores. That was done in an attempt to ensure long-term viability of the mining operations and to assure the future of Mount Isa and the surrounding districts. To keep up the levels of profit and cut production costs, whilst at the same time increase the value of the minerals mined, attention was turned to the higher grade ores in the immediate vicinity. I am speaking on behalf of the people of my electorate when I say that that is not the correct way to go, and I believe that Mount Isa Mines is being pushed by an unsympathetic Government into taking that step.

The problem lies in the two-pronged barb of not being related to profitability and being linked only in part to market price fluctuation. Increases in production do not necessarily mean increases in profits. The State Government has a responsibility to ensure, where possible, the long-term viability of its assets and the long-term employment of its work-force. With crippling taxation, which reflects a lack of sensitivity to mining's

reliance on fluctuating world demand, this Government is demonstrating its short-sighted attitude to the development and decentralisation of the State. The Premier and Treasurer indicated his grasp of financial questions last September by attacking the world-acclaimed management of Mount Isa Mines. He virtually said that they were incompetent. That followed a statement in the local newspaper in which Mount Isa Mines decried the massive Government charges that were jeopardising the development of viable mines in Australia.

I now turn to page 40 of the 1984 annual report of Mount Isa Mines, from which every member seems to have quoted. That page shows a 10-year comparison of various aspects of the mining production at Mount Isa Mines. Line 4 lists consolidated net earnings from 1975 to 1984, and line 10 lists mineral royalties paid from 1975 to 1984. A comparison of the two shows an amazing difference. If I could demonstrate my argument by placing those two sets of figures on a graph, it would become crystal clear. In 1975, consolidated net earnings were $51m and the company paid $11m in mining royalties. In the peak year of 1980, consolidated net earnings reached $204m and the company paid mining royalties of only $30m.

One would say that that was fair enough, but when one looks at the lower-profitability or even loss years, the mineral royalty figures become interesting. To take what might have been a middle performance year of 1982, in which the company lost $10m, it still paid—incredibly enough—mineral royalties of $24m. It showed increased production and obviously mineral royalties went up, but no sympathy was shown by a lessening in the Government's charges to offset some of the mine's losses. Obviously no Government co-operation is written into those figures.

In 1984, consolidated net earnings were $27m, with mineral royalties of $34m, again showing the company's effort to increase production to overcome the effect of the State charges that it finds very difficult to meet.

As I said, the 1984 profit was $27m but, as the honourable member for Nudgee (Mr Vaughan) said earlier, with assets of $3,000m, the return to share-holders was less than 1 per cent. That is a far cry from the 1980 profit of $204m when metal prices, particularly for silver, were sky high. The results of the 1974 decision are starting to show. That illustrates the futility of Governments overloading mining operations and judging tax ratings on static world prices. In 1984, Mount Isa Mines achieved record total production of 9 million tonnes of ore from its Mount Isa operation, and 3 million tonnes of coal for export.

Let me dovetail the argument into the rail freight question, because that inequity is equally frustrating for an organisation like Mount Isa Mines. Page 40 of the annual report illustrates how Federal Government charges, such as income tax, fluctuate with profitability and the ability of the mine to pay. Let me cite the income tax charges on line 8 and relate them to the consolidated net earnings that are shown on the same line.

In 1975, when $51m profit was shown, $35m was paid in income tax. In 1980, which was the big year, $204m profit was shown and $177m was paid in income tax. Obviously, the company had the ability to pay. In 1982, when the consolidated net earnings resulted in a $10m loss, the income tax rebates on the assessment meant that the company got $24m back. In 1984, when the income tax assessments were worked out, the company received an $8m rebate.

Mr Casey: In that period of crisis, the Queensland Government really got into the company with royalties.

Mr PRICE: That is so. In the years in which the company received a rebate from the Federal Government, the Queensland Government put the boot in and charged $34m royalty on consolidated net earnings of $27m.

Such short-sightedness can lead only to the inevitable, as is evidenced by the forced leave, early retirements and the retrenchment policy that the company has been forced to adopt this year. That affected more than 16 per cent of the work-force of Queensland's

largest company, Queensland's largest employer—a company that should be cosseted by the Queensland Government.

Page 7 of the company's report displays a little pink square, with the heading, "Major government imposts 1983/84". The honourable member for Nudgee referred to some of the figures. They show that the rail freight paid to the State Government was $86.7m. MIM estimated that the State Government's profit from that figure was $43.1m, that is, half of it.

In 1984, 3 000 000 tonnes of coal was exported. This year, MIM estimates that 8 000 000 tonnes will be exported. So far this year, the company estimates a $26m loss on its operations.

Mr Miller: Are you saying that the Queensland Government is too tough on MIM?

Mr PRICE: I am saying that the Government is adopting the wrong policy with MIM. It should have a more flexible policy on royalties and rail freights. I am not saying that a Labor Government would not charge both royalties and rail freights, but I do say that the Government's policy is inflexible and suicidal. It is a blatant rip-off. The Government is quick to insist that mining ventures fund the Government for the building of public facilities such as roads, railways and ports and also meet their normal taxes and charges.

The Bill for the company for the 1983-84 year was $893m. That is the money that the company poured into the development of Queensland in that year. To become a worthwhile proposition, MIM must recoup the total capital cost, including infrastructure costs, plus interest on operating costs, and then make a profit. The self-acclaimed private enterprise Government of Queensland does not know about, or is frightened to face up to, the financial wounding of this mining giant, this economic pillar of Queensland.

It is estimated that this year, without increased production, rail freight revenue paid by MIM to the State will be about $160m. No wonder the Government will make a profit. On the figures on page 7 of the report, the State Government can look forward to a profit of approximately $80m.

In September last year, the Government made an offer to Mount Isa Mines. In that context, I quote from "The Courier-Mail" of 20 September 1984 in these terms—

> "The Queensland Government has provided a limited amount of aid on rail freights for the hard-hit MIM Holdings and apparently confirmed a 6 percent increase in general freight costs.
>
> But the latest concession will not affect the controversial charges for coal railed out of MIM's central Queensland coalfields.
>
> The Premier and Treasurer, Sir Joh Bjelke-Petersen, said yesterday the Government had decided that the proposed 6 per cent increase in general rail freights, which was due in line with annual cost escalations, would not be applied to railings of ore minerals from Mount Isa to Townsville."

Then he tried to twist that offer around and said that, because of that generous offer, the people of Queensland would be paying approximately $470 per head. That was rather simplistic, in view of the increased revenue that Mount Isa Mines would contribute to the State coffers over the ensuing years.

Mr Miller: This is quite a change—for the ALP to come out and support mining companies in asking for reductions.

Mr PRICE: The ALP is not coming out in opposition to royalties or rail freights. It is saying that those royalties and rail freights are incorrectly applied.

Mr Miller: Explain it.

Mr PRICE: I have been explaining it for the last 30 minutes. If the honourable member had been present in the Chamber he would have heard it.

Mr Casey: Unfortunately for the member for Ithaca, he does not even know that it was previous Labor Governments in this State that helped and encouraged Mount Isa Mines and got it going as a company.

Mr PRICE: That is correct. Mount Isa Mines got under way during the term of office of Labor Governments. Without help from those Governments, Mount Isa Mines would not have developed in the way in which it has.

Honourable Members interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! I will not tolerate cross-firing in the Chamber. There is too much noise and I cannot hear the member on his feet.

Mr PRICE: Thank you, Mr Deputy Speaker.

Time expired.

Hon. Sir WILLIAM KNOX (Nundah) (3.11 p.m.): It is with some interest that I notice spokesmen for the Australian Labor Party shedding crocodile tears for a mining company. I have lived through some of the torrid debates that occurred in this Chamber when I either introduced or supported legislation that was brought in by the Government in trying to develop mineral resources in this State, and was bitterly opposed by the ALP.

Mr Miller: They said it was giving Queensland away.

Sir WILLIAM KNOX: A large sign was put outside my home—it stayed there for five weeks—accusing me of selling out the State for half a tomato. The members of the the ALP alleged that the royalties were too low. If it had not been for the way in which the Government structured the royalties in the first place, there would not have been any mining development in this State.

The attitude of the ALP, particularly to some of the new mining ventures, was that they should be screwed right into the ground—to such an extent that they would never have commenced. Even before that, the policy of the ALP was that private enterprise should not develop the mines; that the development should be carried out by the State. Despite the crocodile tears of the honourable member for Mount Isa, that is still the policy of the ALP. I am sure that he is pragmatic about this matter. He knows full well that the policy of the ALP on these matters is impracticable. If that policy had been pursued, some of those developments would not have got off the ground. So, some of that talk from the ALP should be promptly dismissed.

The introduction of this Bill gives me an opportunity to refer to some of the problems facing Mount Isa Mines and other companies involved in resource development. However, I do not intend to deal with them in detail, because that would be outside the ambit of the Bill.

Mount Isa Mines has been in existence for 60 years. For the first few years, the company had a pretty torrid time in surviving. But for the injection of overseas capital and the skilful management of the resources, Mount Isa Mines would not have reached its present position. We should congratulate the men who were responsible for the skilful management of the company over those 60 years. Many of them have passed on, but some of them are still around. Mount Isa Mines is the flagship for mining resource development in this State and in this nation. The company's head office is in Queensland and it ranks as one of the top enterprises in the nation. It is very fortunate that the company has been able to keep its top executives in this State despite its nation-wide and world-wide enterprises and expertise.

Mr Price: The Premier didn't say that.

Sir WILLIAM KNOX: I have a very high regard for the competence of the management of Mount Isa Mines. In fact, it is highly regarded throughout the world by

whatever standard is used to measure its competence, and I regret very much the unfortunate remarks made last year by the Premier and Treasurer about the management of Mount Isa Mines.

Mr Davis: You people were in office 25 years, and there have been so many amalgamations it is not funny.

Sir WILLIAM KNOX: I will get on to that point a little later. I notice that the honourable member for Brisbane Central is not listed to speak in this debate, but, then, he usually makes his speeches by way of interjection. If he has anything worth while to say I will allow him a few minutes of my time, but I do not intend to let him have any more at the moment.

Because of the infrastructure of the operations of Mount Isa Mines in Mount Isa, the other centres, such as those along the coast, have developed with the company. A very good example is Collinsville, and more recently, Abbot Point.

The product of Mount Isa Mines must be sold on a very competitive world market but, because several speakers have already mentioned that, I do not need to explain it. In other parts of the world, Governments provide support for the companies against which Mount Isa Mines must compete. The significance of the role of the Government is very important. In Australia, although Governments assist the mining industry, it is not propped up or subsidised as it is in other countries. In many countries mines are owned by Government, and Government policy is translated into the operation of those mines. In that way more foreign exchange can be provided, the companies can stomp on world markets and, to satisfy local political pressure, more people can be employed at particular mines. Many Governments use these types of resources as an extension of their policies.

I want to illustrate how the Queensland Government can use its policies to assist Mount Isa Mines to combat that sort of competition, without taking over the enterprise or resource. Because of the actions of many overseas Governments, Australia's natural resources have been very difficult to develop. Mount Isa Mines is no exception from the cold wind of competition. As a result, in 1984, the company had to engage in a very heavy cost-cutting program. Approximately 1 200 executives, administrative staff and other workers in the Mount Isa Mines family were retrenched or retired in order that the company could meet the world-wide competition. The processing methods were reviewed in an attempt to increase the quality of the ore treated so as to reduce the cost per unit of the end product.

The low return on share-holders' funds has been mentioned. That return has been one of the lowest of any company in Australia for some time, and it seems that that trend will continue. However, Mount Isa Mines pays well in excess of $100m in taxes a year to the Federal Government, the State Government, local authorities and harbour boards. That is a very significant contribution. As has been mentioned, it is estimated that $160m will be contributed by the company to those Governments this year.

Mr Davis interjected.

Sir WILLIAM KNOX: I am so worried about this issue that I am starting to talk like the honourable member for Brisbane Central.

A fundamental issue is that Mount Isa Mines is still thinking in 100-year licks. That is how far ahead the company is thinking about its development and its future. The future for mining and resource development in this country is good. However, one must not kill the goose that lays the golden egg, or these enterprises will have no future. Already a number of resource developments in Australia have closed or been postponed because of the world situation and local taxes and charges, which inhibit them in their attempts to meet the competition.

For 30 years Mount Isa Mines Limited has been involved in this State in the development of coal mines. It is an expert in the field of mining coal and the use of

the product. In recent years it has exported coal. In one year, approximately seven and a half million tonnes was exported from the company's enterprises. That is something new. Admittedly, the company entered this area during a boom-time, when capital costs and interest and redemption were very high. Those costs have to be recovered from a very competitive and low-priced world market. In the last three years the market has deteriorated and there is certainly no sign of improvement on the immediate horizon.

In the last five years, the cost of rail freights for coal has doubled for Mount Isa Mines Limited and that possibly applies to other coal-exporters. However, the company still keeps on producing coal. Because it is known that the company produces enormous tonnages of coal, it is assumed that it is done very profitably, but that is not so. Because the company is big—the House has heard parts of its annual report—it is assumed that it can weather all the storms and is able to handle all problems on its own without co-operation from elsewhere. That is not so. In recent years, because of intense competition in the marketing of products from resource developments, many big resource developments in South America, North America and Europe have closed. Some very substantial operations in Australia have closed. That should not be a worry in this State, but it is. In recent times, the comparatively small operation at Gunpowder closed. Other enterprises have been postponed.

Bigness is not an indication of how successful these operations will be. One should bear in mind that the products from many of Australia's resource developments have to be transported to markets on the other side of the world, principally to Europe and North America, certainly to Japan and, more lately, China. The transportation of Australian products involves long distances. When compared with some of its competitors, Australia has comparatively high costs of production.

The world price of copper is at its lowest point in 50 years, yet Mount Isa Mines Limited is till producing copper. In fact, in the last two years it has produced an increased quantity in spite of the fact that the financial return must be very close to, if not below, the cost of production. The company keeps on going because it cannot afford to stop. It would be a calamity if a resource development of this type stopped, because it would mean that it would stop for ever. Because of the way these minerals are processed, the operation cannot be simply turned on and off.

There is world over-production of copper. Why is that so? Because an enormous number of copper mines are directly controlled by Governments that are after favourable currency exchanges or wish to earn currency of a certain type. Another reason is that those Governments are employing people in a strategically important area to suit their own politics. For those reasons, they keep on producing copper even though the cost of production is well above world prices. Yet Mount Isa Mines Limited is expected, and should be expected, to continue in competition with operations that are heavily subsidised by Governments.

The enormous cost of resource development in Australia has reached astronomical proportions. Approximately $50 billion is owed on capital works for mining throughout Australia, so the nation has to produce for export to repay that debt. If it does not, its standard of living will need to be lowered. Australia is already slipping down the scale of the Organisation for Economic Co-operation and Development (OECD) countries, and it will slip further down the scale. About 15 years ago, Australia, with its standard of living, was at the top of the scale of OECD countries. It is now near the bottom of that scale. The consequence of that is a lowering of our standard of living.

If Australia does not produce for export at competitive prices, is not able to meet overseas competition and is not able to redeem the cost of capital for resource development plus the interest on that resource development, the money will have to come out of the pockets of the people in this country. There is no other way in which it can be done. Money cannot be borrowed to pay those costs. Some of the banana republics in South America are doing that.

Is that what honourable members want in this country? Do they want to see Australia reduced to the level of Third World countries and having to borrow money to pay interest on money borrowed for resource development? If Australia did that, it would mean sacrificing our present standard of living enormously. If something is not done to encourage exports, that is what Australia will face.

At the moment, Queensland has a team in Japan encouraging trade with Australia, particularly Queensland. With one stroke and in a very simple way, Queensland can assist its resource development to increase the income and wealth of this State very quickly by adopting a more sympathetic approach to Government charges and taxes. I have a suggestion to make about that later.

Our standard of living would be under challenge if Queensland had to redeem the capital that is outlayed for resource development and if it had to meet interest payments on that money. The money does not come out of a vacuum; it must come from the resource development. If Queensland had to earn income from its agricultural products to pay off a huge debt, as well as meet other commitments, policy changes would need to be made.

It has already been pointed out that this calendar year the average income of farmers will drop by 23 per cent in real terms. That will bring an enormous reduction in the standard of living of the farmers in this country. That is a serious matter.

An even greater reduction in real terms faces our resource development earnings. It may be very nice for Governments to be able to say that they have been able to take from Peter to pay Paul, by taking it from royalties, pay-roll tax, railway charges, harbour dues, company tax, local government taxes and so on—if it was there to be taken!

When one sees what is happening to the income of resource-developers, particularly MIM, one can see that a critical situation must be faced.

If Queensland is to retain its standard of living, it must adopt a new policy. Honourable members have heard rumours that MIM Holdings Limited is possibly subject to a take-over move. Is that what the Queensland Parliament wants to see? Do honourable members want the flagship of resource development and private enterprise, which has become the largest employer of labour and the second largest employer of apprentices in this State, to suddenly become controlled from Sydney, Melbourne or Perth? Is that what we want to see?

Mr Innes: Or Bermuda?

Sir WILLIAM KNOX: The honourable member for Sherwood is quite right; Bermuda via Perth. Is that what we want to see happen?

Do we want people who are involved in tax havens, and other arrangements that are conveniently made to look after their wealth, to control that company? Do we want to see the loss of control by this Parliament and by the Queensland Government of the development of this State in critical areas, not only in Mount Isa but also in a number of other places? Do we want capital commitment and involvement in ports, and in policies relating to the employment of people, by companies that are not interested in Queensland but are interested per se not in resource development but only in making money for the sake of making money?

Those companies could get hold of something that is not doing too well, balance it up with something that is doing extremely well and, by transferring their transactions to a tax haven somewhere else in the world, get a better tax deal from the Commonwealth Government or dodge some of the taxes levied by the Commonwealth Government. Is that what honourable members want to see happen to Mount Isa Mines?

Honourable members will remember the battle that the Government had regarding Evans Deakin Industries. The Government of the day and this Parliament expressed genuine concern in regard to Evans Deakin's future merely because somebody in Sydney

wanted to look at that company. Imagine what would happen if an unidentifiable multinational a long way away started to introduce policies about Queensland's resource development. The Government would have very little control over the situation. Resource development should be very much under the control of the Queensland Government, supported by the Queensland Parliament.

The talk around the ridges of a take-over of MIM, when it is in a weakened position not of its own making but because of world trends and the financial contribution that it has to make to all Governments in this country, ought to be viewed with concern.

The Bill has great significance. It is an excellent example of co-operation between the Mines Department and the big private enterprise MIM, a corporation which represents thousands of man-hours of work, negotiations, searching, identification and definition. The officers of that department are to be congratulated on their efforts.

The Bill represents co-operation. Together with its schedules and maps, the Bill represents an effort by the Government, through the Mines Department, the Queensland Electricity Commission, the Water Resources Commission, the Department of Harbours and Marine, the Treasury Department, the Department of Justice and other departments, to produce legislation that will be approved by this Parliament without dissent.

As I said, the Bill represents co-operation. It will lead to reduced administration costs for Mount Isa Mines, the Mines Department and other departments that have an involvement. Ultimately, it will lead to a reduction in legal costs of the transactions that occur between MIM and organisations with which it has contracts. Record-keeping will be simplified. It will minimise the complications of administration, drawing up of contracts and administration of contracts.

Why cannot the Government, through the Mines Department or the Treasury Department, meet with MIM management and endeavour to come to an understanding that can be reinforced, if necessary, by legislation, to ensure that MIM remains competitive on world markets? The Government should ensure that MIM retains its position as a major employer and does not have to retrench and retire 1 200 key employees in one year in order to survive.

If such an understanding was reached, MIM would remain competitive. It would be able to expand its operations, which are there to be developed and to which it is still committed.

Why cannot that degree of co-operation be applied to Government taxes and charges? Those charges were mentioned earlier today—land taxes, pay-roll taxes, royalties, rail freights, harbour dues, stamp duty and so on. All of those things could be incorporated in a package especially put together for MIM. Perhaps other resource developers would also take advantage of such a package. It would not lead to a reduction in revenue for the State. In fact, properly designed, it would lead to an increase in revenue for the State. If those companies were given an extra edge in the competitive market, they could increase their production, and what notionally appeared to be a reduction in revenue in one area could be picked up in another area. It could certainly be picked up through increased sales of the companies' products; therefore, the State's revenue would not be reduced.

A shift of emphasis is required to build a cost and tax scale that will work to the advantage of Mount Isa Mines Limited and make that company more competitive. The Queensland Government should get behind Mount Isa Mines instead of appearing to be standing in the way of its development.

Although it is not the case with other resource-based industries and developments of a like nature which are not only assisted by the Government but are also run by the Government, the Government seems to be going for the lick of its life to take markets away. In Queensland, it appears that several spheres of government—and I do not refer only to the Queensland Government—seem to be standing in the way of expanding the markets that are needed for mining operations in Queensland.

Co-operation between business and Government can be achieved. It has been demonstrated that it can be done, and it is being done elsewhere. The special difficulties associated with Mount Isa Mines Limited have already been recognised. I am not suggesting for one moment that Mount Isa Mines Limited should be subsidised; that is not on. I am not suggesting that a reduction should be made in the level of royalties received, or that assistance in some other artificial form be offered. Any charges that are adjusted must be adjusted sensitively and intelligently, and with a view to winning more contracts for the production of this great enterprise so that employees who have had to be put off can be reinstated. If more orders can be won, the company will be able to employ more people and contribute more to the State's coffers.

Unfortunately, the stage has been reached where it may be too late to make adjustments that will maintain the position of strength that Mount Isa Mines Limited has enjoyed for so many years. Although people are saying that it will all be much better in due course, I point out that time has gone on a little longer and profit levels are not much better. Although some industries are improving, others are in decline. One only has to consider the prices that are being obtained for lead. They are the lowest for 100 years, and there is no improvement predicted in the near future.

Mr Davis: Since you have been out of office as Treaurer, you have been making better statements.

Sir WILLIAM KNOX: I am glad to have the assistance of the honourable member for Brisbane Central (Mr Davis). It is certain that one thing which will not help is the policy of the Australian Labor Party, which advocates a two-tiered royalty system.

Mr Davis: They like it. We have discussed it with them.

Sir WILLIAM KNOX: I suggest to executives of Mount Isa Mines Limited that the ALP proposal should be regarded with a great deal of suspicion, particularly because the second tier was a Rex Connor proposal. It is well known that Rex Connor almost killed resource development in Australia, and that the second tier of the proposal is a tax on profits called a profit control tax. Such a tax may look well on paper but, once mining companies become involved, the Government puts the squeeze on corporate activity so that companies are unable to move. Part of the socialist policy platform is to control the profits of private enterprise.

Mr Davis: You need a little bit more faith.

Sir WILLIAM KNOX: I have plenty of faith in the Australian Labor Party. That party will do exactly as it promises, and will run out every private enterprise venture that it can lay its hands on. The ambition of the Australian Labor Party is to socialise the means of production, distribution and exchange, and members of the Australian Labor Party have signed a document to bring that policy into effect.

I advise any resource developer who is approached by the Australian Labor Party with a proposition for a two-tiered resource development system to examine the implications of the second tier of the proposal. The second tier is the one with the bite in it because it provides for the implementation of socialist policy. That proposal is the one that the Australian Labor Party would use to control profits from resource development in Australia. The philosophy of the Labor Party is that if the Government cannot own an enterprise, it should stultify its operations. I advise Mount Isa Mines Limited to stay away from that proposal.

Mr COOPER (Roma) (3.40 p.m.): I have no intention of speaking at length, but I do want to make a couple of points. I notice that the member for Mount Isa (Mr Price) has left the Chamber. He accused the Premier and Treasurer (Sir Joh Bjelke-Petersen) of implying that the management of Mount Isa Mines was incompetent. In the Premier's absence, I totally reject that. I know very well that there is no way in the world that the Premier would make such an imputation.

Members have heard a fair bit about the taxes and charges imposed on Mount Isa Mines, and I realise that they are a bone of contention. It is interesting to hear such criticism coming from the Opposition. I would hate to be in the boots of Mount Isa Mines if the Australian Labor Party ever came to power in this State. Everybody knows of the spending prowess of the socialists. I assure members that the present level of taxes and charges would be increased drastically to pay for Labor's expensive programs.

Mr FitzGerald: They supported the Mackie strike.

Mr COOPER: I remember that very well.

It is very easy for an Opposition to sound benevolent, but I have no doubt that Mount Isa Mines would not be fooled by the words of Opposition members. Government members certainly are not.

I listened with interest to the member for Nundah (Sir William Knox), who made a number of constructive points. I remind members that he is a former Treasurer of this State and knows a lot about the problems faced by Governments in carrying out their financial responsibilities. It is not quite as easy as some people tend to make it sound. The member for Nundah took the matter very seriously and made a very good contribution.

I support the agreement. It demonstrates very clearly that the Government is willing to aid and abet development and expansion in the mining industry in Queensland. The people of Queensland are not losing anything by the agreement; in fact they are gaining in a minor way through the increase in rent. The area for which rent is charged will increase from 27 000 ha to almost 30 000 ha. That will mean an increase in rent from $235,000 to $578,000 for the first 25 years.

It is pleasing to note that the multiplicity of tenures will be merged into one tenure, and the concept of two 25-year terms is correct. An earlier speaker in the debate said that it is right and proper to look ahead 50 years because, obviously, the company needs adequate security of tenure in order to be able to develop, expand and borrow.

On the subject of royalties and charges, I understand that they amounted to about $87.5m in 1983-84. Those figures indicate how valuable Mount Isa Mines is to Queensland, even though it has caused problems for this Government. I do not believe that the Government has any intention of crippling or stifling companies such as Mount Isa Mines, but I reiterate that the Government does have budgetary problems. It is not easy to balance the Budget. On numerous occasions, I have spoken to the deputy Treasurer about matters of this sort, and he is very much aware of the problems.

Mr Davis: Who?

Mr COOPER: The Deputy Premier and Minister Assisting the Treasurer.

Mr Davis: The financial expert!

Mr COOPER: As far as I am concerned, he would run rings around the Opposition.

Mr Vaughan: We saw his performance this morning.

Mr COOPER: I have noticed constant laughter from Opposition members even before the Deputy Premier and Minister Assisting the Treasurer says anything. That just shows that Opposition members never listen to anything. I have received plenty of sound advice from the honourable gentleman. He is keeping an eye on this issue, and I know that he is intent on ensuring that mining companies are assisted. He is concerned also about the problem of freight rates. It should not be forgotten that the mining companies received a 6 per cent waiver, although people tend to say that that should have been given to them, anyway.

Although Mount Isa Mines has been operating for a long time in Queensland, it is now a very modern company. I heard the member for Mackay (Mr Casey) tell someone

to read the history of Mount Isa Mines. I think he was suggesting that former Labor Governments had helped the company. But if the honourable member does bother to read the history of the company, he will find that it is very much a private enterprise company.

The member for Nundah said that to look forward 50 years is to take a very futuristic view. The Australian share-holding in Mount Isa Mines is 52.1 per cent, including a large number of small share-holders, and that is good for Queensland and Australia. For the benefit of the honourable member for Mackay, who is not in the Chamber, I point out that it goes back to 1923.

Mr Davis: Did you know that a Labor Government propped up Mount Isa Mines?

Mr COOPER: It did? I don't believe the honourable member for a moment.

Mr Davis: Didn't you know that?

Mr COOPER: If it did, I would say that it had an absolute responsibility to do so. Labor Governments do not have a very good reputation for being responsible.

I will now outline some of the history of Mount Isa Mines. It was first developed by a group of pastoralists in the Leichhardt River area who formed a company. By 1924, Mount Isa Mine was floated with a cash equivalent of $100,000. Since then, it has become a truly national company, involved mainly in the production of silver, lead, zinc and copper. The company has also expanded to become a large coal-miner, and it is engaged in copper refining. It is involved in nickel production in Western Australia and in continuing exploration activities for iron ore, oil and gas. It is involved fairly extensively in pastoral holdings in Queensland and the Northern Territory. Because of my involvement in that field, I do not envy it one little bit. Mount Isa Mines is also engaged heavily in transport operations. It has also expanded overseas. That is a move in the right direction. It has interests in West Germany, Papua New Guinea and New Zealand. It has about a 20 per cent investment in Asarco, and Asarco has a 44 per cent investment in Mount Isa Mines.

I share the concern of the honourable member for Nundah about the rumoured take-overs. It is always difficult to know how deeply the Government should become involved in such matters. It should watch them without interfering further than is necessary.

After taking into account attrition, resignations and early retirements, the company has reduced its work-force by between 1 000 and 1 200 employees. It is still a large employer.

The mine has contributed heavily to the Mount Isa region. The city has a population of about 26 000 people and, because of conditions that have been won by various means, they enjoy a very high standard of living. The isolation of the area makes a high standard of living necessary. The mine has also contributed heavily in providing services. It has constructed two power stations that supply power to NORQEB, which then distributes it to Townsville, Cloncurry and the surrounding districts. It is pertinent to note that black-outs were not suffered in the area during the power strike. Roma and other decentralised areas with their own power stations had a similar advantage. Those areas have much to offer.

The company has built three dams. One is Lake Moondarra on the Leichhardt River; another is the Rifle Creek Dam. The company needed massive quantities of water. It realised that things needed to be done and it did them. Recently, with the aid of contributions from the Federal and State Governments, the company completed construction of Julius Dam, which is also on the Leichhardt River.

The company contributes generously to local charities and communities. It has added greatly to the quality of life in the area. I have no hesitation in supporting the

legislation. It contains many safeguards, including a continuing five-year plan, which means that it will be reviewed in five years. That is a sensible move.

There is a requirement for the annual expenditure of $50m. That figure is to be adjusted annually by way of formula. The wage of the lowest paid labourer will be multiplied by 50 million and divided by 250, which is the number of working days in a year. That will be the formula used in the annual review.

The Bill provided that Mount Isa Mines will continue to provide to the town the services that I have mentioned. All members, if they are true Queenslanders, should support the Bill.

Mr INNES (Sherwood) (3.50 p.m.): I join my party leader in congratulating the Minister for Mines and Energy (Mr I. J. Gibbs), his department and his advisers, together with those people who have acted on behalf of Mount Isa Mines Limited, for concluding this piece of legislation. It is a rational piece of legislation that makes formal the question of land titles and the amalgamation of leases, and allows the questions of uncertainty over the subleasing of other areas to be clarified. Generally, it allows Mount Isa Mines to allocate its work more rationally towards the entire area that it occupies rather than have to enter into onerous commitments to parcels of land and separate leases, which should always have been looked at as a whole. The Bill represents what practical people can do if they get their heads together.

I shall use the opportunity given by this debate to look at the overall predicament of Mount Isa Mines. Nothing can be done about the predicament regarding world prices for copper, lead and zinc. They are attended by costs of production, the royalties that most countries charge, the cost of transportation to ports overseas and competition in the market-place.

The very special factor in the present financial position of Mount Isa Mines is the burden of operating the company's coal mines, of which it has several, and in particular its newest mines, especially Newlands. Last week in this Chamber I called for a reduction in rail freights for coal mined in the newer coal mines, including Newlands. I did that because I said that I was a member of a party which believed in the importance of profitability as a motivator, the importance of free enterprise in the market-place, lower taxes and smaller Government. I believe that the Government also has stated that that is its policy.

In the world coal market, market forces have caught up with coal-producers, and coal prices have slumped. That is principally because new mines have been opened up in other countries, such as South Africa and Canada, which have engaged in aggressive marketing, and new mines have come on stream in this country. Of course, those mines were committed many years ago. Also, demand has not grown as quickly as the world energy authorities assessed at the time when new Queensland mines were planned and funds were committed for those mines.

To give an indication of how things change—a couple of years ago an analyst, Dr Story of the broking house of Meares & Phillips in Sydney, who specialises in energy, assessed that the Newlands mine had to get a world price in excess of $55 per tonne to reach profitability. Today, the price for steaming coal, which is what Newlands produces, is between $42 and $45 per tonne. It is about $10 to $13 below the price that the analyst assessed as the price that would make that mine profitable.

I have pointed out that, notwithstanding that new coal mines are losing on each tonne of coal that they produce, they have bankers behind them and, of course, they wish to get some cash flow going from their commitment.

Although, technically, the legal documentation would suggest that the coal operations are different from the Mount Isa operation, the predicament and the financial viability of the coal mines cannot be divorced from those of the copper and lead/zinc operations in Mount Isa. Because the finances of the organisations are interrelated, they are connected.

I have mentioned that free market forces have caught up with coal-producers, but that is not to say that no growth is occurring. Although that growth is not to the level that was predicted, a market can still be found if the product is offered at the right price.

The capacity of Australia's mines to achieve greater efficiency is reaching its limits and all mining companies, including Mount Isa Mines, have looked at ways to improve the efficiency of their equipment and mining techniques to bring the cost of production down. Such has been the success of those efficiency drives, that the costs imposed by the Government for carrying the coal from the mine to the ocean are greater than the cost of production. That is a staggering fact and it shows very clearly how much the cost of transportation is affected by a tax factor.

The Queensland Government states that it believes in lower taxes and smaller government, because it considers that that encourages private enterprise. That is the gist of my argument. If taxes imposed on coal-producers were lower, markets could be found. In the newer mines, freight charges exceed the cost factor of transportation by as much as 100 per cent, and the margin may be as much as 200 per cent. Some analysts suggest that, after the mining companies have paid for laying of the line, the rolling-stock, the locomotives, accommodation for railway workers, diesel fuel and continuing maintenance of the line, the actual cost is between $4 and $5 per tonne. In some cases the actual rail freight charges exceed $15 per tonne. That margin of $10 represents the difference between the break-even Newlands price of $A55 per tonne and the world price of $45 per tonne. Anything in between would make a massive difference to the financial position of the companies.

The Government believes, as I do, that only profitability keeps enterprise and employment going. Although I respect the contribution of the honourable member for Roma (Mr Cooper), I cannot bring myself to gloss over the loss of 1 200 jobs as easily as he can. It is a crime for a free enterprise Government to talk about job-creation programs when real jobs created by real enterprise have been lost. The Minister for Employment and Industrial Affairs has set up a task force to consider unemployment across the State, and most solutions to unemployment problems tend to be found in Government programs.

As the leader of the Liberal Party (Sir William Knox) has pointed out, a piece of the market is there to be won, and the situation is not a total loss. If the price of our product was more competitive, our share of the market could be increased.

Queensland's coal mines have the advantage of being closer to the coast than most of their competitors. However, freight rates fritter away those advantages. In Queensland, the average distance is 250 km. Queensland also has two deep-water ports, which our competitors simply do not have. In Canada, the distance from the mines to the coast is between 1 000 and 1 150 km; in South Africa it is from 500 to 600 km. In the USA, the mines that are involved in the export trade must carry their product over distances between 320 and 960 km. Remember, Queensland's mines are only 250 km from the ports. The New South Wales mines are a similar distance. Queensland fritters away its distance advantage by levying such a high tax on the cost of transportation. Production costs tend to be similar. Ocean costs also tend to be similar. The vital factor—the difference with silver, lead and zinc, on which it does not apply—is the profiteering on freight rates.

I will now detail some specific figures which show what a difference freight rates make. Assessed on a tonne/kilometre rate, in New South Wales the rate is between 4.7 and 12.3. That is for a distance of a couple of hundred kilometres, similar to the distances in Queensland. In the United States of America the rate per tonne/kilometre goes from 1.7 to 2.9 for a 320-km haul, from 1.5 to 2.6 for a 640-km haul and from 1.4 to 2.3 for a 860-km haul. In South Africa the rate per tonne/kilometre ranges from 1.3 to 1.6 for a haul of between 500 km and 600 km. In Canada, the rate ranges from 1.5 to 1.9 for a haul of between 1 000 km and 1 150 km. In Queensland, the rate per tonne/kilometre ranges from 6 to 10. The lowest figure in Queensland is slightly higher than that in New

South Wales, and Queensland's highest figure is slightly lower than that in New South Wales. However, I ask honourable members to look at how the Australian rates stack up against its competitors. Look at the two systems under which the Governments add taxes to the cost of freight. That is where Australia's advantage absolutely disappears. That is where Australia makes itself far less competitive on the world market.

Australia could be greatly advantaged if those taxes were lowered. Let us not call it a freight rate; it is a tax. It is a factor above cost and a factor above the charge. As the honourable member for Nundah (Sir William Knox) has said, the productivity of the State's mines could be increased. At present the State's mines are working 10 per cent or more under capacity. That represents a great deal of coal that could attract more royalties and more freight rates, albeit at a reduced rate but, just as with a supermarket, the amount adds up. That would produce more jobs, use more fuel and create more activity in the State. The possibility for embarking upon new developments must be present if Queensland utilises its natural advantages, those very advantages which led to the siting and the development of the mines in the first place.

Since I first made the call, an eloquent call has come this afternoon from the member for Nundah. It was supported, strangely enough, by one of the few fellows in the Opposition who has been in the hard world of business, the member for Mount Isa. He is a very late convert to the cause. The reality has caught up. There has also been an article in "The Weekend Australian"

Mr Davis: What about me?

Mr INNES: What about the member for Brisbane Central? As I said earlier, he is living proof of a drop in standards.

The market analyst to whom I have referred was the subject of a major feature on coal freight rates last week-end, that is, since I made my last call on this subject in the House. In that article Dr Story called for rail freights to be cut by $3 per tonne and port charges by $1. That was based on an analysis of New South Wales operations but, as figures I have related demonstrate, those operations are very similar to those in Queensland. The lowest coal freight rate in New South Wales is lower than that in Queensland, but its highest rate is slightly higher than that in Queensland.

Part of the article states—

> " 'Australian coal production costs are $6 a tonne more than those of our market-grabbing competitor, South Africa.' Dr Story said.
>
> 'The NSW Government would get far more revenue from coal if it reduced charges and allowed Australia's main export industry to expand through international market forces.' "

The article refers to a survey which was to be released this week giving a detailed analysis of the State rail charges in New South Wales, the actual capital costs, and comparing them with overseas figures.

The article also refers to an analysis by an American expert, Mr C. Mann, in a report in "Coaltrans", an American trade publication. He pointed out exactly the same thing that the Liberal Party has been pointing out for a period in this House and which has been repeated this afternoon. Coal companies have to fund the total cost of the new rail links; the Government then charges outrageous fees to run them. This country is frittering away its natural advantages. In short, the evidence continues to stack up.

I call upon a free enterprise Government to recognise a free enterprise situation and free enterprise companies in difficulty. Cuts in freight rates need not lead to cuts in Government revenue, but they will stop the tragedy of the 1 200 jobs that were lost. The compounding factor of the predicament created by trouble in coal-pricing, as well as low world prices for basic commodities, undoubtedly contributed significantly to the loss of 1 200 jobs, and that will contribute to a lack of utilisation of the potential capacity in existing mines.

Looking at overseas analysts, overseas prices, costs of competitors, expert opinions in this country and the rational things said in this Parliament, there is absolutely no argument against some reduction in coal freight rates. The reduction need not be to cost, but certainly some reduction should be made. Royalties and port-handling charges are still there, but it is important to retain activity in mining towns and to encourage utilisation of capital so that the companies remain profitable. That would obviate the need for them to sell their assets. Mount Isa Mines has not only reduced its work-force but also shed assets and good, viable prospects. That is a tragedy.

If Queensland wants to stop foreign take-overs and have its resources managed by Queenslanders, something should be done to overcome the predicament of those mining companies. If, removed from extraneous and irrational market factors, they are able to utilise their total armoury and be independent in their own finances, take-overs and manipulation from outside forces will be staved off. MIM Holdings Limited created history by buying some of the shares of its major American share-holder. That was a marvellous thing to do.

Sir William Knox: And got accused of being a multinational by America.

Mr INNES: The honourable member for Nundah is correct.

Let us see Mount Isa Mines taking up more Asarco shares and not Mr Holmes a'Court buying more Asarco shares to take over MIM Holdings Limited. This matter must be addressed.

I support a call for a $3 or $4 per tonne reduction in rail freights paid by new mines. It does not matter whether the extra dollar comes out of harbour charges or out of rail freights. The old mines that are charged lower freight rates can stay; but the new mines must have that concession. The advantages will rebound to all Queenslanders and provide employment in this State.

Hon. I. J. GIBBS (Albert—Minister for Mines and Energy) (4.7 p.m.), in reply: I thank honourable members for their comments and for their support for the Bill. The Opposition spokesman, the honourable member for Nudgee (Mr Vaughan) asked about yearly rental. As to the mining lease to be granted under the agreement—rental will be calculated at $19.50 per hectare, which is the present rate under the Mining Act. The area of the lease is approximately 31 970 ha, which is subject to survey. However, there are two areas rent free because of inundation totalling 2 287 ha, thus making an area of 29 683 ha on which rent is payable. Therefore, annual rental will amount to $578,818.50 during the first 25-year period of the lease.

That is the same basis on which lease payments are calculated for other mines at the moment. In other words, Mount Isa Mines Limited is being treated in the same way as if the agreement had not been in existence. It has been treated no differently. In fact, the status quo has been achieved.

As I said in my second-reading speech, the Bill prevents anyone who does not have the permission of Mount Isa Mines Limited from taking out a lease over that area. It gives MIM security.

The officers of my department and MIM management are totally satisfied with the agreement. Perhaps the only difference is that usually a lease is given for 21 years but, on this occasion, it has been conveniently broken up into two 25-year periods. Perhaps that gives MIM an advantage.

The honourable member for Nudgee (Mr Vaughan) mentioned various aspects of MIM and read from its annual report. He has covered most of the important points. He said that he was born not too far from that country. When he became an ETU representative, he got to know MIM much better. It is a pity that, recently, the ETU called on its members to go out on a sympathy strike, which closed the mine for some period.

The honourable member for Nudgee, along with other Opposition speakers, said that it was a pity that MIM had to put off so many people to rationalise its work-force. Yet the ETU called that strike, which caused great danger and concern overseas. That is a pity.

Mr Vaughan: What are you saying?

Mr I. J. GIBBS: The ETU members at the mine went on strike. Perhaps the honourable member was not aware of that.

Mr Vaughan: What year are you talking about?

Mr I. J. GIBBS: Just a few weeks ago.

Mr Vaughan: And you say that caused all the retrenchments at Mount Isa Mines?

Mr I. J. GIBBS: I am simply pointing out that the honourable member and other Opposition speakers grizzled about retrenchments at MIM. I wonder whether they have thought about the fact that the ETU, knowing MIM's position in the world market, called its members out on strike.

Mr Vaughan interjected.

Mr I. J. GIBBS: That is right. That is what I said. Regardless of MIM's economic position, that is what the ETU did. I just wanted to draw that to the attention of the public.

Mr Price interjected.

Mr I. J. GIBBS: I will answer the honourable member for Mount Isa in a minute.

The honourable member for Nudgee also mentioned preferences that related to Government contracts and the fact that the agreement contains a request that, wherever possible, MIM employ local consultants and other people. That has nothing to do with the preference that the Government gives to encourage the development of industry in Queensland. It is not mandatory. It is simply a request of the company. The Government knows that that is the company's policy, anyway.

The honourable member for Lockyer (Mr FitzGerald), who is a member of my committee, spoke about persistence, performance and price. He brought to bear a few of the problems faced in the area of performance and reliability. During the last few weeks, performance has been very poor. He also mentioned that expenditure is quite heavy—$50m per year. Each year that will be increased, depending on the circumstances.

The honourable member for Mount Isa (Mr Price) spoke on a wide range of topics. The honourable member reminds me of a person I once knew who could speak Chinese and learned to write Chinese but never learned to understand what it all meant. The honourable member read out several quotes and said a great deal; in the process, he mixed up the Mount Isa Mines Limited operations with matters that affect the whole of Mount Isa. By putting all of those matters together, the honourable member finished up with scrambled eggs. All honourable members know these days how difficult it is to unscramble an egg.

The honourable member for Mount Isa spoke about the Australian Labor Party's policy proposal of a rent resource tax to be imposed on mining industry operations. The honourable member for Nundah (Sir William Knox) had the answer for that proposal.

Sir William Knox: It is a socialist resource tax.

Mr I. J. GIBBS: That is right. If the Australian Labor Party had its way, ownership of Mount Isa Mines Limited would be taken over and operations would be controlled by Government. A similar case in point is the Mungana Mine, and if the ALP had its

way, honourable members would see a return of problems associated with the Mungana Mine.

During the debate, rail freights and royalties were mentioned, and a number of honourable members spoke about coal freights and other aspects of revenue sources. I point out, however, that those matters have nothing to so with the proposals contained in the Bill.

Under the provisions of section 52 (D) of the Mining Act, application can be made for exemption from royalty payments. The Government is always prepared to consider implementing the provisions of that section if relief from the payment of royalties is sought. I point out, however, that relief is granted only in times of severe difficulty, upon presentation of books of account and audited reports.

When the honourable member for Nundah was referring to the policies of the Australian Labor Party, he reminded honourable members about Rex Connor. I assure all honourable members that, in Canberra, Rex Connorism is not dead; it is well and truly alive. Evidence of that came to light recently when Senator Walsh, the former Minister for Resources and Energy, introduced a rent resource tax on the production of offshore oil. That tax was not able to be imposed on the production of onshore oil, because the Queensland Government objected to it under the provisions of the Constitution. What did Senator Walsh do? He simply popped a small levy on the production of Jackson oilfield. How much was the Federal Labor Government able to peel off that venture? I inform honourable members that it was $40m cold. In view of that, Opposition members cannot be very proud of the policies of the Australian Labor Party.

I point out that, during the Whitlam era, a levy was imposed on the production of coal, which robbed mining companies that operated in Queensland. Now the Opposition and other people are complaining about the State Government's collection of rail freight revenue. I say to Opposition members that some proper research ought to be done and that the Opposition should get its facts straight. Opposition members might then understand how the system works.

The honourable member for Nundah praised the efforts of executives of Mount Isa Mines and officers of the Department of Mines who worked for some years to put together the proposals contained in the agreement. The result is a Bill that is as near perfection as it is possible to achieve. It gives Mount Isa Mines Limited security of operation, and that, in turn, recognises the importance and magnitude of its operations by enabling the company to plan with great confidence for the years ahead.

Undoubtedly, all mining operations endure thick and thin periods of profitability. I feel sure that Mount Isa Mines Limited looks forward to the day when metal prices will be restored and greater profitability can be achieved.

The honourable member for Roma (Mr Cooper), during the course of his remarks on the coal industry, referred to the fact that Mount Isa Mines Limited is now 52.1 per cent Australian-owned. The honourable member for Sherwood (Mr Innes) mentioned that Mount Isa Mines Limited is recognised overseas as a multinational company, and it came as a shock when, recently, the Federal Labor Government also referred to the company as multinational because more than 50 per cent of its ownership was vested in overseas corporations. The company quickly redressed the predominance of overseas ownership and, without a great deal of cost being incurred, a very satisfactory result has been achieved by the use of organisational techniques.

Mention has been made also about the community contributions made by the company. When I first came to Queensland in 1956, Mount Isa was the first town that I saw. I might add that in those days the ALP was in power. I then travelled from Mount Isa to Townsville and, except for a short distance through Charters Towers, there was no bitumen road.

Mr Vaughan: It was only completed two years ago, and it's the worst bit of road in Queensland.

Mr I. J. GIBBS: When I first travelled that road, it was all black soil; there was not an inch of bitumen. I remember Mount Isa in those days as an oasis. I also remember how respected the company was, but I do not know how it survived through the long reign of the ALP Government.

The honourable member for Sherwood dealt mainly with coal and rail freights and hardly referred to the Bill. I remind him that the coalition parties came to power in 1957 and that, from then until 1983, the Treasury portfolio was held by the Liberal Party. All the coal and infrastructure deals and rail freight rates were settled by Liberal Treasurers. The coal boom virtually started when Sir Gordon Chalk was Treasurer. So he, Sir William Knox and Sir Llewellyn Edwards must take responsibility for the coal and infrastructure agreements that have been concluded and the rail freight rates that have been set. It was not until the Premier took over the Treasury portfolio and was able to do a lot of work on the subject, as I did, that we were able to decide to make a 10 per cent reduction in those rates and, more importantly, announce a moratorium that was to run for a number of years. I am sure that the mining companies will never be satisfied with whatever rail freight rate is decided upon, but the Government has given a lot away. The position will rationalise itself.

Reference was made to the fact that only $42 to $45 a tonne is being paid for steaming coal, which is a fairly low price; in fact, I think even slightly lower prices than that have been paid. But it should be remembered that, in the main, the contracts for steaming coal are written in United States dollars and that the drop in the value of the Australian dollar will mean large gains for those contract-holders. It should be remembered also that it was the lack of action on the part of the Federal Government that caused the problems with the Australian dollar. So I do not think Opposition members have anything to be proud of in that instance.

Overall, everybody recognises that this is an excellent Bill that will perhaps be the forerunner of legislation to assist other companies that plan to spend huge amounts of money but require long-term stability so that they know exactly where they are going, particularly when they have to borrow large amounts off shore.

Mount Isa Mines is a great Australian company that is well known all over the world. Queenslanders are proud that it is part of Queensland. Its head office is located in Queensland. The Government will certainly be working hard to make sure that it remains profitable and progressive, although I do not think it needs anyone to assist it to do that. Queenslanders should be grateful to Mount Isa Mines for its past activities and its faith in the future.

I commend the Bill to the House.

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

Committee

Mr Booth (Warwick) in the chair; Hon. I. J. Gibbs (Albert—Minister for Mines and Energy) in charge of the Bill.

Clauses 1 to 6, as read, agreed to.

Schedule—

Mr VAUGHAN (4.26 p.m.): The Minister said that the rental for the first 25 years of the lease will be approximately $500,000 for each of the 25 years, and that for the second 25 years the rental will depend on the rental per hectare for the full 25 years.

Mr I. J. GIBBS: Yes.

Schedule, as read, agreed to.

Schedules A to G, and first schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr I. J. Gibbs, by leave, read a third time.

LAND ACT AMENDMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 28 February (see p. 3597) on Mr Glasson's motion—

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

Mr GOSS (Salisbury) (4.30 p.m.): A number of amendments are being made in this legislation. It seeks to amend the Land Act in a number of respects. Some of the amendments are merely technical and others are more substantial. For example, a number of amendments relate to what appear to be typographical or clerical errors. There are other substantial amendments.

The introduction of this legislation raises again the general question of the administration of the Act and the Land Administration Commission, which, frankly, gives the Opposition and many Queenslanders cause for concern. In recent years, there has been a widespread feeling that special treatment is handed out to some people or they are given special deals in relation to freeholding, development leases or whatever.

Within the last couple of weeks, reference has been made in this Chamber to deals offered to certain individuals at "Silver Plains". My colleague the member for Bundaberg (Mr Campbell) has raised, quite properly, the situation that he has uncovered at Point Vernon. He placed particular emphasis not just on the special position of benefit that that person was in but also on the question as to why the average member of the public is not able to avail himself or herself of such special deals.

For myself, I am also concerned about some of the restrictions and limitations that seem to have been placed on the Land Administration Commission's ability to develop Crown lands itself, either jointly or solely. Public interest and benefit would be served by that type of development, quite apart from the viability and the morale of the commission itself.

In introducing the legislation, the Minister made quite a brief and general speech. One has to go into the Bill in detail to see what is happening in this area and in those matters that give Opposition members cause for concern.

I fail to see why amendments have to be introduced so frequently in relation to land legislation. In the short time that I have been a member of this Assembly, the Minister has introduced such amendments usually by saying, "This is a very difficult area. It is difficult for lawyers and everbody else. We have to have amendments regularly because of changing circumstances." No doubt changes in circumstances do necessitate frequent amendments, but some of them can be put down to a lack of foresight and planning.

An example of that concerns the squatter provisions in this legislation. I would have thought that the problem created by squatters was not a recent problem, and that it was something that should have been dealt with some time ago. I do not know why it is now being dealt with at this late stage and in terms that I regard as being unnecessarily tough. Perhaps we can get further explanations on those matters from the Minister at the Committee stage. They may clarify the reason for some of the amendments and, in particular, for some of the unnecessary, excessive and onerous powers that can be used to remove people occupying Crown land.

The Bill also contains some pedantic amendments, such as replacing the word "reservation," with the word "reservation;" and replacing the expression "147B" with "147B." I really am not sure why the House has to be bothered with such pedantic and nit-picking amendments.

The Minister made an interesting comment when he said that the question of freehold versus leasehold was not an issue at the moment. That could be described in the kindest terms as wishful thinking. On this point I shall make some brief reference to the "Silver Plains" issue, which I have raised previously, and also to some new issues that cause concern and call for an explanation or at least clarification from the Minister. Certain questions that have been raised relative to the administration of the Land Act in that case still remain unanswered.

My genuine concern, and that of many people who have contacted me, will remain until clarification is given. The new aspects that I will raise confirm further that there is something offensive or untoward about this deal, and I will remain in that state of mind until I receive clarification on the questions that have been raised and on those that I will raise this afternoon.

The Minister for Lands, Forestry and Police (Mr Glasson) stated publicly and, later, in a ministerial statement, that a number of conditions would be placed on Mr Rand and the Princess Charlotte Pastoral Company. They included $600,000 worth of improvements on the special lease, $300,000 worth of improvements on the adjacent parcels of land and a freeholding cost of $5 per hectare, which is roughly $1,021,500. That must be paid over 12 years. I do not regard that figure to be a significant amount for that particular parcel of land. I know that the Minister——

Mr FitzGerald: What is the other land round there worth?

Mr GOSS: If the honourable member for Lockyer would keep quiet and listen, he might learn something. The House will see whether the Minister can answer my question. People such as the honourable member would be well served if they kept quiet or, at the very least, stood up for Queensland.

Honourable Members interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! The Chamber will come to order. I will not permit cross-fire in the Chamber. An honourable member may interject, but if his interjections are not responded to by the member on his feet, he should desist.

Mr GOSS: People such as one of the honourable members who interjected would do better to investigate these types of matters and stand up for ordinary Queenslanders before they stand up for the interests of American property-developers.

The very maximum that would have to be expended over that period of 12 years by Ricky Rand and the Princess Charlotte Pastoral Company would be just over $1m. I have ascertained that $5 per hectare is the absolute maximum. An alternative formula can be used, but the Minister has not advanced that formula, and I would like to know what it is. Perhaps the Minister will inform us of it tonight.

Mr FitzGerald: What is it worth?

Mr GOSS: If the honourable member for Lockyer would listen, he would learn something. The National Party back bench consists of two groups. I would like the honourable member to tell me which one he falls into. Some Government members think that they are on the way up because they are so obviously smarter than the members on the front bench. Others within the National Party realise that they are on the way down and that they will never make it to the front bench because they have ability and they will not do what they are told. I do not know into which category the honourable member for Lockyer falls; I think that it is probably the former.

Mr FitzGerald: What is it worth?

Mr GOSS: The honourable member should listen.

The maximum that Mr Rand will have to expend is just over $1m—$1,021,500. What is the real value? I am not an experienced property-developer but an international

property-developer by the name of Richard Russell Rand has put a value on the property of four and a half million dollars. The Minister for Lands, Forestry and Police has not denied or rejected that value. In his ministerial statement last week, he made reference to "The Australian Financial Review" of 20 February 1985 in which the property was advertised on a joint venture basis at a market value of $4.5m. It would seem that a third-generation American property-developer and speculator who is experienced in the Australian and international markets knows the value of the property, but the Government does not. Alternatively, the Government does know the value and something highly offensive is going on that is enabling Mr Rand to make a million-dollar windfall.

Mr FitzGerald: You are not imputing improper motives, are you?

Mr GOSS: I ask the honourable member for Lockyer to choose. Is it incompetence or improper motives? I will be listening to his contribution on this legislation when he stands up for the interests of Queenslanders. If he has the answer, I will expect him to explain the true value of the land and why the Government has not denied Mr Rand's valuation.

I would like to know why this sort of deal, particularly the freehold aspect, is not offered to other graziers and tourist resort developers. I am sincerely concerned about this, and I am not convinced by the explanation that has been given so far. If the House is given a more convincing explanation tonight, I will be the first to accept it. However, I wait to hear that.

It seems to me that the price has been justified on the basis of the Minister's statement that the land is for cattle-grazing, that it is poor, mongrel country. I am sure that "mongrel" was the term that he used.

Mr Glasson: I said that somebody who knew the country described it in that fashion.

Mr GOSS: All right. I accept the Minister's statement that the opinion that it is poor, mongrel country is hearsay. I would hope that, before the deal goes through, the Minister would satisfy himself of that. As it is a large tract of fine, coastal land, that is most important. As well as that, it is an issue that is of great concern to Queenslanders. It is certainly an issue for the many people who have contacted me and other members of the Opposition.

Mr Rand would have to try to justify the low price by claiming that it was poor country, that it was cattle country. However, if it is suitable for an international tourist resort development, that might be a different matter, because many Queenslanders and Australians would be interested in prime coastal land with the Great Barrier Reef on one side and the national park on the other. This coastal land contains several river systems. From the film that I have seen, it looks to be quite good country. I have not actually seen the country, only a film of it. From it, it would seem to me that the land is worth quite a deal more. Plenty of Queenslanders would be champing at the bit to get a slice of that land at $5 per hectare.

The Minister has given the House a hearsay statement, which he has apparently accepted. I now have a hearsay statement from the person who is buying the land from the Government, the person to whom the Minister is making the offer. He states that the property has 80 km of sandy beachfront next door to the Great Barrier Reef, with permanent fresh water, rivers and lakes and has a great location with development potential. That is how Mr Rand described the land in "The Australian Financial Review", and that is how it is being marketed elsewhere.

The Minister denies that approval has been given for any tourist or resort development. The Minister for Tourism, National Parks, Sport and The Arts (Mr McKechnie) denies that Mr Rand has been given any specific assurance. That Minister claims that he has simply indicated to Mr Rand that the policy of the Government is that it will not compete with a private developer, that it would prefer a private developer to go

ahead and develop this sort of tourist resort rather than the Government. I do not know that I necessarily agree with that philosophy in this particular case, but, even if that is a legitimate and acceptable argument, is it really the truth? It seems to me that a fair amount of evidence exists to suggest that Mr Rand's plan might go further than that, and that the Government knows or should know that. As I said last week, the deceit—the trick—lies not in the carefully chosen words of the respective Ministers, but in the impression given that there are no plans for a tourist or resort development.

The fact that freehold tenure will be granted tends to indicate that Mr Rand's plans for a tourist development are the more likely. Why else would he need freehold tenure? I really do not understand that and I look forward to an explanation. I also ask honourable members to look at the advertisement that he has placed in newspapers and at the fact that he is a third generation American property-speculator and that, therefore, one would suspect that he knows the value of the land. One could also look at the profit that he appears to be generating on the bare figures that I have run through tonight and at the fact that he intends to sell it at huge profit.

I have some new matters that I wish to bring to the attention of the House. Mr Rand has produced a brochure, which he is distributing overseas and in Australia. It reads—

> "THE SILVER PLAINS STORY
>
> A concept for better living
>
> 52 miles of ocean frontage backed by fertile land
>
> Program for cattle-grain and Resort development at Princess Charlotte Bay."

If somebody wants to buy a slice of Australia from Ricky Rand, he can be contacted at Suite 1609, 700 Richards Street, Honolulu, Hawaii. For the benefit of the member for Lockyer, I will give the phone number—(808) 524-1555.

Mr FitzGerald: Have you read the advertisements in the paper about some very poor country? Do you believe them?

Mr GOSS: He has it on the market at that price. That is how he has described it. The honourable member seems to be missing the point either deliberately or through ignorance. Government Ministers have denied the plans for a tourist development. Irrespective of the Opposition's argument over the value, it is quite clear that the plans are there and that the honourable member for Lockyer does not know about them either through incompetence or choice. It is quite clear that the plans are there. I table the document.

Whereupon the honourable member laid the document on the table.

In "The Courier-Mail" on 2 March 1985, Mr Arthur Fisher, who had developed plans for an aquaculture venture, is quoted as saying that Mr Rand told him that he proposed to develop a dude ranch on the property.

For at least the last year, Rand has been bringing American tourists to the property. Apparently that is the forerunner to this dude ranch proposal or, as he has sometimes described it, a lodge. I understand that those tourists were most dissatisfied with the facilities provided by Mr Rand. I understand that at this stage the facilities are only ordinary. That is no doubt the practical aspect of some feasibilty assessment of the property.

It is clear what is coming. The evidence of what is coming has come from a number of sources. In the last week I have been advised by a Queensland tourist concern that it was approached by Rand a couple of years ago with a view to joining with him in a tourist development. Because that tourist concern did not think that Rand had the right philosophy towards the development or a sufficient understanding or appreciation of what needed to be done, it rejected the proposal. No doubt many other persons would like to buy a slice of north Queensland coastal land for $5 a hectare to develop a tourist resort.

I understand that, in a letter dated 25 May 1984 from the Land Administration Commission, Rand was offered another area just south of the Stewart River for special lease. That would have enabled Rand to freehold that area. The letter states—

> "If the lessees desire the small area south of the Stewart River for tourist or other specific development, consideration will be given to an application for a special lease incorporating appropriate conditions."

It seems as though everybody is gearing up for this tourist or resort development, but a carefully drafted denial has been made that approval has been given for a tourist development. It seems to me that somebody somewhere is acting cutely when it comes to the real future of "Silver Plains" and the real plans of Mr Rand to develop a tourist or resort development, and the final stage of the plan, which is to clean up with a substantial profit and get out either wholly or partly.

The next thing that disturbs me about this deal that has been offered to Rand is that it would appear that his performance of conditions imposed upon him in the past by the Lands Department has been abysmal.

In a letter dated 28 March 1983 from the Land Administration Commission to Rand, it is stated—

> "In the main the improvements on the area have not been satisfactorily maintained and are generally in a poor state of repair. Also it is considered that the property is not being properly managed, due mainly to the condition of the improvements and the lack of permanent personnel employed thereon."

The information that I have received from the north is that that has been the Rand approach from the beginning to the present time, not only during 1983. I am told that there has not been any substantial enforcement of the conditions imposed upon Mr Rand.

The Minister made reference to some recent improvements worth $750,000. Mr Rand's neighbours respond by saying, "Where? What?" Public servants in Cairns have made a similar response. They do not know what the Minister is talking about when he refers to $750,000 worth of improvements. I would like to see a detailed list. I would like to know whether the claim is accurate and whether the Minister is being given reliable and accurate information.

I would like to see the report which was the basis of the so-called undertakings that were required of Mr Rand to correct his long-standing abysmal performance. Let us see a list. Let us see the report on which those undertakings were based. Let us see how genuine Mr Rand has been in making good his long-standing poor performance.

The record shows that Mr Rand has repeatedly failed to carry out conditions imposed on him, that he has thumbed his nose at the department's conditions. In response to that, the Government has not only given Mr Rand more Australian and Queensland land but also has given that land to him on better terms. The Government has given Mr Rand 60 000 acres or 24 300 ha, with a promise of more land, even if he wants that land for tourist or other specific development.

The Government says that it does not know anything about the tourist resort development. If that is true, it does not know what is going on in its own back yard. If it does not know what is going on its own back yard, it is fair to conclude that it does not know the value of its own back yard, either. It is certain that Mr Rand knows the value of the land. He is well experienced in these matters. He is a third generation American property-developer. Mr Rand knows what his plans are, even if the Government does not. He knows what the value of the land is, even if the Government does not.

I was interested to find a recent statement by the Minister dated 24 October 1984, in which he makes reference to rumours about freehold conversions of large western stations. The Minister said that there had been no submission to Cabinet on the previous Monday from the Lands Department in relation to such a proposal, nor would he, as Minister, ever entertain such an idea. He said that it was just not on as far as he was

concerned. He went on to say that his department was looking at a suggestion of extending the lease periods of far-western and far-northern high risk area properties.

That is what the Minister said. He pooh-poohed very strongly the suggestion that it would be a proper course of action to freehold large western stations or far-western and far-northern high risk area properties. He went on to say that the policy that he proposes would encourage graziers to maximise improvements. He said that the Crown can order a reduction in the area of pastoral holdings if it considers that that is warranted after the first 15 years. He said that that type of lease was in contrast to perpetual lease, under which most of Queensland's more productive areas were held by farmers and graziers.

It seems to me that there is a conflict between that statement and what is being granted to Mr Rand in terms of his entitlement to freehold. The Minister is shaking his head. No doubt later tonight he will provide an explanation for that apparent conflict. Up till now he has not done so. If there is a genuine difference, I will be pleased to hear the Minister's explanation. I note his indication that he will provide that.

I turn now to the squatter provisions in the legislation. I refer to an article in "The Courier-Mail" of Friday, 1 March 1985, which refers to the predicament of Bob and Jessie Deschamps. They are an elderly couple who live at Coochin Creek near the Glasshouse Mountains. The Minister may have read it. It was quite a colourful article. The Deschamps are Queenslanders who spent most of their lives droving from St George to Surat and Birdsville in the outback. The stage was reached at which the couple could no longer afford to pay the rent on available accommodation, so they took up residence at a shack on a walk-in, walk-out basis.

That couple is now facing the prospect of getting Housing Commission accommodation, which is not very easy to get in this State because of the huge wait-list. I was interested to read the comments of the Land Administration Commission chairman (Mr Baker) who said that squatting had become an increasing problem. He said also that squatters have taken up some of the choicest coastal land in Queensland.

Mr FitzGerald: What does Rand do with squatters?

Mr GOSS: Although I am not aware whether squatters can presently be found on the tract of Crown land that will be leased to Mr Rand at a cost of $5 per hectare, I can assure all honourable members that Bob and Jessie would like a slice of coastal land at $5 a hectare. I would also like to see the honourable member for Lockyer (Mr FitzGerald) stand up and support Bob and Jessie as well as other Queenslanders, by saying, "I will stand up for your rights to have Crown land at $5 a hectare. I will stand up for your rights not to be thrown off."

Mr Davis: The Government is supposed to stand for Queensland being for Queenslanders. Where does the Government stand now?

Mr GOSS: As the honourable member for Brisbane Central has pointed out, Australia is for Australians and Queensland is for Queenslanders. I can tell the honourable member where the Government stands on this issue; the Government stands for selling off Queensland to Honolulu interests and selling off Queensland cheaply at bargain-basement prices. Prime coastal land is being sold cheaply, and the honourable member for Lockyer and his mates on the National Party backbench are saying "come and get it."

I wish to conclude my remarks on this aspect of the Bill by referring to the final statement made by Mr Baker. He referred to squatters and their practices of taking over Crown land and stated how terrible that is. However, he says—

> "But they are no more entitled to preferential treatment than anyone else who wants a piece of coastal land."

I take up the words "no more entitled" and I ask: What do the squatters get, compared with people like Rand? The answer is that they get nothing at all, but Rand is able to

acquire land at a cost of $5 per hectare. I would also like the honourable member for Lockyer to explain to the House the reason for the difference between the way elderly Queenslanders are treated and the treatment that is meted out to Mr Rand, a young Honolulu-based property developer.

The Minister has referred to squatters damaging the environment. I have made inquiries and I am not sure that the damage that is caused is substantial enough to warrant the provisions that are introduced. The damage to the environment caused by the squatters would not be as great as that caused by the construction of the road through the Cape Tribulation National Park. The record of the Government in undertaking development that should never be carried out on rural land, for instance, is disgraceful. Government members do not have a great deal to say about the topic of the Cape Tribulation National Park, and while people reflected upon the issues that evolved over construction of the road through the Cape Tribulation National Park, it became clear that the Daintree River road is being washed into the sea. The construction of the road is not only imposing a very severe financial burden upon the shire, it will also destroy or damage the reef.

Mr FitzGerald: The shire council wanted to have the road constructed.

Mr GOSS: That may be true, but the shire council is now faced with an impossible—or at least very difficult—financial burden in the maintenance of that road. Furthermore, that development will lead to the destruction or the substantial damaging of the reef. That is part of the record of the State Government. Government members have stood up and screeched, crowed, ranted and raved about the necessity for construction of that road. Honourable members such as the honourable member for Lockyer stood in the House and fought for the right to do damage to Crown land and that part of the tropical environment—that rare and precious part of the environment. That honourable member is an environmental vandal.

I turn now to compare the rights that can be exercised by elderly Queenslanders such as the Deschamps compared with those that can be exercised by Mr Ricky Rand, the Honolulu-based property speculator. An examination of the provisions of the Bill will reveal that, in the first instance, people such as the Deschamps are kicked off and get nothing. On the other hand, Mr Rand is able to acquire coastal land for $5 per hectare to flogg off at whatever price he can obtain for it.

The Bill details the kinds of rights given to the Government to enable it to deal with people like the Deschamps. Firstly, the Bill gives power to governmental authorities to issue warrants for the eviction of such people and to use "such force as is reasonably necessary" to get rid of a couple of old pensioners. Secondly, the Bill authorises the seizure and confiscation of property. Thirdly, the Bill provides for the authorised demolition of property to take place, and that means an authorised demolition of shacks similar to the one belonging to the Deschamps. Fourthly, what will the Government do next? The Government will then send a bill to cover the costs of bulldozing the shack. That is what will happen to elderly Queenslanders, such as the Deschamps. After the property has been demolished, the Government will send an account. If people such as Bob and Jessie do not happen to have a driver's licence or other identification on hand, they will also be fined.

Furthermore, the Bill contains some interesting provisions relative to how the Government will deal with such people if they prove to be a problem. It can authorise an individual to demolish the property, and if there is an obstruction or likelihood of an obstruction, that individual can call in the police to assist him. Then one finds this interesting provision: the member of the police force may require any person obstructing the demolition contractor——

Mr Borbidge: You're a lawyer; you're supporting law-breakers.

Mr GOSS: I will tell the honourable member what I am supporting: I am standing up for some poor, battling Queenslanders, some poor buggers who get nothing out of

this Government, who get squashed at every turn by the Surfers Paradise environmental vandals, such as the honourable member, who want to take prime areas of Queensland off elderly Queenslanders like the Deschamps, who get nothing at all out of people like him.

Mr Borbidge interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! I recommend that the honourable member for Salisbury address the Chair and that multiple interjections cease forthwith. If a reasonably directed interjection is accepted by the honourable member, I will tolerate it, but I will not tolerate the melee going on at the moment.

Mr GOSS: I agree with you, Mr Deputy Speaker. I am opposed to the Government's taking Crown land, on which people live in peace, and handing it over to the Honolulu property-developers so that they can build motels and enable someone like the member for Surfers Paradise to make a buck. I know that that is what comes first and foremost to him; but really, in the interests of good government and in the interests of all Queenslanders, if people are to be given even equal ranking with Honolulu property-developers, they are entitled to a better deal than this.

These provisions are quite offensive and unnecessary in relation to the civil liberties of these so-called law-breakers. If the demolition contractor gets it into his head that people will obstruct him—not "if they are obstructing him" but "if he thinks they will obstruct him"—or if the member of the police force, for that matter, thinks that they will obstruct him, he can require the persons to state their names and addresses and, if he suspects that the names and addresses are false, he may require evidence of the correctness thereof.

What happens next? If such a person refuses to state or fails to state his name and address, or states a false name and address, he is liable to a penalty of $500. Elsewhere in this Bill appear minimum and maximum penalty provisions, but here it seems to be a straight-out penalty of $500 with no discretion. I would like some clarification of that in the Minister's reply.

The next stage is that if a person who is required, pursuant to the proposed subsection (13)—that is, where the demolition contractor gets it into his head that somebody "may" be going to obstruct him—to produce evidence of the correctness of his name and address refuses or fails to provide it, or produces false evidence, he is again liable to a penalty of $500. Those are the sorts of provisions that the Government intends to bring to bear. It does not need to be that tough. Certainly the Minister did not justify such an approach in his second-reading speech. Where is the evidence? If the Minister asks this Assembly to pass legislation of this sort, it is incumbent upon him to produce the evidence, to state the reasons for, and the circumstances that justify, that sort of extreme provision. It gets better.

Mr Borbidge interjected.

Mr GOSS: If the member for Surfers Paradise would stop his pouting and panting, he would hear a bit more.

Let me tell the honourable member about this: in Queensland one sees the absurd situation in which a group of three or more people cannot walk down the street. People have to walk down the street in groups of two or fewer if they are to avoid the power of the police being inflicted upon them. But what happens on Crown land? If the Minister believes that their presence on Crown land is likely to cause a breach of the peace, he can request their removal. So Bob and Jessie will be all right because there are only two of them. But if one of their kids comes to visit, they will be an assembly of three or more persons. If the Minister believes that Bob and Jessie, with their children, are likely to cause a breach of the peace, they can be dealt with.

The provision under which "an assembly of three or more persons . . . is likely to cause . . . an adverse effect contrary to the public interest generally" brings into play the provisions of the new legislation. What on earth does the legislation mean when it says, ". . . an assembly of three or more persons .. is likely to cause .. an adverse effect contrary to the public interest generally." Does it mean that people may be using their knives and forks in wrong hands? Does it mean that they have lairy curtains in a shack? The term is so meaningless and so wide that it is absolutely unenforceable and offensive.

The Minister should not introduce such a provision on which his discretion is to be exercised. It is so wide that it is outrageous and offensive. I do not know why the Government has to introduce bland, general provisions to deal with such a problem. If the provision is supposed to refer to a specific problem, let it be put in the Bill; but the provision to which I have referred should not be included. If such provisions are to operate, whenever three National Party back-benchers assemble on Crown land they will have to be dealt with. At no time do three National Party back-benchers get together anywhere without there being some adverse effect contrary to the public interest generally.

Government Members interjected.

Mr GOSS: The interjections by Government members provide ample evidence of the point that I am trying to make. I should say that the National Party has three groups of three persons. Each gaggle of three on the Government back benches is pouting and panting in a distressed state. I am sure that if people in the public gallery were to witness their disgraceful performance they would be very concerned about the Government of Queensland being in their hands. Because of their behaviour they should be dealt with; the three assemblies of three or more persons is likely to cause an adverse effect contrary to the public interest generally. As soon as this legislation is passed, the Minister should consider dealing with some of them because they give me cause for concern about the public interest. That is an example of how ridiculous the provision is.

In changing the mood slightly to a positive note——

Mr Cooper: Positive? You are negative and destructive.

Mr GOSS: If the member for Roma will cease pouting in the same way as his mates, I will compliment the Minister on the streamlining of the present system for the determination of annual rents. Under this provision, the Minister's determination will stand, subject to the rights of an individual to challenge it and have it determined by the Land Court. That seems to be a sensible proposal that should save quite a bit in terms of administration and court time. As the Minister said, it should genuinely streamline the present procedures.

I am happy to support that provision, but I cannot support some of the other provisions, particularly those relating to squatters and dealing with them. They are unnecessarily tough and wide, and I cannot support them unless someone in the Government can justify them. I particularly ask for justification of the absurd provision of what it means for three or more persons to be likely to cause an adverse effect contrary to the public interest generally.

Hon. W. D. LICKISS (Mount Coot-tha) (5.9 p.m.): The Minister confined his remarks to certain principles in the Bill. It contains 67 clauses, and I doubt whether any member of the House has had an opportunity to compare those clauses with the principal Act to get the full import of all the provisions. I certainly have not had time to do that.

In his second-reading speech, the Minister made a profound statement, and I commend it and repeat it—

> "Land is basic, its extent is finite and the extent to which ownership and usage are regulated or are not regulated is very much a matter of concern to most people in any walk of life."

Today, we are dealing with a Bill that has been introduced by the Minister for Lands, who is the custodian of the Crown estate. In him is vested permission for the alienation of land, pursuant to legislation, from Crown land to freehold land.

I have noted that a number of interjections have been made about the worth or cost of land for freeholding purposes. That is only part of the issue. The real issue is whether in fact Crown land should be alienated in a form of fee simple or some lesser estate. I have come to the view that, because of the low requirement of investment capital prior to freeholding, some of this land should be kept as Crown land or given a lesser tenure so that others in generations yet to be born will make the decision on the permanent alienation of that land.

From the arguments that I have heard so far, I am not convinced that it is in the best interests of the public that some of the northern land, in its raw state at this stage, should be alienated in the form of fee simple. The question is: What is the capital required to develop it? What are the conditions of development? Under those circumstances, what then is the proper price to be paid for the fee simple of that land?

The Minister has rightly pointed out that there is a great history behind the development of Australia and of this State. At various stages in that history, the Government of the day has been required to make such laws and to set such conditions as were required by the people. Queensland has persevered and passed along that path.

It is still important to ensure that the lands are preserved for the benefit of not only the present generation but also generations yet unborn. Therefore, we have just as much responsibility today as our forbears had in their time to ensure that the Crown estates and the land of Queensland and Australia is passed on to the generation as yet unborn in as good condition as, if not better condition than, it was when we received it. To the extent that the Minister is trying to achieve that purpose, I support him.

However, it is not in the best interests to alienate permanently land which, if wisdom were to prevail, might be better kept in the Crown estate, pending its use in years to come. That does not mean that that land should not be put into production, because that is the very purpose of leasehold or lesser estates.

Interest in land can vary from the mere occupation of land by way of an occupation licence or a grazing licence to the greatest estate that man can hold subject to the realm of the State—land in fee simple. The steps in between should regulate the tenure that should be given at this point for the use of that land and the conditions by way of covenants that would regulate the use of that land. We, as members of this Assembly, and the Government should pay far more attention to this aspect than to the cost of the land in its conversion to fee simple. The cost of the land is a mere pittance in consideration of the income of the State.

Of greater importance is the question of the use of the Crown estate and its alienation in the public interest. We in this place are the custodians of the public interest and it is our responsibility to frame laws that protect it. The Government should not grant tenures that are not in the public interest, that is, through political expediency simply because it has the authority to do so.

I proceed to discuss a number of matters raised by the Minister for Lands, Forestry and Police (Mr Glasson) with which I have substantial agreement. I have not had time to review the history of the fixation of rentals, but my recollection from my time in the Lands Department is that rentals were fixed, firstly, on a recommendation to the Land Court, which was the determining authority in the fixation of rentals for lease purposes and for conversion to freehold. If the person for whom the rental was fixed was aggrieved, he could appeal to the Land Appeal Court.

If my memory serves me correctly, the Minister determined the rental in cases connected with the brigalow leases and, if anyone was aggrieved by his determination, that person could appeal to the Land Court. If he was not happy with that decision, he had the right of subsequent appeal to the Land Appeal Court. I do not think that all of

those appeals are necessary. I agree with the Minister that the practice of the Minister recommending a rental and the Land Court actually determining the rental was a waste of time. I do not know of very many cases in which the recommendation was varied in the first instance by the court.

I see no reason why the Minister's suggestion should not be accepted. Because he is virtually the landlord, he should fix rents and, if people do not agree with that determination, they have redress by way of appeal to the Land Court. I think that that practice will speed matters up. It is a good measure, but I do not know what the Land Appeal Court, if it still exists, will do. The Liberal Party has no objection to the provision.

I turn now to the so-called squatter provision, which has assumed some importance. The provision concerns the use of land, such as reserve land, vacant Crown land or land that is occupied illegally without a lease, under the control of the Minister. The Crown should be able to regulate the use of the Crown estate. To that extent, legislation should include a provision that prohibits the occupation of Crown estates by squatters, who have no right to occupy such areas. On that score, provided it is administered with a certain amount of compassion, I see no objection. I should imagine that that could well be overcome. In the case mentioned by the member for Salisbury, where old people are occupying Crown land and are not interfering with anyone, it might be desirable that a very simple tenure be given by way of occupation licence. That has happened in the past not only here but also in other lands offices with which I have been associated over the years.

I take it that the matters that the Minister has raised in his second-reading speech are the main points of the legislation. Because the Bill contains 67 clauses, all of which would have to be closely examined if I were to have a full understanding of the intent of the Bill, I trust that the matters that the Minister has omitted to mention are merely of a machinery nature.

Mr CAMPBELL (Bundaberg) (5.20 p.m.): I wish to raise three issues. The first is the questionable dealings of the Government in relation to Crown land, such as the "Silver Plains" scandal and the preferential and favourable treatment given to Lower Cost (Homes) Pty Ltd for the Point Vernon water reserve.

The second issue is the disturbing trend of the very generous freeholding concessions being given in the sale of most Queensland land. The freeholding conditions given to what I can only regard as wealthy tory land-holders under the Department of Lands are very favourable when compared to the freeholding conditions that apply to the ordinary Queensland family man under the Housing Commission. It is very improper that, when the ordinary little Queenslander—the invalid pensioner and others who live on leasehold land—wishes to freehold his land, the cost is very much greater than it would be under the Land Act. Those people should be given the same concessions as are given to large land-holders.

I also wish to address the removal of squatters, which has already been mentioned by the members for Salisbury and Mount Coot-tha. In fact, the Bill regards this matter as the removal of trespassers. That makes criminals out of these people. Many of them are ordinary Queensland battlers with a little fishing shack down on the coast. The land at issue is Crown land; it belongs to all people.

Mr Cooper: Do you believe in freeholding?

Mr CAMPBELL: Yes, I believe in freeholding, but I believe that the same freeholding conditions should apply to all Queenslanders. As I have said, the freeholding conditions for the ordinary battler, the ordinary house-holder and the tenant of the Housing Commission are not as good as those contained in the Land Act.

Government Members interjected.

Mr CAMPBELL: It seems that Government members do not believe that those in Housing Commission houses should have the same rights and conditions as farmers.

Government Members interjected.

Mr CAMPBELL: Well, the Government should put the same provisions into the Housing Commission legislation.

The issue of development lease No. 10 being awarded to Lower Cost (Homes) Pty Ltd was brought to me by concerned residents at Hervey Bay. The two groups of concerned people were the Maryborough Wildlife Society and the Hervey Bay Ratepayers and Residents Association Limited. Those groups are extremely concerned about the granting of that lease. The matter became a public issue on 2 January in an article in the "Maryborough-Hervey Bay Chronicle", part of which states—

> "Ald. Elson-Green said the council had a letter from the Minister for Lands, Mr Bill Glasson, dated February, 1984, which advised that the department would issue a development lease if Lower Cost (Holdings) Pty Ltd could produce evidence of approval in principle by the council to the development.
>
> Ald. Elson-Green said the council decided to oppose that proposal because it felt there was a need for land to be reserved in the Point Vernon area for future open space and recreation purposes.
>
> . . . a few businessmen in the Bay had made an approach to Mr Glasson through the Member for Isis, Mr Lin Powell, for an area of Crown land at Point Vernon to be set aside for special recreation purposes.
>
> Squashed
>
> The Proposal had been suported by the council. Submissions were made and the council thought it had government approval until word was received that the porposal had been squashed in favour of a residential land development on behalf of Low Cost (Holdings) Pty Ltd."

I turn now to some correspondence concerning this land. A letter dated 28 June 1983 from the Land Administration Commission to the Wildlife Preservation Society of Queensland, Maryborough, states—

> "I refer to your letter of 24th May, 1983, addressed to Mr S. Schubert of the Co-Ordinator-Generals' Department, in relation to the above Reserve and have to inform you that the matter of the leasing of such Reserve was fully investigated prior to the issuance of a Permit to Occupy, for grazing purposes, to Mr K. J. Gobbert."

That lease was issued on 13 March 1983 for a period of five years. In less than a year, all that was changed. Honourable members now know that a special development lease has been granted.

In April 1982, a letter from the Secretary, Premier's Department (Mr Keith Spann), states—

> "Also, the Department of Education has requested that an area of about 4 to 6 hectares be set aside for a future Primary School site. Provision of this site will save the Department the expense of a costly acquisition elsewhere."

That has been done away with totally.

A letter dated 6 July 1982 from the Premier's Department to the president of the Maryborough—Moonaboola branch of the Wildlife Preservation Society, also signed by Keith Spann, states—

> "It is expected that the work in this estate will continue to proceed until the allotments are ready for sale by public auction."

I emphasise that it states, "by public auction". The allotments were to be sold by public auction, but out of the blue came this development lease. It is important to examine what has happened. If the Government is going to give a development lease to a private individual and an agreement is entered into to develop land, those leases should go to public tender. That is the only way to be fair to everyone.

Other questionable development leases have been granted all over Queensland. The Government cannot give an undertaking that it has obtained the best deal possible for the development of Queensland's Crown land. It cannot be said that the Government has not given preferential and favourable treatment to individuals. Insinuations can be made. Why would anyone be given preferential and favourable treatment? Could it be for services rendered in some way? The only way to overcome that problem is to call public tenders. Because a person may know the Minister, it is not right for him to say, "I have a plan to develop some Crown land," and for the Minister to say, "Go ahead and develop it." Every Queenslander should be given a chance through public tender to develop that land.

Lower Cost (Homes) Pty Ltd will make a profit, whether it is $100,000, $200,000 or $300,000.

Mr Glasson: Do you think they should or shouldn't?

Mr CAMPBELL: If the Minister wants people to make a profit, why did he not ask the Hervey Bay Town Council to develop the land so that the profit could have been kept for all the Hervey Bay residents? If the Government had to go to extreme circumstances, why should not the council have been given a chance to develop the land? The Minister had some involved costings carried out as to how much profit would be made. Some of those costings are very questionable.

I again ask: Why should one person be allowed to make that profit—and I refer to Ted Howard—when other people were not given a chance to make that profit? All Queenslanders should be treated fairly. All Queenslanders should have been given a chance to tender. They should have had the chance to say, "I would like to develop that land." If someone was prepared to make less profit and give more to the Government, that should have been allowed.

That is what free enterprise is all about. Free enterprise is all about giving people the chance to go to open tender and have a go. That has not happened. I know why Lower Cost (Homes) Pty Ltd got it. Ted Howard is a member of the National Party. He is a member of the housing and urban land development committee. If what I have said is not the truth, why did it not go to tender?

Mr FitzGerald: Do you believe that a lessee whose lease has expired should have an option to buy that land or take another lease, or should it be put up for public auction?

Mr CAMPBELL: When Government members try to give examples, they get away from what a development lease is.

Kenneth John Gobbert's lease permitted him to run cattle. Why was he not given the first option? If the Minister believes that the lease-holder should be given first option to renew a lease, will he table letters to prove that Kenneth John Gobbert was asked whether he wanted to develop that land? If he was not given that option, that ruins the honourable member's argument. Mr Gobbert should have been given first option on that land and, if he was not, the Hervey Bay Town Council should have been. That answers the honourable member's question.

Mr FitzGerald: With a grazing lease, should the lessee be given the option to renew or should it go to public tender?

Mr CAMPBELL: Of course the lessee should be given a chance to renew.

The next matter that I raise is the very disturbing trend of very generous freeholding circumstances. It is now less expensive for people to freehold land that it is to keep it on leasehold. I wonder why that is so? It is not in the interests of Queenslanders that the Government, as the trustee of Crown land, lose certain controls and that land is given to land-holders at a cheaper cost than it is to holders of ordinary leasehold land.

A person who has an auction perpetual lease worth $12,000 could freehold that property with a cash payment of $7,000. The land is valued at $12,000. That valuation is frozen from 1981. Therefore, it is not revalued to ascertain its current value. The unimproved value of the land is $12,000. Yet, today, that land can be freeholded for $7,307.

I turn to perpetual rural leases. That is where people can freehold over 40 to 60 years. If a person wants to freehold a $12,000 block, he has to pay only $4,539. Under the current system, the cost of converting a $12,000 block of land to freehold, including two or three years' rental payments and a pay-out figure, is $4,539. Is it good that those people can do that?

Under the conditions that attach to Housing Commission loans, the $12,000 still must be paid. Moreover, the value of that land would have more than likely increased and that value would form the basis for the calculation at the time that freehold was obtained. If a person decides to take his time and pay the loan out slowly, the original cost of $12,000 for the block under the rural selections category is paid back over a period of 60 years. In that circumstance, freehold contracts will be cheaper because it is not subject to revaluation and increased rental, as in the case with leasehold. In other words, leaseholding will be much more expensive than freeholding. Housing Commission loans are made available at a full interest rate of 11 per cent, which represents a total repayment of $19,600 over a period of 10 years.

Mr Innes: For a Department of Industrial Development block.

Mr CAMPBELL: Yes, that is true, whereas other people would be paying $300 a year under the freehold arrangement. It is very important to realise that it is cheaper to buy land that has been contracted on a freehold basis than it is to pay rental to the Department of Lands. I do not believe that that was the intention of the legislation.

The third aspect that I wish to refer to is the problem associated with squatters. Rather than these ordinary people who have had coastal fishing shacks for 20, 30 or 40 years for use at week-ends being regarded as squatters, they should be regarded as private fishermen or ordinary people. However, under the provisions of the Bill, suddenly they will be known as trespassers.

Mr Innes: What about the other ordinary people who did not know that these people were breaking the law, and did not erect shacks on Crown land?

Mr CAMPBELL: Every person who settled in the early days of Queensland's history started that way, and in effect that was squatting.

All I am saying to the Minister is that the people who are referred to in the provisions of the Bill should be treated with compassion. I do not believe the Government should treat, as trespassers, ordinary Queenslanders, ordinary private fishermen who merely wish to enjoy some week-end fishing.

It has happened time and time again that, in the Hervey Bay area, people who have shacks at Skyringville and Middle Island have suddenly been locked out and are unable to go fishing.

I will summarise the three topics that I have raised. The first related to the areas in Hervey Bay that surround Point Vernon. I do not believe that development leasing is being properly conducted under the present system that operates in the granting of developmental leases because it can lead to favouritism, patronage and, to a certain extent, may have the odium of corruption.

Secondly, very much more generous concessions are provided in the Act for freeholders than leaseholders. However, I point out that such concessions should be available to all Queenslanders under other Acts that relate to the disposition of land. As a responsible Minister, the Minister should consult with the Minister for Works and Housing (Mr Wharton) to ascertain whether similar conditions to those provided in the

Bill can be provided to all leaseholders under the Land Acts. Thirdly, the Government should act with compassion when it comes to dealing with people who have been described as squatters but have been referred to in the Bill as trespassers, that is, criminals.

Mr McPHIE (Toowoomba North) (5.38 p.m.): As a member of the committee that considered some of the proposals contained in the Bill, I congratulate the Minister on this enlightened piece of legislation. I also wish to compliment the officers of the Minister's department for the work that they have done. The parliamentary committee I referred to has spent a good deal of time with the Minister in considering various aspects of the legislation.

A number of the clauses in the Bill represent new initiatives. However, as is the case with most of the Bills that are introduced, the Government is attempting to tidy up legislation and clarify the relevance of older provisions. Part of the process of tidying-up is the elimination of some of the wood, if I may use that term, that is no longer applicable.

Mr Davis: Can I ask the honourable member for Toowoomba North a question?

Mr McPHIE: I think it is far too early for me to take interjections. If the honourable member for Brisbane Central will allow me to deliver more of my speech, when the time comes I will welcome any pertinent questions that he may wish to ask.

All honourable members know that the Land Act has been in operation from the early days of the State's history, because regulations have been required to effect orderly control in the allocation of land to various people who wish to take up selections and settle. As time has gone by and the requirements of land usage have altered, it has been necessary on six separate occasions to carry out a significant upgrading of the Land Act. This Bill is another instance of that upgrading.

Back in the old days, legal squatters—not the type that members have been hearing about from Opposition speakers—took up so much land that controls were needed to ensure that an orderly system of land development evolved. A system of leasehold and freehold tenures was developed. Then came the advent of the special leases. The invasion of prickly pear meant that special consideration had to be given certain areas, and the prickly pear leases evolved. Similar action might have to be taken relative to parthenium weed and special consideration might have to be given to land devastated by that pest, which so far has not been successfully controlled. In still other areas, mining and forestry leases have to be handled with special consideration. An elightened approach to the enforcement of the Land Act has been adopted by a succession of Governments, particularly when the utilisation of certain types of country has required special legislation. This Bill deals with at least some of those special leases.

This week, reference has been made to the special requirements in the "Silver Plains" area, and I have taken an interest in that issue. I have flown over the area, and I know what wretched country it is. A vast area is involved. Those members opposite who have been criticising this Government's action should have had a good look at the photograph of that land that appeared in the press last week. The photograph was one of the river mouths where the ox-bows wind backwards and forwards among the salt-pans and clay-pans. It is wretched country and not for the ordinary person to take up and develop.

Mr Kruger: Why is it advertised as top-quality country?

Mr McPHIE: The honourable member for Murrumba should know that. He has been on the land at Kilcoy, so he should know that. He should not be interjecting while I am making sensible, pertinent comments.

Mr Innes: Would you consider it an honest statement to say that it is prime land for grazing, grain and tourist development, and worth $4.5m?

Mr McPHIE: If the honourable member is talking about "Silver Plains", that is not prime land for cattle-grazing, farming or anything like it. It is not prime land for any agricultural utilisation. But it can be used. If $4.5m is paid for it, the State is coming off second best; but I would hate to be the man who paid $4.5m to get hold of that property. It is wretched country.

Unlike the honourable member for Salisbury, and the honourable member for Bundaberg, who has shot through, I do not have a nasty, suspicious mind. I adopt an enlightened approach and give credit where it is due. I give credit to the Minister for what he has achieved with the leases that have been negotiated for the "Silver Plains" area.

I want to comment on one point that was raised today, although it is not pertinent to the lease. The Minister said that he will look into certain aspects of activities that might or might not have taken place in that area. That has nothing to do with the granting of the lease, which was worked out through sensible negotiations. It was a business proposition, and the people of Queensland did not get the wrong end of the stick. I believe that the Government has got the best part of the deal. There has to be a two-way agreement in any business undertaking. If that development is successful and Rand makes money out of it, good luck to him. It should not be forgotten that the Government will make a lot out of what Rand does with the property. He will provide employment and the Government will derive revenue from any production and export earnings.

Mr Goss: You said before in answer to another interjection that in your opinion it wasn't suitable for grazing and that sort of thing. Are you saying it is suitable for tourist development?

Mr McPHIE: I did not say that it was not suitable for grazing. The honourable member for Sherwood asked whether I considered that it was prime farming land. It is not, but it can be used for grazing. I am sure that part of it can be used for farming. It could be developed for a number of uses. Parts of the property have been isolated and special conditions have applied to them. Money has been spent on them by Rand, and he has to spend another $600,000 in a specific area. That must obviously be some of the better land. That area has tourist potential. In time it will be developed, but I do not see Rand doing that. He has a big enough job on his hands at the moment to try to get the project going. I presume he will do that, and I am sure the Minister is of like mind. I am sure that, if Rand does not do so, the Government and the Minister will act to cancel the leases.

Under the conditions of lease, Rand has to meet mile pegs to retain it. Further development will be required for tourism. The Government has undertaken or assisted some tourist development projects. The Government also allows private developers in. I expect that, in time, normal negotiations will take place and, if necessary, special leases will be issued to cover the tourist development. It is wrong to put a blanket condemnation on a project because something went wrong years ago. That does not necessarily mean that all such projects will go wrong.

Mr Davis: Aren't you in favour of Queensland for Queenslanders and Australia for Australians?

Mr McPHIE: I do not intend to be side-tracked by the honourable member. Mr Davis knows perfectly well what the answers are. It is a pity that a few more members of the Opposition were not a little more loyal to the Queen and the country, instead of carrying on as they do. All last week you people supported law-breakers and, even today, Mr Goss was trying to support law-breakers in this debate.

Mr DEPUTY SPEAKER (Mr Row): Order!

Mr Underwood interjected.

Mr DEPUTY SPEAKER: Order! I remind the honourable member for Ipswich West that when I call "Order!" I expect him to be silent, otherwise I will warn him.

I have pointed out earlier that it is necessary for the formalities of the recording process for members to be referred to by their proper title. I ask the honourable member for Toowoomba North to refer to members by their parliamentary title.

Mr McPHIE: I certainly will, Mr Deputy Speaker.

The member for Salisbury referred to people who were illegally squatting on Crown land and suggested that we will be hounding them and wrecking their homes. In upholding their occupancy of Crown land, he is upholding people who are law-breakers.

Development has taken place in many other areas of Queensland. The soldier settler blocks were developed by the Land Administration Commission after World War I and World War II. It was my privilege as an employee of a wool firm to handle many applications and process them through the Land Court. At times I attended the court and saw the ballots take place. Unfortunately, except on rare occasions, young people in Queensland will not take part in ballots.

Special conditions were set for the development of brigalow land. I held two small brigalow blocks and tried to develop them.

Mr Comben interjected.

Mr McPHIE: I did a far better job than the honourable member for Windsor would have done.

The concept of the living area is common to the legislation that has been passed over the years. It is a basis for determining how much land a person can have. The Bill retains the living-area concept for grazing homestead perpetual leases. In this leasehold country, one person can hold two living areas, or slightly more.

Mr Kruger interjected.

Mr McPHIE: Does the honourable member want to be a big beef baron and own stacks and stacks of country?

Mr White: He is a baron already.

Mr McPHIE: Which way does the honourable member mean that to be taken?

This legislation is a further example of the enlightened approach adopted by the Government and the administration in the development of rural land in Queensland.

Controls on the use of Crown land are long overdue. It is time that legislation was introduced to formalise the use of Crown land. When the population of the State was relatively small, before the influx of people from the south who were trying to get away from the harsh winter while they botted on the community and lived on the dole——

Mr Comben: Are you talking about Doug Jennings?

Mr McPHIE: No; he is a worker, as the honourable member well knows.

I am talking about the people who come from the south. They have no money other than the dole, and they squat on Crown land. Before World War II, when I was a kid, I used to camp on Crown land and go fishing. I did not live there; it was not my home. Today, many homes have been built on Crown land. Since World War II, the population of Queensland has increased significantly and the mobility of people also has increased. So many people are squatting on Crown land that the time has come to institute some controls, and that is what the Bill seeks to do.

The people squatting on Crown land are doing so illegally. Frequently, they destroy and damage the land. I referred to the mobility of people. They knock the country about

with their four-wheel-drive vehicles. We have seen what has happened on Fraser Island and Stradbroke Island and along the coast. In principle, it is wrong that those people should have unfettered and unrestricted use of Crown land when other people in the community abide by the regulations of the local authority and pay their rent and land tax.

Crown land must not be damaged. The State holds the land for the people and it must ensure that the land is preserved. The Government is introducing controls. The squatters will have to pack up and go. They will be notified that they have to leave. Their homes will not be bulldozed and their property will not be destroyed. Aged people will not be run out of their homes in a storm in the middle of winter and told to camp on the nearest sand-dune. That is ridiculous. That is the sort of exaggeration that we have come to expect from Opposition members. That sort of thing does not happen.

In the future, the Minister should consider allowing people to use Crown land on a temporary basis, such as happens in parklands in which people can camp under certain conditions. People could camp on Crown land on a short-term basis and, at the same time, the environment would be preserved.

The Bill tidies up the provisions relating to leases and streamlines the provisions relating to rent. I do not altogether agree with the point that the honourable member for Mount Coot-tha (Mr Lickiss) made about rents.

This initiative by the Minister is quite sensible. The provision that allows cases involving rentals of more than $500 to go to the courts is sensible.

The Bill contains a provision relating to roads that are not required. Again that is a sensible provision. The main provisions deal with the matter that I have just been discussing, that is, the misuse of Crown land.

The honourable member for Salisbury (Mr Goss) referred to the freeholding of large western areas. It is pure supposition to suggest that that will occur.

Mr Goss: I didn't say that.

Mr McPHIE: The honourable member mentioned it in his speech.

Mr Goss: I referred to a statement by the Minister, in which he denied that that would occur.

Mr McPHIE: The Minister has already said that it is not on the program.

The honourable member for Mount Coot-tha said that there should be no alienation of the Crown estate, and I agree with him. That is why controls are being introduced. The Government has to stop the excesses that are destroying and downgrading the Crown estate.

This is a sensible Bill. As usual, the Minister, his department and the Government will show integrity in implementing the proposals. They will accept their responsibility.

Mr KRUGER (Murrumba) (5.54 p.m.): The honourable member for Toowoomba North (Mr McPhie) talked about the misuse of Crown land. My speech will deal with the suspicions that are held about the Government's land dealings.

Because honourable members have spoken about the misuse of Crown land, I will speak about the misuse of legislation. Quite often the legislation that comes before the Parliament is reasonable and is soundly based. However, over the years, the Government has not always acted within the intention of the legislation that has been passed by Parliament. That is very disturbing. Australians believe that the soil of this country belongs to them and that it should not be sold to foreigners, at their convenience, with the blessing of the Queensland Government at the expense of the Australian people.

Before I entered Parliament, I read numerous articles about land deals. I venture to suggest that many of those land deals involved corruption, and I do not use that word in this House lightly.

Mr FitzGerald: Foley was his name.

Mr KRUGER: No. I will tell the honourable member to whom I am referring. If one goes back in time and does some reading——

Mr FitzGerald: Tom Foley.

Mr KRUGER: No, I am not talking about Tom Foley. I am speaking about Sir Wallace Rae and a few others who have been involved in land deals. With all due respect to Sir Wallace, I say that it was his belief, as it is the belief of the Government, that, despite the intention of the legislation, certain things are allowed to happen. That has been the case with numerous land deals.

In "The Australian" of 11 October 1971, under the heading "Big land deal 'still open' to locals", it was reported that—

> "It is not too late for Australians to be in a project to develop five big Australian properties, Sir William Gunn said last night."

I will produce further evidence to show that activities occurred overseas to encourage development in grazing property in Queensland at the expense of Australian primary producers.

The article from "The Australian" stated that—

> "The properties, three in the Northern Territory and two in Queensland, are owned by Gunn Resources and Exploration Inc.
>
> Sir William said he would welcome Australian participation and is looking for it."

Sir William Gunn was reported as saying that in an Australian newspaper, but he had been to the United States trying to sell the venture to the Yanks.

Mr FitzGerald: What happened to that land? They went bankrupt. Gunn lost a fortune on it and they went bankrupt. Overseas money was involved, and they lost everything. You are saying that Australians should have lost.

Mr KRUGER: Australian money and Australian people who knew how to handle the situation should have been used. Whether Sir William Gunn lost money or not, his intention was to flog off the deal overseas, with the grace of the Queensland Government, using his name and reputation.

Mr FitzGerald: They risked capital and they lost it, and you know it. Tipperary went down. You are on the Tipperary affair, aren't you?

Mr KRUGER: It is obvious that the honourable member for Lockyer knows what I am speaking about. He and the Government of which he is a member are well aware that many land deals were crooked, and that they have continued to be so. In fact, until the National Party Government is removed from office, many land deals will continue to be crooked.

I notice that the Minister for Lands, Forestry and Police is laughing. He knows that what I am saying is correct. I have spoken to him about these problems, and he is aware of them. However, because of the power wielded by some people in this State, the Minister will not be given the chance to clear up these problems.

Debate, on motion of Mr Wharton, adjourned.

RAILWAY PROPOSAL

Deviation and New Beenleigh Station

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

"That the working plans, sections and book of reference for deviation of the railway and a new station at Beenleigh, tabled by me on 28 November 1984, be withdrawn."

Motion agreed to.

Hon. D. F. LANE (Merthyr—Minister for Transport) laid on the table working plans, sections and book of reference for deviation of the railway and a new station at Beenleigh.

Sitting suspended from 6.2 to 7.15 p.m.

LAND ACT AMENDMENT BILL

Second Reading—Resumption of Debate

Mr KRUGER (Murrumba) (7.15 p.m.): Before the dinner recess, I was discussing the problems associated with land deals in this State over the years, in particular the corruption that existed before I entered this place. I do not want to go into that matter in great depth, but I should say that, over the years, I have spoken at great length about questionable land dealings.

Before the dinner recess, I referred also to an article attributed to Sir William Gunn that touched upon those matters. I shall now continue in the same vein. An article in "The Australian" of 12 October 1971 is headed, "If you want shares I've got them—Gunn". It states—

"Sir William Gunn sipped on a brandy at New York's plush Drake Hotel and said: 'Let any Australian come to me now and say he wants to invest and I will put aside shares for him.'

'It's rubbish to think I want to sell Australia out to American interests.'

'But let's be honest with each other, Australians don't invest the kind of capital Americans are willing to invest,' he said.

Sir William, who is chairman of the Australian Wool Board, is in America privately to launch a prospectus issue by Gunn Resources and Exploration Incorporated which has massive land holdings in the Northern Territory and Queensland.

The prospectus offers $7.6 million worth of shares in five properties to the American public. Three of the properties are in the Northern Territory and two in Queensland.

The share issue in America, with a Wall Street broker acting as principal underwriter, is offering 1,080,000 units of common stock at $7 a share. This will be 31.2 per cent of the capital of Gunn Resources and Exploration.

Sir William is manager of the company at an annual salary of $30,000."

Sir William Gunn set up that company to off-load Queensland land to American interests. The National Party accepts that man as one of the great blokes and one of the great entrepreneurs of the wool and cattle industries of the State; yet he was in the United States of America, on a salary of $30,000 a year, trying to flog off land in Queensland. That is the sort of thing that worries me about this place.

Mr McPhie interjected.

Mr KRUGER: If the honourable member wants to interject, I suggest that he does it in such a way that he can be understood. I will certainly accept any interjection from the minority numbers on that side of the House.

I now quote from an article in "The Australian" of 14 October 1971. It reads—

> "Gunn share offer queried
>
> The Attorney-General, Senator Greenwood, is to be asked to investigate a prospectus sponsored by the chairman of the Australian Wool Board, Sir William Gunn, inviting U.S. capital to participate in Northern Territory properties."

That article continues at great length and spells out quite clearly that Sir William Gunn was in the United States of America trying to flog off some of the more interesting parts of this State.

Another newspaper article reads—

> "Gunn Favours Finance Inquiry
>
> A full-scale inquiry into the extent of foreign investment in Australian companies would be very welcome, Sir William Gunn said yesterday."

In 1971, there had been a call for an inquiry into foreign investment in this State. I have raised that question time and time again. At one stage, in the absence of the Premier and Treasurer from the State, Queensland almost commenced a register of foreign ownership of land. That did not come to fruition, because when the Premier returned he did what he has done so often—stood over the Cabinet and took control—and Queensland still does not have a register of foreign ownership of land. Back in 1971, even Sir William Gunn agreed that an inquiry should be conducted into the extent of foreign investment in Australian companies.

Another newspaper article states—

> " 'Not kept out' of N.T. land deals
>
> Canberra.—Australians would be able to invest in the controversial American property dealings proposed for northern Australia, the Acting Prime Minister (Mr. Anthony) said in the House of Representatives yesterday."

The article refers to the activities of Sir William Gunn in relation to foreign ownership.

Having got rid of all the problems that occurred in the days of Sir William Gunn and Sir Wallace Rae, the "Queensland Country Life", on 19 November 1981, under the heading "Land register a step nearer", states—

> "Queensland Cabinet will next week nominate a committee to put into motion the actual introduction of a Register of Foreign Land Ownership in Queensland.
>
> Lands Minister Mr Glasson took the proposal to Cabinet this week, but final details of the actual committee have been deferred until next week."

I give credit to the Minister because he had the good intention of making sure that a land register was introduced in this State. The Minister acted correctly, his intent was correct, and other Ministers supported him. Unfortunately, his proposal was overruled following the return to Queensland by the Premier, who said, "I do not want that. We won't do that."

On 22 November 1981, under the heading "Foreign buyers in rush for our land", a newspaper states—

> "Foreign interests have acquired 2.7 million hectares of land over the last five years."

Whilst the arrangements concerning the deals may not be under suspicion, that was the sort of deal that Queensland did not want. The Foreign Investment Review Board was interested in properties valued at a quarter of a million dollars or more. Subsequently, that amount was increased to one-third of a million dollars. In the long term, Queensland's

land was being sold. However, nobody knew to whom it was being sold and for what reason.

Mr Miller: You are concerned about foreign ownership?

Mr KRUGER: I certainly am.

Mr Miller: What danger can they do to land in Australia?

Mr KRUGER: I am not talking about their hurting the land; I am talking about our interest and whether people such as Sir William Gunn are prepared to do the best for the people who would like to invest here. The land is being given away. If the honourable member for Ithaca likes to listen, I will outline some other deals, such as the deal with Iwasaki, not only with land-ownership as it relates to agricultural use but also in other ways. The Queensland Government has given Queensland away. Approximately 2.7 million hectares of rural land is a significant area.

I turn now to foreigners cashing in on leases. The following article appeared in the press—

> "The Queensland Government is allowing thousands of perpetual lease properties to be converted to freehold at discount prices.
>
> And foreign investors are cashing in on the scheme. Land offered for immediate cheap freeholding includes rural, urban, seaside and island blocks spread throughout the State."

As the shadow Minister for Lands in this State, I discussed the matter in detail. It resulted in the largest number of amendments to the Land Act for many years. People who leased land were allowed to freehold the land for their own good. Having freeholded that land, they sold it. Sales could have been arranged with overseas interests before the properties were freeholded. That is what has been happening in this State. It is a shame and a disgrace.

Mr Miller: Explain to the House what you are concerned about as far as overseas ownership is concerned. Why are you concerned about overseas ownership?

Mr KRUGER: Queensland got on its feet through the activities of people who came to this State as pioneers. They came from Germany, England and other countries. They settled in this State and they did a good job. However, I am concerned about those people who come here and make great profits out of this State and flog off the profits from their sales to other countries. If there are to be some great sales in this State, they ought to be made to Queensland companies rather than overseas companies.

In the "Property-Mail" section of "The Courier-Mail" on Friday, 29 January 1982, under the heading "Prime Queensland—up for grabs?", it was stated that rural prices in Queensland increased by up to 400 per cent in the last three years. That is another problem.

Mr Miller: Rubbish!

Mr KRUGER: The honourable member says "Rubbish!" It is published in a reputable newspaper.

Those people are paying higher prices for land than it would usually sell for, because they can obtain finance at a lower interest rate than that offered to Queenslanders and Australians. They have been buying land at an inflated price.

Honourable members know how the Valuer-General operates. If a person pays three times the value of a parcel of land, the Valuer-General will consider that adjacent land is of similar value. The ex-Liberal Party member would not understand such things. When the Valuer-General is valuing land, he always considers the price of adjacent land.

In 1982, there was to be a register of foreign-owned land in this State. At the time the Premier was out of the country. When he returned to Queensland, he said, "That

is not on." The then Minister for Lands (Mr Neville Hewitt) had carried out a good deal of work on it. The foreign owners and valuations of land were to be computerised. The present Minister for Lands, Forestry and Police (Mr Glasson) saw the light and believed that a register should be set up, and a submission was put forward at a Cabinet meeting to introduce a register of foreign-owned land.

Mr Miller interjected.

Mr KRUGER: The honourable member for Ithaca would not know. He was not a Cabinet Minister, and he is not likely to be one because of his quick shuffle.

Mr Davis: He was a Cabinet Minister for one week.

Mr KRUGER: All right, he was a Cabinet Minister for one week.

I am concerned about a few of the land deals that have taken place in this State. On 12 January 1979, departmental requirements were laid down for a proposed tourist resort on Wild Duck Island. When I was shadow Minister for Lands and Forestry, I raised the matter of Wild Duck Island. On the application for development of Wild Duck Island, the area was described as a vegetated island off the coast. That spells out quite clearly that this Government had gone out to sell to certain people—usually friends of this Government—packages of land along the coastal strip. In this case, the land was on Wild Duck Island.

Mr Miller: What is worse—land being owned by overseas people, or unions being controlled by overseas people?

Mr KRUGER: What a ridiculous comment! I will not take any further interjections from the honourable member for Ithaca, because his interjections are inane and contribute nothing to the debate.

Wild Duck Island is an island that should not have been developed. The material put out by this Government made Wild Duck Island sound very attractive. The intention of the Government was to get someone to develop Wild Duck Island. People who were well known to the Government moved in.

I read from a press statement dated 27 February 1979 and issued by the office of the Minister for Lands, Forestry and Water Resources, as follows—

> "A Victorian firm has offered to spend $2.5 million to establish a tourist resort on Wild Duck Island, off the central Queensland coast."

The Victorian firm did not offer to spend $2.5m; it was asked to do so. It was one of those land deals that this Government is so well known for. The press statement goes on—

> "The Lands Minister (Mr Hewitt) announced this today. He said Babieca Resorts Pty. Ltd. of North Balwyn, Victoria, was the only firm to apply to the Lands Department for a special 10-year lease of part of the island as a tourist resort."

Babieca Resorts Pty Ltd was the only firm to apply, because it was the only firm that was consulted. I need not go on. I am sure that everybody is well aware of the Government's land deals.

I read from a newspaper article headed "Resort plan for Wild Duck Island" and dated 9 November 1979—

> "The State Government called applications for development of Wild Duck Island, off the coast between Rockhampton and Mackay, in January."

I have spoken about that matter previously, and I will not go into it in any detail. Government members should read in "Hansard" about what I said at the time about the development of Wild Duck Island.

Another fiasco in this State was the Raby Bay development. In the past I have spoken at considerable length on that issue. I had the opportunity to check some of my files today, and I wish to point out, among various other topics, that, at the time, a big stir had been created over dieback in mangroves. At that time, dieback in mangroves was not significant. What happened was that during the course of the development of the Raby Bay area, 30 or 40 acres of mangroves were completely cleared. Is it not remarkable that this Government, a Government supposedly concerned about dieback according to press releases, allowed the Raby Bay development?

I have raised this matter previously in the House, and the "Hansard" reports make good reading. My researches indicate that what happened in the Raby Bay development was that a company had been set up and had then ceased its activities. A man who was involved in a company that had been previously associated with the development was declared bankrupt, yet he was still an adviser to the company that finally completed the development and negotiated with this Government,

The Minister for Water Resources and Maritime Services (Mr Goleby) sat in on and was part of the deal. That fact accords with what the honourable member for Chatsworth (Mr Mackenroth) has previously said in this House about the Minister being involved in land dealings. I am sure that the honourable member for Chatsworth will bear out that land dealings were in train at the time and are still being conducted. If honourable members wish to check, they will find that the Minister was the member for the electorate in which the area was located. From the lengthy discussions that I have had with residents of that area, I have been informed that they were sold out by the Government and not bought out by the developer. The Government stipulated a price that it thought was reasonable.

A press article headed, "Park plan land sale attacked" reads—

> "Eight hundred hectares of land recommended for inclusion into Cooloola National Park was for sale because Noosa Shire Council wanted it used for other purposes, it was claimed yesterday."

That article refers to another one of the deals that I have mentioned. While I've been a member of Parliament, time and time again honourable members have been considering the conditions and terms of land deals.

I refer to another article published in "The Courier-Mail" on 29 January 1982 headed, "Samford Valley moves ahead." It mentions, "A $1 million contract financed by the Moscow Narodny Bank." I have previously said in the House that the Minister for Local Government, Main Roads and Racing, Horses, Races, Dogs, Police and whatever else he is, was the Minister concerned with that development. I believe that he received assistance from the Moscow Narodny Bank in return for his intervention, which resulted in the Samford Valley project going ahead. It is certainly true that the project became a $25m land development in the Samford Valley. That kind of conduct still goes on. In due course, I will be in a position to prove to honourable members that a Pine Rivers shire councillor is still involved in land dealings in the Samford Valley area and, in the fullness of time, I will expose the activities that he is engaged in.

One of the worst scandals that has ever occurred in this House relates to a Minister who received a certain loan at low interest rates because the Moscow Narodny Bank was able to make inroads into the development of the Samford Valley. If I have given insufficient proof, one only needs to examine some of the other land dealings that have been carried out in this State.

Some time ago, I raised a question in unequivocal terms about land development. Although it seems that it happened many years ago, because of the number of scandals that have been brought to the attention of the House, in reality it is one of the more recent matters that Parliament has had to consider. I refer to the development of Hamilton Island. At that time, I wished to check up on certain leasing arrangements in the development of Hamilton Island. However, I was unable to find out anything at

that particular time because the files were not kept in the Proserpine Lands Department; they had been shipped to Brisbane. I also checked through the minutes of the local council and I discovered that on a number of occasions it has been proposed to take legal action against the person who was undertaking illegal development on Hamilton Island. Residences had been constructed as well as an airstrip, and it is a matter of public record that all that work was done under nothing more than a grazing lease which had nothing to do with resort development. Yet the resort was being developed and the Minister who has presented this Bill (Mr Glasson) was responsible. When I discovered that the documents were in Brisbane and made inquiries, I was told that a suitable arrangement was being arrived at for future lease arrangements.

Why was not the person who held the grazing lease stopped from carrying out the development of the resort until arrangements for a development lease could be finalised? Whilst I concede that the resort is possibly of great benefit to this State, the point I make is that development and construction was undertaken at a time when no final agreement had been reached about lease arrangements. As I have said previously, that action was basically wrong.

Once the agreements had been finalised and the leasing arrangements had been completed, the Minister and possibly the person concerned had every right to proceed. However, up to that stage, the person who held the grazing lease had no right to commence resort development. I have previously spoken to the Minister on this subject in the House, and honourable members will realise that the matter has been well canvassed. I have referred to it again tonight because that is the sort of thing that is wrong with this State.

I now turn to another fiasco involving land, the Russell Island affair. It was regarded by this Government as a curse, and at some future time people will realise just how serious a problem it caused. The member for Lytton (Mr Burns) raised that affair in this Chamber time and time again. It was eventually discovered that the affair involved land fraud and surveying errors or omissions. It is the sort of crime that ought to be stamped out. The Government has received sufficient information to know exactly what is happening and it should discontinue granting favours to certain people.

Another land deal that kept members in this Chamber until the early hours of the morning was the Iwasaki development at Yeppoon. As members would recall, I have raised that issue in the Chamber on a number of occasions since that debate took place. Mr Iwasaki has not met the terms of the agreement so far as the timing of certain developments is concerned. Queenslanders still know very little about the proposed development. The only reason why Mr Iwasaki received permission to go ahead with that development was that the Premier decided that the Japanese ought to be part of this State.

It was not only that development with which the Japanese were involved. I have also raised this matter in the Chamber but, for the benefit of new members who have not heard the details, I point out again that four other Japanese became involved in a land deal with the Premier and his son. I raised with the Premier the fact that the people involved in the deal had Japanese names and he said, "No, you're wrong. They all live in Hawaii." They might live in Hawaii, but the fact remains that they were Japanese. Some people do not mind the Japanese being here. I do not mind the Japanese or anybody else being here, but I object to this Government's going out of its way to support those people before giving Queenslanders a chance to become involved in investment opportunities in this State.

Mrs Chapman: That's rubbish.

Mr KRUGER: It is not rubbish. The member for Pine Rivers knows what is going on in the Samford Valley.

Mrs Chapman interjected.

Mr KRUGER: It will take me more than the six minutes I have left to explain to the honourable member what is happening in the Samford Valley, but if she wants to talk to me outside the Chamber, I will explain it to her and her colleagues on the council. I am quite prepared to do that outside; I do not need the protection of parliamentary privilege. I will go anywhere in this State and produce the good guts for the people. No defamation is involved in saying something that is in the interests of the State. If anybody thinks that he will get me for defamation, he can think again, because anything I say is in the interests of this State. A number of Government members would be a lot better off if, instead of doing things to advance their own political interests, they acted in the interests of the public of Queensland. That is the point I was trying to make before I was interrupted. This Government is more interested in helping its supporters than in acting in the best interests of the State of Queensland. That is basically wrong, and Government members ought to be ashamed of themselves.

I know that the Minister has taken note of what I have said. He is a very conscientious operator. When I have spoken to him in the past I have achieved good results. I believe that he will stamp out the corrupt actions of his predecessors and make this State a better place in which to live. He will ensure that land dealings in this State are carried out in a much more honest fashion.

Mr INNES (Sherwood) (7.38 p.m.): That is a very difficult act to follow. Ricky Rand and "Silver Plains" sound like the names I read in the days when I read Zane Grey cowboy books. Perhaps one would expect to find hill-billys and cowboys where one finds Ricky Rand and "Silver Plains".

It is unusual to find a deal involving an exchange of title when one knows that the person at the other end sets a very different value on the product. It would seem a bit stupid to give something away for $1m when one knows that the person getting it believes that it is worth $4.5m. There is something a little odd about that. I agree with the member for Toowoomba North (Mr McPhie) that the greater portion of the land in question is, from a grazing point of view, very poor country. I do not think that any of the runs on the Cape are good cattle country. In a number of areas disease is prevalent and in others there is generally lack of nourishment for at least part of the season.

This land does not comprise only rough country and salt-water creeks. I understand that is has 80 km of beaches or ocean-front. That concerns me. I see no problem in a leasehold proposition being given to any person who wants to pay the price for land that is predominantly grazing country, but neither this Government nor any other Government in Australia should be in the business of alienating 80 km of coastline if there is any significant prospect of freeholding it. That is a very large area of country with the attractions of the ocean front, the Barrier Reef off shore and fresh water inland. If we are to believe half the sales hype that Mr Rand engages in, it is an idyllic stretch of coastline. I have flown over that country and been on parts of the coastline. There are some magnificent stretches of coast in and round the area.

It comes back to the question of leasehold or freehold land. The past five or six years of administration of the Lands Department could well go down in history as the last frenzied gallop towards the alienation of Crown land—particularly the best Crown land—when there is a real purpose in hanging on to it for the future.

I am not talking about broad acres that run one head of stock on 1 sq. km or 2 sq. km. Clearly there are areas that we know, on any projection of the future, will be considered prime by the people who follow.

Mr Miller: Do you believe in free enterprise?

Mr INNES: Yes, I do.

One of the rights that an owner of land has is to dispose of it or to control it on any terms that he accepts. That is an argument I have raised here on other occasions. The Crown has put plenty of land into circulation in the freeholding bank.

Mr Miller: And what about leasehold land?

Mr INNES: The whole State was developed on the basis of leasehold land, which allows a private enterprise factor.

The Crown owns certain areas of land that it has the right to use or not use, or to allow other people to use on certain terms.

I repeat that in the past five or six years a mad gallop has taken place to freehold. It has brought tremendous bonanzas to a whole heap of people.

The honourable member for Bundaberg, whose basic philosophy I have trouble with, was right in describing the favoured terms on which people are able to freehold—terms that are not available to all of us. One of the matters that he did not mention, which I have referred to previously, is that people have been able to freehold with the benefit of very generous terms and with the benefit of valuations that are up to 10 years out of date. I wish I could buy property in my electorate at the values of 10 years ago. Wouldn't I clean up! I am talking of publicly owned land in relation to which the person buying or taking the lease knows the terms. Nothing is wrong with the Crown saying, "I will keep it or I will change the terms." With soil erosion, salt water, bluetongue and the other problems that are common on the coast, the right of the Crown to hang onto land and to continue to impose the conditions that it wishes to impose is a far better and more flexible proposition than the passing of legislation cutting across the freehold rights of people.

In the light of the enormous land debate and the amount of development that has been encouraged by balancing freeholding and long-lease periods against the future, it is crazy to gallop towards the complete alienation, as it appears to me, of the stock of Crown land. Before the end of this century, the Lands Department will be an endangered species. It will be out of the function that has kept it going since the founding of this State.

This is the sort of country that in the future will be a prime target for many people. Those coastal strips have enormous tourist potential, and the Government should be very careful about what it does with them.

The Liberal Party had reservations about the right of the Queensland Tourist and Travel Corporation to exchange land for equity in tourist developments. It believes that that is the province of private enterprise.

The proposal for the land at Port Douglas is, frankly, crazy. After that big development goes ahead, Port Douglas will not exist. The things that make Port Douglas something special on the coastline are the hill, the old Queensland houses, the Nautilus Restaurant and the river. It is north Queensland. There is something simple about Port Douglas. After the international resort is built, Port Douglas will no longer be the Port Douglas that we know. It will look like Fiji, Hamilton Island or those other international resorts that are of a medium standard or even a high standard, but they are still ersatz.

Mr Eaton: Artificial.

Mr INNES: It is artificial.

I am not saying for a minute that there is not room for more development at Port Douglas. I think that the area involved at Port Douglas is 100 or 200 hectares. That is an enormous area. Why is it necessary to give away so much land? Perhaps someone will sell off land or wants to be able to alienate it to get funds to get the international resort moving. If people want to build an international hotel covering 5 or 10 acres, that is all right; I can cope with that concept. But why the alienation of so much land at Port Douglas? It will double the urban area of Port Douglas.

Those matters concern me. It is prime land. In present-day terms, it is very valuable land and is desired by many people. It is being locked out to a particular company, together with the Government. Other Queenslanders will not able to tender for smaller

areas of land. The Government should be looking very carefully at its priorities. I do not believe that Honolulu-based Americans should be given the right to freehold 80 km of Queensland coastline. If I am wrong in my details, the Minister can correct me.

There are no problems about granting a grazing lease for much of that country; but it is wrong to place the potential freeholding of large tracts of our coastline in exploitive hands. The Lands Department should sit on a land bank and, when the pressure grows and the development is moving that way, it should release the land in smaller parcels so that more people can get involved in the action. The person to whom the Crown gives the land should not get the cream from the eventual subdivision. It is the land of the Queensland people, and they are entitled to the profits from the subdivision or from selling smaller parcels of the land.

The Government is moving helter-skelter towards the alienation of these massive parcels of land, particularly through the vehicle of freeholding.

Mr Miller: What sort of profit do you see in the alienation of this land?

Mr INNES: I would have thought that the fact that Mr Rand will get this land, including the coastal or tourist strip, for $1m and is himself advertising to sell it for $4.5m——

Mr Miller: He hasn't sold it.

Mr INNES: No, he has not sold it.

On the facts available to me, it seems that Mr Rand has set a price on the land that is four times greater than that set by the Government. He would not waste his money on advertising if he did not believe that the land is potentially marketable immediately at a profit. It is a little unusual that Mr Rand wants to enter into a joint venture or into some other deal as soon as he takes control of the land. If he wants to keep the property as a grazing lease or he if he wants to build a resort on it, he should show that he is prepared to do something himself in this State on a long-term basis. I have no problem with foreigners who work and develop land in Queensland, but I would rather Queensland-based people get the action than people from overseas.

Mr Miller: Queensland-based people have the opportunity, too.

Mr INNES: No, they do not. As I understand it, this lease has come up for renewal or review. The Government could have offered the lease to the highest bidder in Queensland. It must be thought that Mr Rand has a continuing claim or a right to first refusal of the lease.

Mr Miller: Has anyone else come forward?

Mr SPEAKER: Order! I remind the honourable member for Sherwood that he does not have to take the interjections.

Mr INNES: Thank you, Mr Speaker.

All that is known is that Mr Ricky Rand is advertising the land at a very much higher price than what he will pay for it to the Government. The Government has not advertised so that people may express an interest. I suspect that people would show interest in land in that part of Queensland, particularly the coastal strip.

Mr Eaton: If he has placed four times the value on it off his own bat, it just shows how much more the Government would have got if it made it public.

Mr INNES: That is something that we just do not know.

Mr Littleproud: It might be a bit like an ambit claim in the Industrial Court; he might have whacked a fair bit on.

Mr INNES: He may well have put something on to the price. With names like "Silver Plains" and "Ricky Rand"—it sounds as though plenty of money might be floating round.

Mr Rand's conviction for a marijuana offence should have demanded that the Government examine him closely. Even more serious allegations have been made today, and although many of the Opposition's allegations are made on fairly specious grounds, in this case the Government should investigate them. I have no information to validate what was said this afternoon. However, because Mr Rand was convicted of a marijuana offence in north Queensland, the Government should exercise prudence in considering granting him this lease in this remote location.

Mr Booth: I am sure the Minister will.

Mr INNES: I would hope that the Minister will, and I am sure that he does not intend to do anything to encourage the development of marijuana plantations in north Queensland. I do not suggest for one moment that he would, but as has been said today, it is pretty wild and woolly country. There is not exactly a policeman behind every tree in that part of the world.

For very different reasons from the Opposition's, I make the point that the Government should consider the land stock that it controls, set priorities and think of the future. The Government does not need to get rid of all of its land in this generation to whoever bobs up with any proposition. It should be carefully husbanding those areas of prime attraction that the Government knows will have enormous tourist and residential potential. The people of Queensland are entitled to the profits. It is not an entitlement of this generation or of this Government, which has three years in which to flog everything off. The people of the future are entitled to the profit from the release of Crown land, which, in turn, will help to finance projects within the State or whatever else may be seen to be in the public interest.

It is well known that land on Cape York has a special sensitivity. Bluetongue buffer zones have been proposed. The area has feral pig problems. The Government must take all of those things on board and keep its options open.

I welcome the move on squatters. I am sure that the Minister has no intention of dragooning people who have had a fishing shack for 40 years, kicking them out and burning it down. All honourable members know the Minister better than that. What all honourable members should know, and what the Opposition has made no allowance for, is that in prime areas such as Double Island Point, the beach at Teewah and on Moreton Island shacks have not been established for over 40 years because people in the local town have traditionally gone there for fishing and put up bits of weatherproof structures. In the last few years, people who have known darn well that mining leases exist on land have deliberately gone there, whereas other people, who are law-abiding, have not gone there. Those people have set up structures, sometimes of great sophistication. I can remember inspecting one that was built on Moreton Island about four years ago. Five years ago, by way of a question in the House, I raised this matter with the Minister.

On some parts of Moreton Island, squatters have poured a concrete pad into which they have fixed steel bars to enable the steel supports and permanent roof to be attached. Exactly that has happened in the last four years on the sorts of prime locations at which everybody would love to camp in the September or Christmas holidays to enable them to go fishing.

These squatters do not pay rates, as do the dwellers at Cowan Cowan and Bulwer. They do not stick to the law. Because they are there permanently, they dig great open trenches and leave their cans and other filth in open view. I am absolutely against that. They have no claim at all. I know that in the past the Minister has had problems in getting them out. Some real legal problems have existed in trying to remove those people from national parks, State forests and mining leases. Those people deserve no consideration.

They are parasites. A fellow over on Moreton Island runs a commercial camping venture on the ocean beach. He pays no rent.

Mr Miller: On Crown land?

Mr INNES: Yes, on Crown land. He has a semi-permanent structure, not one of the more elaborate ones. He openly runs a camping establishment. Members of the public have to pay to sleep under his tents or fly sheets that have been erected on a mining lease.

Apart from my earlier observation, the nitty-gritty of the Bill is the part that deals with squatters. Although I recognise that on some islands there have been people, such as those from Cardwell, who for 30 or 40 years, with no intended malice, not trying to evade rates and not believing they were stealing a march on anybody, have had little fishing or holiday shacks. I would think that a little bit of grace would be shown to those people and a reasonable time set for the removal of those shacks. However, particularly in the heavily populated area of the south-east corner of the State, such as Moreton Island and Teewah beach, there are a whole bunch of parasites who need winkling out. The Minister should get those people out, pull or burn down their structures, and stop them from ever returning. I know the legislation is intended to deal with that increasing problem and I am all in favour of it.

Mr EATON (Mourilyan) (7.58 p.m.): The ownership of land is something that has always been very close to my heart. Right from when I was a youngster, I was told that the land is our heritage. The time is fast approaching when a person will have to be born with a silver spoon in his mouth to be able to obtain even a small parcel of land.

I ask honourable members to look realistically at the circumstances of thousands of young Queenslanders who leave school at the age of 17 years and get married at 23. Nobody would say that at that age they are too young to take on that job. However, the prices of blocks of land today are in the vicinity of $20,000. I admit that in many areas the cost is higher than that.

Mr Miller: What size block of land are you speaking about?

Mr EATON: I am speaking about a residential block, one less than a quarter of an acre.

Mr Miller: 24 perches?

Mr EATON: Yes, a few perches.

Mr Miller: Can I make the point to you that the Labor council in Brisbane has the opportunity, if it wants to, of setting a price for land in Brisbane? That council owns many acres of land and can sell that land, but it sells that land at the highest price possible.

Mr EATON: That is the very point that I wish to make, that unless young people who wish to get started in society and make their own way are born with a silver spoon in their mouth, they have no hope whatever of purchasing a residential block of land.

The Bill refers to large areas of land. The Government is dragging the chain when it comes to making opportunities available for young people to settle on the land. I intimated to the Minister earlier in the week that I hoped to speak to this Bill. Dozens of young persons have called at my office because they have heard that the Government has a scheme to help young people on the land. Although it is possible for them to borrow up to $150,000, 99 per cent of them do not have anywhere near enough money to obtain a loan of $100,000 from a bank or from the Lands Department. I emphasise that the Government must introduce another system.

I could not agree more with some of the comments made by the Minister during his second-reading speech. He referred to the early days when the Government of a new

State had to make land available. This State developed because the Government of the day made land available and brought settlers to this State. Many of those pioneers did not have an easy time, but at least it was a starting point for them.

How many parents of members of this Assembly were pioneers? The children of the pioneers have reaped the rewards of the hardships and sacrifices made when the land was first settled. In those days, work was done the hard way. Today, thanks to modern technology, bulldozers, scrapers and balls and chains are available to clear the land. That has made land development capital intensive.

Earlier, I tried to point out that the high cost of land today is preventing young people from going onto the land. I was taught that the land is our heritage. Many honourable members have relatives who fought and died for this country so that Australia had a democracy in which people had a choice between going onto the land or leading some other life-style.

Mr Littleproud: Wouldn't you think it was pioneering, too, on the Cape York peninsula? You talk about pioneers on the Darling Downs and in central Queensland. Wouldn't you think it is pioneering on the Cape?

Mr EATON: The people on Cape York suffer many hardships. Although I have not visited all the areas round Cape York, I have visited the peninsula on many occasions. Before very many years pass, I hope to visit the places that I have not already visited.

The Minister admitted that he was acting on hearsay when he said the land was "mongrel country". He was probably relying on reliable authority. I do not doubt for one moment that there is some mongrel country in the "Silver Plains" area. One does not have to go to Cape York to find mongrel country. Adjacent to the council quarry at Mount Coot-tha, one can find rocks, spear grass and trees. If the quarry value was taken away one would not classify that area as other than mongrel country. Similar country can be found on Cape York. Rocky areas would be suitable for the establishment of a quarry if they were close to a settlement. However, they are not.

It must be taken into consideration that in the thousands of square kilometres on Cape York, there is a vast contrast in the areas. One can go from mongrel country to plain country. South of Coen, in the Lakefield National Park, there is no better grazing country in Australia. It is all flat, wet plains that can turn cattle off in the middle of a drought. I have visited the area and seen the lagoons and plentiful suppies of fresh water. The Government is operating the area as a tourist attraction. Although the Government is doing a good job, it needs to do a great deal more to cater for the people who visit the area.

Moving farther north to the "Silver Plains" area, the land is identical with that in the Lakefield National Park. It has its plains, hills, fresh water and rivers. From Innisfail alone, hundreds of people visit the area during the holiday season.

Mr Innes: The McIlwraith Ranges come down to that area, don't they?

Mr EATON: They are not far from that area. I have been informed that, during the Christmas holidays more than 100 people from Innisfail went to the "Silver Plains" area. When they returned, I asked some of them about their holidays. I was told that everywhere they went they had met other people from Innisfail. Undoubtedly, some of the residents of Cairns would have visited the area.

The "Silver Plains" area is a well known place to take one's family for a fishing and camping holiday. Its closeness to the reef, the beaches and the fresh-water rivers are some of its attractions. As well, large areas of rain forest can also be found. All honourable members are aware of the potential of the development of rain forests in north Queensland.

Dozens of persons have called at my office when I have been absent and asked my secretary what I was doing about stopping the Government. I told her to tell them that

they are a voice in the wilderness, because only the Government can stop the area being taken over by overseas companies. That is one thing that the people of north Queensland fear.

Thousands of young Queenslanders want to take up small areas of land. With family help, some of them could possibly enter primary industries if land was made available by the Government at a reasonable price. The big overseas companies receive all the publicity. The attention of the public is drawn to the problem when members of their own families cannot purchase a reasonable amount of ground at a reasonable price in Queensland. The overseas companies can come in and set up a monopoly. Most of them are multinationals. Although overseas companies have plenty of money to spend and do a good job in developing the country, they are only laundering money. Much of their money comes from doubtful areas.

I have made numerous visits to Cape York Peninsula. It has many unused air-fields. In the past, those air-fields were used in drug-running exercises. The drug-runners could fly in from New Guinea. Many of the stations on the peninsula no longer have settlers on them. There are many war-time air-strips. Cape York Peninsula would be the Golden Triangle of Australia in drug-running. The drug-runners come by plane and also by boat.

Many people have given me information about drug-running activities. I have said to them, "Give it to me in writing and I will bring it to the notice of the Minister and the police." However, they never came back to see me. I know that on several occasions those people were right. Unfortunately, a person cannot go along and say to the police, "I believe", "I heard", or "I was told" when it concerns a matter as serious as drug-running.

The simplest way to stamp out drug-running on the peninsula is to have closer settlement. A large area of that land should be opened up for closer settlement. I realise that certain problems could arise in that regard because of the depressed state of the various primary industries, particularly the beef industry. In my opinion, the Government is trying to phase out beef production on the peninsula altogether, even though it has some of the best grazing land in Australia. That good land exists in the top part of the peninsula and also towards the Gulf country. It contains beautiful black soil plains and running rivers where settlers could irrigate agriculture. Wrotham Park is a very good example. It has the Walsh River and thousands of hectares of beautiful black soil plains in a tropical climate, so anything could be grown all year round.

Mr Miller: When you refer to closer settlement, what size blocks do you envisage in Cape York?

Mr EATON: It depends on what the land is used for. If cattle are to be run on the land, large blocks would be needed, and 33 square miles is a liveable area.

Mr Miller: Are you talking about cattle?

Mr EATON: Yes. Agriculture would require hundreds of acres.

A Government Member: Have you ever been to Weipa?

Mr EATON: Yes, I have been to Weipa. Government members are trying to cite one example and say that the whole of Cape York is like that. I have no doubt that the Minister could show me some mongrel country on Cape York Peninsula—probably hundreds of acres of it. By the same token, I could show the Minister thousands of acres of beautiful rich country there. It varies from loam soils to black soil plains.

Mr Miller: Thirty-three square miles is a liveable area?

Mr EATON: It depends on the area and the industry. The cap must be made to fit.

The problem is that Government members always pick on one isolated case, or two or three bad cases, and they try to throw a blanket over the whole industry. People are not all good or all bad; they are all individuals. The same applies to industry. There is good and bad industry. The Lands Department has officers who are capable of advising the Minister on what decisions he should make. In my opinion, in many cases concerning the peninsula there has been some outside influence. That is my point.

The Government should examine this matter closely because, if closer settlement can be achieved, people can be brought into contact with each other. That is what government is all about, and the Premier and Treasurer often claims in this House that the State is very progressive and bursting at the seams with development. However, the State is on the verge of the worst economic depression that has ever been experienced. I have always said that the Lands portfolio is one of the most important roles of a Government and, if the Government is to succeed, that success will depend upon how efficient and how effective the Department of Primary Industries is. The Lands Department and the Department of Primary Industries have to work in conjunction to make land available.

In his second-reading speech, the Minister for Lands, Forestry and Police (Mr Glasson) mentioned that the administration in the early days of Queensland's history ensured the orderly distribution and subdivision of land. The Minister now wishes to change many of the regulations that govern the development of the State. However, so many problems that were evident in those days still apply today.

Honourable members should realise that, regardless of which political party is in power in Canberra, Australia is merely a toddling nation that is tied to the International Monetary Fund. That means that when America coughs, Australia gets pneumonia. As I said previously, Queensland is on the brink of economic disaster and that is the truth of the matter. Very few people would be game to suggest to a political party that the public should be told the truth, or that preparation should be undertaken to cope with economic disaster.

I do not believe that the Government is acting properly when it hands over large parcels of land, as has occurred in the past, to overseas companies and multinational corporations when thousands of young Australians want to settle on the land but are unable to do so, because of the lack of opportunity. If the Government would only create that opportunity, the young people will take it and go onto the land and settle it. That really summarises the point that I wish to make tonight.

It has been mentioned many times before, but I think it is worth repeating, that the land is our heritage. However, it is likely to become something that relates to the past. It will soon be a fairy tale that honourable members will be able to tell their grandchildren, and that is a tragedy when it is remembered that our soldiers fought and died to provide this generation with the opportunity and benefits of a democracy that enables people to take up a chosen vocation. Yet Queensland's young people have not had an opportunity to go onto the land.

I turn now to the proposal to prevent squatters from settling on Crown land. The Australian Labor Party would be the first to say that the land should not be despoiled and, if the Opposition were to become the Government, action would be taken to ensure that that did not occur.

Mr Stoneman: Ask the honourable member for Salisbury about that.

Mr EATON: Government members would find that the honourable member for Salisbury would be in full agreement with that attitude. As the Minister has already said, the Government does not want the land to be despoiled. and the Opposition agrees with that. A Labor Party Government would probably do what this Government plans to do if squatters were despoiling the land. But I point out to honourable members that the difference in attitude occurs in the determination of the action that could be described as despoiling the land.

I ask the Government to bear in mind what occurred in the Great Depression of the 1930s. It is a well-known fact that people got out of the cities and took to the land. If people want to survive a depression, the cities have to be avoided. If that situation should ever occur again, the Government will find that it has a great problem on its hands because literally hundreds of thousands of young people across the nation will take to the bush. For some reason, north Queensland seems to attract that type of person and many of the people who have been described as squatters and settlers will flock there. A case in point is Cedar Bay. I am sure that all honourable members will recall the events of Cedar Bay.

The Opposition is not opposed to the action that the Government may take. However, the Oppostion is afraid that the Government will be overprotective and that extreme Government action may bring about a reaction in society. Examples of community reaction have occurred in the past, and the Opposition wants the provisions of the Bill to be administered with patience and tolerance and in the best interests not only of the people who want a place to settle, but also of the people who want to settle in smaller rural communities.

Many instances have occurred in the past where the Government has shown no tolerance for young people who wish to settle an area. When the Government has been asked for a small parcel of land on which to settle, the reply has been to the effect, "No, the land is not available." Then it becomes known within the next few months that some other person from outside the area has been able to take up that very same parcel of land. That is how reactions build up and create a breeding ground for contempt and hatred that should not be evident in our community.

Nowadays, more and more people are setting off along the road and, in many cases, some of them are not suited to life in country areas. Such people could be referred to as social misfits. However, the Government must face up to that situation by endeavouring to cater for all sectors of society. Just because the Government believes that someone is a social misfit or not suited to the land, it does not have the right to say, "That fellow has to be cast into the wilderness." Such people have to be given the oppotunity to get back onto the straight and narrow. If they cannot do that, the Government must provide for them and learn to live with them. Its actions are polarising the community.

Extremely large areas of Queensland land are being taken over by overseas and multinational companies, yet this Government is denying the sons and daughters of settlers who have worked on the land the opportunity of remaining on the land. Because they are not qualified as tradesmen, once they leave the farm they can do nothing other than go on the dole. Although one would not find better workers anywhere, they have to leave because the family farm will no longer support them. If we do not provide those young people with the opportunity to take up their own farms, we are failing as a Government and as an Opposition. I want to see those young people given that opportunity.

The Minister also referred to the difference between freeholding and leaseholding. He then referred to aggregation, which is another sore point with me. Local people are not allowed to aggregate, yet large companies—I could name many such companies in Queensland alone and I know that it happens in other parts of Australia—are permitted to aggregate enormous areas. Under this legislation, the Minister has limited aggregation to pastoral leases.

Mr Glasson: Perpetual leases.

Mr EATON: I cannot put my finger on it, but I accept the Minister's point.

There is a vast difference between areas permitted to be aggregated by ordinary people and those allowed to be aggregated by large companies. That is why the Labor Party has always been opposed to the freeholding of large areas. This Government says that people must receive a return on their investment, and I could not agree more; but it must be a controlled return on investment. If things keep going the way they are, it

will be only a matter of a few years before two or three big companies own all the land in Queensland. After all, if someone offers a land-owner more than his land is worth, what would he do? Even if he was not on the verge of retirement, he would take the offer, invest the money at an attractive interest rate, retire and live in luxury for the rest of his life. He would have to be a fool not to do that. That is the environment that is being created by this Government. It is prepared to help people with money but not those who are prepared to work, sweat and make sacrifices. The Government has to consider those people when it makes amendments of this sort to the Land Act. This Bill does not go far enough.

In my experience the Minister has always been sincere, but he is sometimes put under pressure, as we all are at times when we have to do someone's bidding and not what we feel is the best thing. In this case, I refer to the granting of occupational licences. Mention has been made already of mongrel country, but in my electorate three occupational licences were granted on what was worse than mongrel country. It was so bad that one could flog a flea all over it with a pin.

No mining claim or mining lease can be granted in an occupational licence area without the permission of the OL-holder, and he holds that lease for 12 months. It is only a short-term lease, and I can understand the holder wanting a longer term, because he would then have some collateral to take to the bank. Bankers do not like making loans on short-term leases or short-term anything; they like a long term. Instead of granting occupational licences, the Government should have granted grazing leases, just as it does in State forests. By acting in that fashion, it has prevented miners' homestead perpetual leases, mining claims or mining leases from being granted unless the holder of the OL signs a consent form. If consent is not granted, the mining warden cannot grant a lease. I know that that was not the Minister's doing; it comes under the jurisdiction of the Mines Department. However, more and more such leases could be granted. I have approached the Minister about the problem in an effort to have something ironed out between the two departments. There is an overlap, and so far it has caused a number of problems in the community.

I have been approached by people wishing to peg a mining lease or claim. Today, the market-place is very tight. All producers are facing hard economic times. The time for expansion is over, although some people say that if producers do not expand they will go broke. Unfortunately, some are expanding and going broke. Some businesses are going broke quicker because they are expanding rather than trying to ride out the storm.

The Government is not dealing with these problems properly. Anyone who seeks grazing rights in a State forest gets only grazing rights. If he wants to build a stockyard, musteringyard or a hut he has to get permission from the Minister. The same principle should be applied across the board. If that were done, many of the problems would be relieved. The Minister for Mines and the Minister for Lands should get together. There must be a day of reckoning on the granting of long-term leases.

Occupational licences should be granted only for a short term, with an option to extend. A man cannot be expected to carry out costly developments on a 12-month lease. When the Government sells land with the option of freeholding, it should keep in mind that once the purchase price is spent, the Government does not receive further revenue from the land.

I know of no business that has been retarded because land has not been freehold. Many of the big developments in the early days were on leasehold land. The argument that leasehold land retards development is hog-wash.

Mr McPhie: Why are so many land-holders freeholding their properties?

Mr EATON: It is because people believe that freehold land offers more secure tenure. Can the honourable member tell me how many people have had a licence to occupy revoked because they committed a misdemeanour? Literally hundreds of land-holders have gone through the Queensland courts charged with cattle-duffing. Any person

with a grazing lease caught cattle-duffing should have his lease rescinded, because he has broken the law.

Mr McPhie: You can't impose two penalities. You can't fine him and take his property.

Mr EATON: The terms of the lease have been broken.

Mr McPhie: I do not think that that is written into the lease.

Mr EATON: If the honourable member studies the Act, he will find that if a lessee is caught cattle-duffing the Lands Department has the right to take the land from him; but that has not happened. I am not talking only about the big grazing blocks. I do not think the law has been changed. On a couple of occasions when lease-holders were caught cattle-duffing, everyone was very interested to see whether they lost their leases. I do not know of anyone losing a lease for cattle-duffing. Leasehold land is taken only when it is resumed for road, telecommunication or electricity reticulation purposes. The Government has even resumed freehold land for road purposes, yet we are led to believe that freehold title is safer. I am sure that most honourable members have received complaints from constituents about the Government's wanting to resume land for road purposes.

Mr STONEMAN (Burdekin) (8.24 p.m.): The Minister and his departmental officers have been responsible for major, practical innovations that have enhanced security and development in the State. In the light of the horrendous things that the socialists have been advocating, it would be a sad day if they ever got into power. I do not believe that any thinking person would do some of the irresponsible things that have been suggested tonight.

I wish to refer to two matters. The first relates to beach huts and the second to investment, particularly foreign land-ownership. There are literally hundreds and hundreds of beach huts in my electorate. Some of those beach huts have been developed into very substantial homes, and I commend the people for that. Generally, the people took up those areas with permits to occupy. People will still have the opportunity to do that. Each case will be judged on its merits.

Then there are special leases. In many cases, they depend on the construction and improvement clauses of the lease. Of course, those areas can ultimately be freeholded.

Earlier, I was amazed to hear the member for Salisbury (Mr Goss) say that the Government was going to kick little people—I am not too sure who they are—out of their huts on beaches all over the State. When he was speaking I was imagining screaming people being pulled through their front doors and steamrollers coming in and flattening the development. That is not the intention of the Government or of this legislation. The Government needs the power to protect people who legally occupy land. It is possible for people to get land and legally occupy it. It is not reasonable for people to illegally occupy land or to squat on land.

I refer to the Wunjunga area in my electorate. Locally it in known as Beachmount. Some time ago, the Lands Department offered some blocks of land at a special lease auction. One of the conditions of sale was that people had to build on the blocks. There is no doubt that the people have done a wonderful job. As yet, some people have not totally developed their blocks. Others have built brick homes. Their fear is that people who have not obtained land through the legal process will be able to come along and squat in front of them or alongside them. They fear that those people will build a tin humpy or shack and take up residence. At present, there is no legal way in which those people can be removed. These other people have purchased the right to live on the land. They have met all the conditions. Yet someone else could come along, build a humpy in front and block out their view.

I point out to the honourable member for Salisbury that people are still able to follow the legal process and obtain land. I have been assured that the system of issuing

permits to occupy land will be maintained. As I said, in my electorate literally hundreds of beach blocks are gradually being developed.

I welcome the legislation. There is no doubt that, because of certain types of development, the environment is put at risk. People are building on beaches, driving vehicles up and down beaches and generally desecrating certain areas. I do not know of anyone in my area who will not welcome this legislation—except, of course, the people who wish to illegally squat on Crown land. It is the same as people building on the side of the highway. They would not be allowed to do that; they would soon be shifted.

People are squatting all over my electorate, from Cape Upstart in the south to Cape Cleveland in the north. It is happening along the Burdekin, Elliott and Houghton River deltas. Unless legislation such as this in introduced, huge problems will arise.

The environment is being damaged. The member for Salisbury talked about the environmental damage caused by the construction of the Cape Tribulation Road. I would like him to come to Cape Upstart and see the damage that could be done by the illegal occupation of that area. He does not condone the destruction of fragile areas, yet he suggests that that is what the Government is doing.

Currently, all the Government can do is bang four nails through a rag notice onto a door, stating that the people occupying the land are doing so illegally and are subject to a fine. That situation will no longer prevail and the people squatting there will have to do the right thing or get out. More particularly, they will not build on the land in the first place, and that is a great thing. These people will not be steam-rollered out, but the process will have legal teeth.

Much has been said in this debate about the dreadful foreign bogy man taking our precious Queensland away. I do not suggest that honourable members opposite do not have as high a regard for Queensland as I do, but I ask them to accept that we are all interested in the well-being and future of this State.

For the benefit of honourable members, I will go through the record of foreign investors in this country. I ask anyone to cite an instance of a foreign investor who, over the last 40 or 50 years, has taken more from agricultural land than he has put into it. Millions of dollars have been invested in this country, but many people go away disappointed.

It has been suggested that land in properties such as "Silver Plains" is cheap. It will be interesting in 10 or 20 years' time to consider whether that land was cheap, because much money will have to be poured into that property, as has happened on many others.

This brings me to discuss the Pitt Street farmer. Once upon a time, investment from within our own shores could be attracted to pastoral holdings. It was possible for people such as doctors, lawyers and other investors, who had access to funds, to enter into ventures in which they could spend money, develop land and, in the first instance, save on taxation. Of course, ultimately it all went back into the taxman's pocket. These investors developed land, built fences, sank bores, cleared country and kept communities alive. They created employment for small communities that otherwise would have withered on the vine. Because of Mr Whitlam, they are withering on the vine. I will never forget the Crean Budget and the Government's decision to tax the wealthy Collins Street and Pitt Street farmers. That Budget actually ceased development and the fluid movement of funds.

Mr Littleproud: Losses of employment.

Mr STONEMAN: Yes, the Budget resulted in losses in employment also. That was the start of the slide for the rural areas, especially for the large undeveloped properties.

Although Mr Whitlam's Government probably did not realise it at the time, it created the bottom-of-the-harbour schemes. People turned to all sorts of devious and

less obvious ways of washing off taxation dollars. Wealthy lawyers and solicitors were the only ones who gained because of the enormous transfer transactions that occurred. Nobody saw those transactions, and no fences were built and no employment was created. BHP had no demand for steel post and wire production, tanks were not sunk on properties and the earth-movers and timber-developers did not earn any money. Those transactions created a false economy and the money was absorbed by the legal process. The community and the people seeking employment did not gain.

I would like to know how much companies such as Scottish Australia and King Ranch have put into the country and how much they have taken out. Scottish Australia, which no longer exists, took up and fostered smaller properties in the west. The benefits of the bores that have been sunk 100 years ago can still be seen. Scottish Australia took up "Bowen Downs" in 1863. The benefits of the money that that company poured into the area—one could say that it was poured down the drain—are still being reaped by the people who have settled in that area on smaller blocks.

Every member would be well advised to read the book titled "Linkletter Down Under" It details the enthusiasm that he and a group of Americans had when they came to this country and poured millions of dollars into Humpty Doo and into a project in Western Australia. All they really did was feed a lot of ducks, swans and geese. Perhaps they paved the way for future development, but they left this country very much poorer and wiser men. However, Australia needs men and companies of that type. they did not take one single solitary acre of land away. They did nothing other than to pave the way with their own money and learn what should and should not be done here. This country has seen multitudes of similar instances.

If Mr Rand wants to spend his money on what I agree is mongrel country and he can find a way to make millions, good luck to him! I will believe it when he makes his millions. I agree that he could come up with some idea that might make that country valuable. I have to tell the honourable member for Mourilyan (Mr Eaton) that his 33 square miles of country there will run about three or four miserable, old, cracker cows. They would not even earn enough money to buy the first few gallons of fuel to run a lighting plant.

Will Mr Iwasaki pick up his buildings and take them back to Japan? All he will do is keep on pouring millions of dollars into this country as well as bring in many tourist dollars. I cannot see one single, solitary thing wrong with that. Who else could do that? Would any member of this place have been able to undertake that sort of development? It would have been impossible. What is required is huge amounts of investment capital, and courage. As much as anything else, courage is what is needed. Men such as Mr Rand have courage and have to be given some incentive. As I have mentioned, they cannot take away the land.

Developers cannot take out the money that they have poured into a one-way street, which is what this sort of development is. I am sure that Art Linkletter learnt that. At the time of his involvement in Australia, there would have been just as many knockers of his project as there are of the "Silver Plains" project. The Tully land of King Ranch, which has been made tremendously productive, can never be taken away. People such as those have shown small developers the direction in which to go.

Mr Kaus: Don't forget Peak Downs.

Mr STONEMAN: That is right. Had it not been for foreign investment, capital, and, in particular, courage, the north of Australia would remain largely uninhabited.

A friend of mine, the late Jack Rice, had a saying that if a ballot was conducted for a tennis court, 500 people would want to be in it. That is certainly true. People seem to think that if cheap land is available, a fortune can be made out of it. The Government needs to foster and develop the country and help people get jobs, but it also has the responsibility to protect people from themselves. It is a sad fact of life that the viability of the land does not cross people's minds.

For the benefit of honourable members, I shall recall the changes in the value of land. In 1960, a property near Winton was on the market for £1 an acre. People were saying at the time that there was no way in the world that whoever bought that property would go broke. I realise that things change, but that price per acre was approximately one-fourteenth of the average weekly wages of a station hand. Earlier this evening I checked with the Minister that my guess as to the current price of land in the Winton area of $12 to $14 an acre was correct. The Minister confirmed that, but I will take it to a round figure of $15. When that is taken as a fraction of the current weekly station hand's wage of $240 plus keep, it gives a very similar fraction. In fact, it is about one-seventeenth. However, things are much more difficult now, because land-owners cannot afford to employ men to work the land. As well as that, droughts and fires seem to be almost constantly at the doorstep of that country. More violent and regular fluctuations of world commodity markets are also an increasing problem.

Mr Littleproud: You have the problem of the Hawke Government.

Mr STONEMAN: Above all, we have the problem of the Prime Minister (Mr Hawke) and his destructive group who are being aided and abetted by their socialist friends on the Opposition benches in Queensland.

Any land is expensive unless a person has the dedication and courage to work it. If the land is given to a person, he will still have one heck of a battle. As I said earlier, a Government cannot knowingly let people get into a mess. By virtue of their capacity through the legislative process to direct the Government at the ballot-box the Queensland people have an absolute claim over the land.

There is no way in the world that any foreign investor can take away more than he has contributed. Although I do not know the multiplier, I would suggest that for every $3 or $4 that he contributes, he would be lucky to take out $1.

Such positive and productive legislation is necessary to attract money, ideas and entrepreneurs. Queensland needs people who will come to this State with new ideas and say, "I have something to offer. How about giving me a hand?" If they are turned away in their droves, as Opposition members would seem to be suggesting, what will happen to this great State? We need to keep this State moving and on the boil.

I commend the Minister and his officers for introducing an extremely positive and productive piece of legislation.

Hon. W. H. GLASSON (Gregory—Minister for Lands, Forestry and Police) (8.41 p.m.), in reply: When a little more decorum is apparent in the Chamber, I might be able to make an acknowledgement of the contributions to the debate.

The Opposition spokesman for Lands, Forestry and Police (Mr Goss) had an opportunity during his contribution to the Bill to express concern about the dealings in relation to a parcel of land in northern Queensland called "Silver Plains". The concern that has been expressed by members of the Opposition and the media has left much doubt in the minds of many Queenslanders as to the dealing with that parcel of land. I made a ministerial statement about the matter, and it hardly received a mention. It dealt with the facts in relation to the dealing with "Silver Plains"

The first comment made by the Opposition spokesman related to the frequent changes to the Land Act. Those changes are necessary and desirable to keep up with the changing land usage in this State. The Government of the day has different policies concerning the use of land.

The Opposition spokesman referred to printing errors in the Bill. Naturally, if the Land Act is to be tidied up, those matters need attention.

The Opposition spokesman spoke out about a great tract of northern land known as "Silver Plains", which will be offered after development, in 12 years' time, for $5 per hectare. It is only proper to look at the realistic situation, particularly the present value

of the land. The Valuer-General's present valuation, which in most instances is more than the Lands Department valuation, is 4.56c per hectare. To comply with the conditions attached to the lease, which will be 12 years down the track, the owner will have an opportunity with his present financial backing to bring that property to top production, including pasture improvement. At present, the carrying capacity of "Silver Plains" is one beast to 60 ha, or a total of 3 466 head of cattle.

If I invested in excess of $1m, I would want to be sure that I had an investment 12 years down the track that would provide a return on the total production unit of 3 466 head of cattle. Although the carrying capacity of the special lease after pasture improvement will quadruple, there will not be in excess of 500 head of cattle. That is over the whole lot.

The honourable member for Sherwood (Mr Innes) pointed out that the words "80 miles of beautiful beaches" were splashed across the front page of "The Courier-Mail" The area of the special leases is that which is marked in red—no more, no less.

Mr Mackenroth: Don't just hold up a piece of paper. Explain it to us. Tell us the scale. It could be 6 000 miles.

Mr GLASSON: It has been calculated by somebody that the whole length is 80 km. I will assume that that is the case. The lessee will not have access to the beachfront. The first conditions of the lease, which I am prepared to table, reads—

> "The two areas being parts of surrendered Silver Plains and Occupation Licence No. 557 Cooktown shown edged red on the attached map, exclusive of any required roads and esplanades."

The lessee does not have any access at all to the beachfront. The area marked in blue on the map designates the pastoral lease, which will never be permitted to be freeholded. The area marked in yellow will be national park. An area of 55 000 ha will be national park. As much of the national park will front that 80 km of beachfront as the two special leases. I estimate that the pastoral lease will have twice as much frontage to the beach as the special leases. The investment has to be looked at five years down the track. The cry of Opposition members is that the lessee will use the land for tourism.

Clause 11 of the special lease reads—

> "Transfer of the leased land except where in the opinion of the Minister special circumstances exist will not be allowed until developmental and improvement conditions have been complied with."

Mr Rand cannot flog the land off. It will be 12 years before the land is developed. It is ridiculous to suggest that that land will be used for tourism. The Government is not in a position to say what will happen after the 12 years. However, by virtue of its isolation, it would be a very game man who put additional money into developing a tourist resort there.

Mr Goss: He is quite free to develop any tourist resort.

Mr GLASSON: After he has complied with the conditions 12 years down the track.

Mr Goss: That's dirt cheap.

Mr GLASSON: It most certainly will not be the money of the honourable member for Salisbury.

Opposition members spoke about a brochure stating, "80 miles of beautiful beachfront, access to fishing grounds." That is correct. The block cannot be sold before the fulfilment of the development conditions. An advertisement in relation to the sale of freehold land outside Tara described the land as being within so many kilometres of Surfers Paradise, the Garden City of Toowoomba. I consider that that is false advertising. If the man who advertised that land had the intention of selling it, he could not do so. It does not matter what is in the brochure, he just cannot sell it.

Mr Goss: Did you say that you were going to table those conditions?

Mr GLASSON: Yes. I have nothing to hide.

Whereupon the honourable gentleman laid on the table the document referred to.

Freehold conditions that apply under the Bill have been referred to. I wish to make a comment that is relevant to the operations of the Act and expand upon the comment that I made about not engaging in the freehold leasing of large tracts of pastoral lands in the northern and western areas of the State. When I referred to "northern" and "western" areas of Queensland, I was referring to the Gulf areas. I did not mention coastal land, because the land to which I referred lies in large tracts and is held under pastoral titles. It is my belief that, because of the high risks associated with it and the low rainfall, there is no opportunity for that land to be developed as anything other than pastoral land.

Consideration should be, and I hope will be, given to the provision of more secure tenures by increasing the term of the lease to in excess of 30 years, which is the term presently stipulated. The Government's counterparts in the Northern Territory have done exactly that, and it should be remembered that the Northern Territory enjoys seasonal conditions more favourable to the development of properties than those in many areas of northern and western Queensland.

Mr Goss: What is the difference? Why does a large land-developer get a freehold lease?

Mr GLASSON: When the developer brings the land to a certain stage of development, he will be offered a freehold argeement.

Mr Goss: Why?

Mr GLASSON: I can explain the difference. If I were to spend a large amount of money on developing a cattle property that is producing no more than 5 000 head of cattle, I would want some assurance in the form of security over the land in respect of which I had spent so much money. I am yet to be convinced that the terms of the lease will ever be complied with, and that may indicate to the honourable member the magnitude of the risk I consider that that land represents.

Honourable members have referred to the provisions of the Bill that control squatting. Opposition members played heavily upon powers that will be given to the Government to deal with people who are squatting on Crown land. I give an assurance to members of this Assembly and to the people of Queensland that the Department of Lands will administer the provisions of the Bill subject to ministerial concurrence in the case of a person who resists. I hope that does not occur. However, some people have said, "I am domiciled on that land. I have a God-given right and you are not going to shift me." I remember visiting an area inhabited by squatters north of Rockhampton. A lady who lived on the land was building a home, and I said to her, "I would not proceed with that." She as much as said to me, "You go to hell. I am going on with this." That is the attitude that is commonly displayed. The honourable member for South Brisbane would be the first to offer ridicule——

Mr Fouras: The honourable member for South Brisbane would not grant a lease to anybody under conditions that he believed would not be complied with, as the honourable Minister has just indicated. I can assure the Minister that not even in a fit would I ever do such a thing. In the first place, why would I grant a lease to a person who cannot comply with its conditions?

Mr GLASSON: Because the lease is granted conditionally upon compliance with the conditions. When I say that I doubt whether the conditions of the lease will be complied with, I merely wish to illustrate the high degree of risk that is attached to land such as "Silver Plains" I refer to its geographical situation, the quality of the countryside,

the difficulties associated with transport and pasturage. The costs associated with development of that kind of country are astronomical.

The suggestion has been made that officers of the Department of Lands will enter vacant land in a jackboot fashion and throw everybody off the land. I repeat that I hope it will not be necessary to throw anybody off. I am sure that the people of Queensland realise that most of the areas are prime lands and do belong to them.

An honourable member has already said that the situation can be likened to an ordinary transition from squatting to the developments that the Department of Lands has undertaken around the State whereby an opportunity is given to squatters to make other arrangements. The proposals to redevelop will be published in the Queensland Government Gazette and will specify a date. Prior to that date, any squatter inhabitation would be given consideration. After that date, squatting would not be tolerated.

At this stage, the Land Administration Commission has undertaken developments. One to which I refer is at Dingo Beach, which is waiting to be sold. It would be unfair and unrealistic to expect people to purchase blocks of land such as those while squatters occupied the prime beachfront section of land. I question whether anyone would wish to argue against that proposition.

I stress that the people who occupy the land will be given an opportunity to purchase each of the blocks in its developed state, and then, at a specified date, notice will be given to vacate the site. It is hoped that such people will take notice, and move from the area. The Government's powers will be invoked only if there is resistance and a refusal to shift. I repeat that I hope it never happens and, as I said earlier, each case will be treated in a sympathetic and compassionate manner.

The honourable member for Salisbury (Mr Goss) referred also to the sob story that appeared in the press about a retired couple living on the banks of Coochin Creek. He implied that the Government intended to move in tomorrow and bulldoze them off the site. The Government will be realistic and hope that, with the passage of time, people will accept the inevitable and leave the premises. I can assure members that nobody will defy the Land Administration Commission's order to evacuate the land on which they have squatted.

There is a very serious problem in the electorate of the member for Burdekin. In fact, in many parts of north Queensland many hundreds of squatters are occupying prime land that should be accessible to the people of Queensland. When they are removed, the opportunity will be given to those people who like to go fishing and camping to have unrestricted access to some of the most beautiful spots in Queensland.

The honourable member for Mount Coot-tha (Mr Lickiss) said that land should be left for future generations. I could not agree more. The honourable member also referred to the problem of squatters.

The honourable member for Bundaberg (Mr Campbell) took the opportunity to raise the Point Vernon issue, which has nothing, or very little, to do with the Bill. If he asks me about it during question-time, I will be only too pleased to give him a suitable answer.

The honourable member for Toowoomba North (Mr McPhie), who is a member of my committee, showed a realistic and practical approach to the legislation. He is a responsible member who always makes a logical contribution.

The member for Murrumba (Mr Kruger) referred to the land frauds and scandals that have occurred in this State. I remind him, as did the member for Burdekin (Mr Stoneman), of the need for high risk capital in this State. The honourable member referred to Gunn Enterprises, or the Tipperary Land Development Company, as it was known, which lost literally millions of investment dollars. The honourable member for Burdekin mentioned another project in Western Australia where rice was grown for the ducks and geese. That land is still there. In many cases, millions of dollars were ploughed

66531—132

into that country for the benefit of future generations, and nobody can ever take the land away.

I invite sound investment, no matter where the money comes from, provided the funds stay in this country. At least tax is paid on those funds. In many cases, companies or individuals are not prepared to team up to invest in the high-risk area, but investment of that type is always welcomed.

The honourable member for Sherwood (Mr Innes) referred to the esplanade, and I replied to his question when answering another member. It is not available to Mr Rand or anyone else. The honourable member also referred to the problem of squatters.

The honourable member for Mourilyan (Mr Eaton) again referred to the desire of young people in this State to take up land. I could not agree with him more. The Young Farmer Establishment Scheme is now four years down the track. Its guide-lines have had to be amended because of the explosion in land values. Having regard to the maximum lending figure laid down in the guide-lines, it is no longer possible to accommodate the number of young people desirous of obtaining their own farm. More importantly, if and when the upper lending limit is increased, I question the viability of any enterprise using borrowed money simply because land has become too dear.

I cannot speak of the other States, but land values have exploded in Queensland following an influx of people from the southern States in which grazing land has become agricultural land and the increased price that is paid for agricultural land enables the owners to sell out. Because those people did not wish to go into agriculture but wished to remain in the grazing industry, they came to Queensland where land looked ridiculously cheap. With the price being paid for land in the north and north-western areas of the State, it is virtually impossible, no matter how efficiently an enterprise is run, to make bank interest. That situation will arise simply because of the cost of the land, without taking into account the cost of stocking the property, whether it be for beef, wool or mixed farming.

No matter where one goes in this State, the problem is that land is too dear. Whether one engages in horticulture at Redland Bay, cattle-grazing near the Northern Territory border, grain-growing in the south or tourism in the cape, there is no way that one can make bank interest. That is a sure sign that land is too dear.

I thank all honourable members for their contributions to the debate. I am sure that the amendments introduced in the legislation will be of great benefit to Queenslanders and their future.

Motion (Mr Glasson) agreed to.

Committee

Mr Randell (Mirani) in the chair; Hon. W. H. Glasson (Gregory—Minister for Lands, Forestry and Police) in charge of the Bill.

Clauses 1 to 12, as read, agreed to.

Clause 13—Amendment of s. 61; Conditions generally (1910, ss. 42, 43)—

Mr GOSS (9.1 p.m.): I have one small point to make about the Minister writing to notify a citizen of the annual rental. A fairly substantial right that existed is being removed and, as I said, I accept that as a genuine streamlining of the system. Will the letter be sent by registered, certified or ordinary mail? What precise procedure will be adopted? I am concerned that someone may not get the mail and, as a consequence, a substantial right will be lost.

Mr GLASSON: The determination, including the rental figure, will be posted by ordinary mail, as it is now.

Mr GOSS: To clarify the matter a little—as I understand it the matter is presently determined by the Land Court. The Minister indicated that the court invariably accepts

the Minister's determination, usually without opposition from a member of the public. Under the legislation, the Minister will be making his rental determination and placing the onus on a member of the public to take the matter to court. If members of the public are losing a substantial right—and I do not disagree with that—that loss should be compensated by some guarantee about the mail getting through. The method of postage should be more sure than it is at the moment to compensate for the removal of the substantial right.

Mr GLASSON: I do not envisage any problems. All notifications go by ordinary post. I think it would be unrealisitic to give an undertaking that notifications will be sent by special delivery or other special forms of post. Because I do not envisage any problem, I do not think that is required.

Clause 13, as read, agreed to.

Clauses 14 to 61, as read, agreed to.

Clause 62—Repeal of and new s. 372—

Mr GOSS (9.4 p.m.): I wish to correct a misrepresentation made by some Government speakers, who suggested that I supported law-breakers and opposed the power to deal with squatters. That is not the case. I said that, in some cases, the measures were excessive and harsh and could be ameliorated to some extent.

Having said that, I wish to refer to something that the Minister said in his concluding remarks about the practice of giving a notice to people to move by a certain time. What is the basis of the notice procedure in the legislation and how will it work?

Secondly, I seek further clarification of the provision set out in proposed new section 372 (3) (a). It refers to the issuing of a warrant requiring the member of the police force to execute it "forthwith " Other speakers, including the members for Toowoomba North (Mr McPhie) and Sherwood (Mr Innes), referred to the need to give people a reasonable opportunity to remove themselves and their property. How will the notice procedure operate, and could the Minister give consideration to having warrants issued operate after a certain period, say, seven days, as is the case with residential tenancies?

A warrant issues to a member of the police force to ensure that defaulting tenants are evicted from premises; but there is a certain delay so that people have the opportunity to move themselves in a civilised way, and, furthermore, to relocate their property so that there is no loss or damage of property by virtue of their having to be removed immediately. That ties in with the reference that the Minister made to "notice" that I had not picked up previously, and I would like some clarification.

Allowing people some short period before the warrant operates "forthwith" is necessary not only on the basis that I have outlined but particularly on the basis that the Government is imposing a penalty of $1,000 and $200 for every day on which the offence continues. That seems to me to be very much a sudden-death situation. What does the Minister propose in that regard?

Mr GLASSON: By way of clarification, I assure the Opposition and the people of Queensland that this will not be a jackboot approach to a serious and sad situation. Adequate notice will be given. The honourable member for Salisbury does not understand the difficulty that police officers will experience in finding the owners of some of the dwellings, shacks or shelters to serve a notice. In those cases the notice will have to be attached to the building. I do not know how that problem will be overcome. It will not be easy. The police officers will not be able to walk into the main squatting areas and find the people at home. Some might be interstate. I assure the honourable member that a sympathetic and rational approach will be adopted. It will be difficult.

The honourable member referred to the word "forthwith". I do not know how that will be interpreted. It is not the intention that the police will walk in and say, "You will be out immediately." That is not on.

Mr GOSS: I was interested to hear the Minister's comments. It is quite clear that the notice that he promises is not provided for in the legislation. He is denying that there will be a jackboot response. I do not suggest that the Government will rush out tomorrow, or as soon as the Act is proclaimed, and start booting people off those areas. However, what the Committee has to realise is that that is what the Minister is legislating to do. In his legislation he is not providing for any notice. He is saying, "Trust the Government." There are a number of famous lies, and one of them is, "I am from the Government and you can trust me."

As the Minister has said, the Land Act is amended frequently. He is introducing legislation, but the assurances that he is giving about how the Act will operate are not embodied in the legislation. It does not provide for the giving of notice.

The Minister has stated that, although the Bill provides that warrants will be executed forthwith, it will not happen. He cannot give a definition of that. I suggest that the definition of "forthwith" is very simple; it means "now" or "immediate" If it is not the Government's intention, why has it specifically legislated to provide that warrants will be executed forthwith? Why has not a cooling-off period, similar to that found in the Residential Tenancies Act, been included?

Very severe penalties of up to $1,000 plus $200 a day for every day after the execution of the warrant have been imposed. If the Government does not intend to adopt a jackboot approach, why has it legislated for it?

The Government says it will give people notice, even though the legislation does not provide for that. What is the purpose of legislation if the Government intends to do things in a different way? That is why the Opposition is concerned about the provisions and is opposed to them. They are unnecessarily harsh. Surely, if the Government's intention differs from what appears in the Bill, that makes nonsense of that legislation.

Mr GLASSON: It is envisaged that a person must be convicted by a court before police are brought in to ask him to move forthwith. The new section 372, which deals with the removal of trespassers from Crown land, states very clearly that, after conviction by the court, the police may be required to ask the person who has been served with an eviction notice to move forthwith.

Mr GOSS: It seems to me that the points that I am making are not being responded to. The Minister has not given me an answer as to why a notice provision does not appear in the legislation.

Although I do not know what the proportion would be, some people may wish to contest the issue in court to obtain a ruling as to whether or not the provisions of section 372 (1) have been proved and whether or not a person is obliged to be removed pursuant to a conviction. The legislation requires that, once a conviction is recorded, a warrant can be carried into effect forthwith. Is a person expected to pack up all his belongings and get ready to move out just in case he loses the case? The Residential Tenancies Act is a comparable piece of legislation because under that Act, people and their belongings may be removed from their home. In that Act, the Government has quite properly legislated for a short delay, which is determined by a magistrate, to give people the opportunity to pack up and move out. The Government has not legislated in that way in this Bill, and because that is unreasonable, the Opposition opposes it.

Mr GLASSON: I said that there would be no worries about that and that there would be no jackbooting.

Clause 62, as read, agreed to.

Clause 63—Repeal of and new s. 373—

Mr GOSS (9.14 p.m.): I express the Opposition's concern about the stringent terms of this legislation, which are felt to be unnecessarily harsh. The provision relating to the

making of a declaration resulting in the confiscation or transference of property to the Crown is such a strong provision that an avenue of appeal should be open. Departmental officers will make a determination that will be acted upon by the Minister, and I seek a response as to why no appeal provision applies.

I will touch on new subsection (13) and reiterate what I said earlier this evening, that it seems to me that that power is unnecessarily wide. The Bill provides that the demolition contractor, labourer or member of the police force can take action in relation to the name and address—various consequences and penalties follow on from that—if that demolition person or police officer believes that somebody may obstruct him. It seems to me that that is taking it too far.

The legislation does not need to go that far in providing a power. It seems to me that that provides the potential for a misunderstanding. In a very short time that will cause an altercation. Obstruction will occur simply because somebody gets the idea into his head that some other person may obstruct him. It seems to me that that may be difficult to determine, but it provides the potential for provocation and for an altercation. Certainly I agree that, if somebody actually obstructs the police officer or the demolition contractor, that is a basis for action to be taken. The provisions contained in the Bill are unnecessarily harsh and are not accepted by the Opposition.

Mr GLASSON: As the member for Salisbury said earlier this evening, this provision will not be accepted by the civil libertarians. The honourable member has expressed the exact attitude of the civil libertarians. If people want to obstruct the authorities and cause confrontation, the authorities must have the power to take their names and addresses. If a person walks up to the front of a bulldozer and lies down in front of it, one would believe that his intention is to obstruct that vehicle. That is an example I can think of at the moment.

An Opposition Member interjected.

Mr GLASSON: It is not a laughing matter. Members of the Opposition organised people to do just that to try to prevent the construction of the Bloomfield-Daintree Road. Those people caused obstructions by setting themselves in concrete.

If the obstruction is serious enough to warrant severe action, it will be taken. If the obstruction does not warrant that action, it will not be taken. The powers are there if they are required.

Clause 63, as read, agreed to.

Clause 64—New s. 373A—

Mr GOSS (9.18 p.m.): I will not repeat some of the sentiments I have previously expressed, but I ask the Minister for an explanation of the following phrase—

"an adverse effect contrary to the public interest generally."

Mr GLASSON: Actions by many people are contrary to the public interest at large. Many of the incidents in this city in the last 24 hours have been contrary to the public interest. I cannot specifically identify an instance. It is a fairly broad issue. Realistically, people should look at the intent of the Bill.

Mr GOSS: With respect, that is no answer at all. The phrase is so general as to be meaningless, and so wide that it should not be in any legislation. It is impossible to interpret. If the Minister has something in mind, he should have told honourable members. It would appear from the Minister's inability to provide an example as to what the phrase refers that the Government or the Minister does not know what it means or does not have something in mind. However, I invite the Minister again to explain it by providing a factual example.

The TEMPORARY CHAIRMAN (Mr Randell): Order! Does the honourable member wish to add something?

Mr GOSS: Yes. I would like to record that the Minister is unable or unwilling to respond to that request.

Mr GLASSON: It is not that I am unwilling or unable. I am quite willing and quite able to reply.

Some elements in our society might cause a nuisance by the creation of excessive noise on public roads and then disappear onto Crown land and say, "I am protected. You cannot touch me. I am on Crown land." That is one instance in which that power is necessary. It may be necessary to deal with some elements of our society. I do not intend to make any further comment. The honourable member knows very well what I am talking about.

Clause 64, as read, agreed to.

Clauses 65 to 67, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

POLICE ACT AMENDMENT BILL

Hon. W. H. GLASSON (Gregory—Minister for Lands, Forestry and Police), by leave, without notice: I move—

> "That leave be given to bring in a Bill to amend the Police Act 1937-1984 in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. W. H. GLASSON (Gregory—Minister for Lands, Forestry and Police) (9.24 p.m.): I move—

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

In 1977, the Police Act was amended to reintroduce the position of Deputy Commissioner of Police with a view to upgrading the senior administrative structure of the police force. When this was done, the retirement age of the deputy commissioner was fixed at 60 years.

With the introduction, in 1980, of the optional retirement program, whereby police officers may retire at any time within five years prior to the fixed retirement age, many senior officers are choosing to leave the force at a younger age.

This earlier retirement has meant a loss to the force, and, consequently, to the people of Queensland, of much experience and expertise at the higher administrative levels. The considerable turnover of officers at this high level has resulted in difficulty in the implementation of long-term policies and does not allow for continuity in administration.

For these reasons, this Bill has been introduced in order to raise the retirement age of the deputy commissioner from 60 years to 62 years. This will then occupy an intermediate position between the maximum retirement age for the commissioner, at 65 years, and that for all other officers, at 60 years. In this way, the extensive experience of this senior officer will be available to the force for a further two years, to the benefit of all Queenslanders.

The optional retirement age will remain at five years prior to maximum retirement age, which in the case of the deputy commissioner will mean optional earlier retirement age as from the age of 57 years as opposed to the previous 55 years.

The Police Department maintains a separate rank structure for members of the police force who work in the technical and scientific fields.

This present structure, however, does not permit a technical or scientific officer to be promoted beyond the rank of Principal Technical Officer Grade II or Principal Scientific Officer Grade II, which is the equivalent to an Inspector Grade II.

Within the Police Department there exist officers in the technical and scientific fields who have reached, or may soon reach, the highest levels of the present structure. These officers are experts in their various fields of competence and are major assets to the department. Room for advancement should be made to allow such members to advance further in their fields of expertise and to provide an inducement for these officers to remain with the department.

A further result of this Bill will thus be to provide for an extension of the rank structure in the technical and scientific areas to include—

Chief Technical Officer
(Superintendent Grade III)
Chief Scientific Officer
(Superintendent Grade III)
Principal Technical Officer Grade III
(Inspector Grade I)
Principal Scientific Officer Grade III
(Inspector Grade I).

The legislation is short and concise. It will be known as the Police Act Amendment Act 1985, and will amend the Police Act 1937-1984. This is provided for in clauses 1 and 2.

Clause 3 amends section 4 and introduces the additional reference to a chief technical officer and chief scientific officer in the definition of "Member of the Police Force" in section 4 of the Police Act.

Clause 4 amends section 6A of the Police Act by deleting any reference to a retirement age of 60 years.

Clause 7 provides for the maximum retirement age of the deputy commissioner to be 62 years. Clause 7 will also remedy what has previously been an anomaly in the Act whereby the deputy commissioner is the only officer whose services cannot be retained at the pleasure of the Crown following his official retirement. The same conditions will now apply to the deputy commissioner as apply to all other members of the force.

Clause 5 adds the additional reference to a chief technical officer and chief scientific officer to section 8 of the Police Act, thus empowering the Governor in Council to appoint such officers.

Clause 6 is to ensure that there exists no conflict between sections 10 and 8 of the Police Act insofar as the appointment of chief technical and scientific officers are concerned.

Clause 8 adds to section 57A of the Police Act a reference to chief technical and scientific officers, thus granting them a right of appeal from the decision of the Governor in Council to dismiss, disrate or retire them.

I commend the Bill to the House.

Debate, on motion of Mr Goss, adjourned.

RETAIL SHOP LEASES ACT AMENDMENT BILL

Hon. M. J. AHERN (Landsborough—Minister for Industry, Small Business and Technology), by leave, without notice: I move—

"That leave be given to bring in a Bill to amend the Retail Shop Leases Act 1984 in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. M. J. AHERN (Landsborough—Minister for Industry, Small Business and Technology) (9.29 p.m.): I move—

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

The Retail Shop Leases Act 1984 was assented to on 12 March 1984. Parts IV and V of the Act dealing with the Retail Shop Lease Mediation Panel and the Retail Shop Lease Tribunal came into force on 1 July 1984. In my second-reading speech on 28 February 1984 I pointed out that the Act would be the first of its kind in Australia, that it was breaking new ground, and that I would be prepared to amend the Act at an early stage if problems became apparent.

While the Act provided for prohibited conditions and implied conditions in retail shop leases, very important parts of the Act provided for mediation in lease disputes by a mediator and, in certain cases, where mediation fails, the referral of those complaints to a Retail Shop Lease Tribunal.

So far only one mediator and one tribunal has been appointed. The mediator has heard 26 disputes up till 1 March 1985 and the tribunal has had four disputes referred to it by that same date.

There is no doubt in my mind that mediation by a skilled mediator will solve many of the problems associated with retail shop leases. I pay tribute to Mr Bill Lamond the only mediator appointed to date. Before his appointment, Mr Lamond had a good deal of experience in the retail industry both as a tenant of shops and as a lessor of shops. He has a very wide experience of leases and leasing practices.

Mr Lamond is well aware, not only of the problems which tenants have with leasing, but also of the landlord's problems. He is a very skilled listener and he can usually find a solution acceptable to both sides. The success of the Act to date has been due in a very large part to the skill of Mr Lamond in explaining the provisions of the Act to centre managements and to tenants and tenants' organisations, and to his great ability as a mediator.

As one would expect, a number of disputes which relate to whether the lease was entered into before or after the Act received assent have arisen. These types of arguments will disappear with time.

It is proposed that the Retail Shop Leases Act 1984 be amended by this Bill to allow the Governor in Council the discretion to exempt certain types of enterprises from the provisions of the Act. At the same time the opportunity has been taken to make some minor amendments which will improve the administration of the Act.

The Act as presently framed applies to retail shops in tourist resorts such as those on islands in the Whitsunday group and to shops in theme parks such as Sea World and entertainment centres such as Grundy's.

The characteristics which distinguish these types of enterprises from a retail shop in a retail shopping centre or arcade or a shop in a strip of shops are—

(1) In the case of tourist resorts on offshore islands, the customers of the shops are drawn from the paying guests of the resort or day visitors to the resort. The customers are attracted to the resort by the advertising about the resort by the resort-owners. A shop would not advertise it's own name because it can attract no customers except the resort guests and day visitors. The guests and visitors travel to the resort for reasons other than retail shopping.

(2) In the case of theme parks the only customers at the shops are persons who have paid to enter the park. Again, retail shopping is not the reason for entering the park. The goods they sell, especially the souvenirs, are very closely controlled by the park management. The shops do not advertise since they can attract no customers except those paying to enter the parks.

In many cases the shops operate on concessions. Some shops may have lease agreements. In any case they do not advertise in the shop's name or sell goods in the shop's own name. It was never intended that the Retail Shop Leases Act would interfere with the relationship between the landlord and the tenant or concession-holder in the above cases. No problems associated with the changes have been reported to date.

The proposal is to amend the existing definition of "retail shop" in section 4 to allow for exemption, if desired, in the above cases and to provide a new section 5A which sets out the procedure for obtaining exemption and the criteria which must be met before exemption can be submitted to the Governor in Council for consideration.

In detail, then, the amendments to the principal Act are as follows—

Clause 1 of the Bill is the short title and citation.

Clause 2 amends section 4; Interpretation. The amendment provides in the definition of "retail shop" for exemption of enterprises from compliance with the Act by the Governor in Council by Order in Council pursuant to clause 5A of this Bill. Clause 2 also provides for an amendment to the definition of "retail shopping centre" to remove doubts about the meaning of the word "multi-level" in that definition.

Clause 3 amends section 5; Application of Act. The amendment clarifies the date on which a lease is entered into for the purpose of the application of the Act.

Clause 4 provides for a new section 5A; Exemption from Act. This new section provides for exemption, provided certain criteria are met, for enterprises whose principal activity is an activity other than the retailing of goods or provision of shopping facilities to the public. The enterprise must apply to the Minister, who has to satisfy himself that certain criteria are met. If so satisfied the Minister submits the matter to the Governor in Council who may exempt or refuse as he thinks fit. An exemption of an enterprise shall be by Order in Council, and thereby subject to disallowance and debate by the House, and the registrar shall keep a register of such exempted enterprises which may be inspected by the public.

Clause 5 amends section 6; Determination of rent as a fraction of turnover. The amendment ensures that the section will apply to all types of percentage rent calculations irrespective of how the percentage rent may be determined.

Clause 6 amends section 7; No entitlement to turnover figures in certain cases. The amendment ensures that all percentage rent leases, irrespective of how the percentage rent may be determined, are covered by the Act.

Clause 7 amends section 8; Certain payments to landlord prohibited. The amendment provides that payments of rent in advance or security bonds paid by a tenant are not prohibited payments to a landlord and also to provide for the payment of goodwill to a landlord who operates a retail shop but holds a lease from the Crown or head lessor rather than a freehold title to the property. That will ensure that retail shops situated on mining leases in towns such as Mount Isa are treated similarly to shops in other

locations. The amendment also provides similar consideration for a head lessor who operates a business from the retail shop in question.

Clause 8 amends section 10; Rent Review. The amendment provides that the matter need not be submitted to arbitration if the lease provides for reference of the matter to an independent expert.

Clause 9 amends section 12; Sharing of Operating Expenses. The amendment ensures that, in the case of a new tenant, the landlord need only provide a copy of the annual estimate of operating expenses prepared for the current financial year rather than estimates relating to different annual periods for each new tenancy negotiated throughout the year.

Clause 10 amends section 13; Option to renew lease. The amendment ensures—

(1) that in subsection 1 (a) a retail shop lease does not include a periodic tenancy or a tenancy at will;

(2) that in subsection 1(d) there must be no default by the tenant at the time of giving notice and there must be no default during the balance of the existing tenancy other than a default named by the landlord or in respect of which the tenant is granted relief by the court pursuant to the Property Law Act 1974-1982; and

(3) that in subsection (f) the rent payable during the renewed term shall be determined in the first instance and reviewed biennially thereafter in the manner set out in section 10 (2) above.

Clause 11 amends section 15; Implied provisions covering compensation. The amendment ensures in the first paragraph that periodic tenancies and tenancies at will are not included and in paragraph (a) (iii) to ensure that the landlord is not liable for compensation as a result of work lawfully required by a statutory body or Government department.

Clause 12 amends section 21; Registry of Panel. The amendment ensures that a reference of disputes register is kept and provides that the register may be inspected by members of the public.

Clause 13 amends section 27; Disputes referred to Tribunal in certain circumstances. The amendment extends the time period in which the mediator can attempt to resolve a dispute before the matter is automatically referred to the tribunal. Ninety days is too short where adjournments occur.

Clause 14 amends section 32; Functions of a Tribunal. The amendment requires that a written record of the proceedings of a tribunal and a record of documents produced are kept.

Clause 15 amends section 35; Registry of Tribunal. The amendment requires that a tribunals orders register is kept and that the register and records of the tribunal in respect of a particular dispute may be inspected by members of the public.

Clause 16 amends section 55; Exclusion of Other Jurisdictions. The amendment ensures that a party to a dispute will not be denied access to a court if he has already taken action under sections 124 and 131 of the Property Law Act 1974-1982.

Detailed discussions have been held with the Queensland Law Society, the Building Owners and Managers Association, the Retail Traders and Shopkeepers Association of Queensland, the Retailers Association of Queensland Limited, a number of managers of theme parks, and solicitors representing certain tourist resorts and shopping centres on the amendments that each thought were necessary and the reasons for their proposals. Not all the amendments proposed have been included in the Bill. I would, however, like to thank those persons who were prepared to discuss their problems with the administration of the Act for their proposals.

Mr Speaker, the proposed amendments will improve the administration of the Act. I commend the Bill to the House.

Debate, on motion of Mr Fouras, adjourned.

BUILDING SOCIETIES BILL

Hon. N. J. HARPER (Auburn—Minister for Justice and Attorney-General), by leave, without notice: I move—

"That leave be given to bring in a Bill to consolidate and amend the law relating to building societies and for other purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. N. J. HARPER (Auburn—Minister for Justice and Attorney-General) (9.42 p.m.): I move—

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

At the present time the law relating to building societies is contained in the Building Societies Act 1886-1976. As the title to the Act states, the Act stems from the last century and has subsequently been amended on numerous occasions during the intervening years. It is high time that an integrated and modern approach was taken to an industry which has seen enormous growth and advancement, not only in clientele and business, but also in the use of technology in providing improved services to the community.

The existing legislation is not capable of providing the necessary statutory background to sustain this growth.

The aim of the Bill is to provide necessary guide-lines for the industry as well as protection for the interests of the community to allow for a degree of flexibility for building societies and yet maintain statutory control to ensure protection for investors.

At the present time the Act is silent as to the powers of building societies in a number of areas. There are a number of what may be termed grey areas. I concluded that the Act should state those powers which societies have, or do not have, so that societies do not take initiatives only to find that they are unacceptable in terms of the Act.

The industry was concerned at the need to expand financial services offered to the public by building societies in the light of continuing development in technology within the financial sector. For example, there should be no barriers to banks entering into agency arrangements with non-bank institutions (such as building societies) to provide access to cheque clearing-house facilities, other than to ensure that valid cheques are honoured and with the imposition of a reporting condition.

By way of corollary, and in order to provide a sufficient range of facilities to investors and borrowers, the Bill empowers building societies to enter into agency arrangements both within and outside the State with, for example, other societies, financial institutions, corporations, insurers and credit card organisations, to provide such services as travel services, brokerage, electronic data processing and funds transfer systems.

It is recognised that members of building societies will benefit greatly as a result of those societies' access to facilities (such as electronic means of credit transfer) and services which can be provided, in an agency capacity, in conjunction with the activities of societies.

The Bill empowers building societies to hold shares in corporations which render services of this nature directly or indirectly to members of a society and to other societies.

It is also considered desirable for building societies to be able to invest in corporations that are able to provide facilities to building societies.

Various fund transfer companies have been established to facilitate fund transfers from various organisations to building society accounts.

The scope of corporations in which societies may invest is limited generally by the Bill and the investment should be no more than is appropriate to the equipment to be utilised.

Accordingly, it is proposed that societies be empowered to invest in fund transfer companies, but, in respect of other corporations, the approval of the Governor in Council will be required on the recommendation of the Minister for Justice and Attorney-General, such approval to be granted to an individual or to societies generally and subject to such conditions as may be thought necessary.

A most important change is the extension of societies' lending rights to members. Currently, they are restricted to lending to provide accommodation for residential purposes.

Because their lending power has been limited to provide accommodation for residential purposes, building societies have been advised not to lend money for subsequent development of residential properties for such items as swimming-pools, garages or fences.

It is considered that this approach is too limited and any development of a residential nature should be allowed. To facilitate this extension, the Bill allows societies to lend for purposes related to accommodation, such as for swimming-pools, tennis-courts, garages and fences.

This will allow societies to lend so that borrowers have an available source of finance with which to turn a house into a home.

It is in recognition of the fact that building societies are a major source of home finance, secured by mortgages on real property, that provision has also been provided in the Bill to enable societies to participate in the recently established secondary mortgage market. They will, in fact, be a very important element in its successful operation and, by being so, will ensure a continuing supply of money for this State's housing industry for the benefit of all Queenslanders.

It will be appreciated that the aim of the Building Societies Bill is to ensure that building societies will be able to extend their operations to improve their services to their members and to remain competitive in these rapidly changing days of deregulation of financial institutions.

The increased competition that they face is evident in the recent admittance by the Commonwealth Government of 16 foreign banks into Australia. I am confident that Queensland building societies will face this new competition and, with the assistance of this new Bill, successfully maintain their place in the market.

In enlarging the ambit of their operation, yet maintaining the essential ingredient of building societies to provide finance for residential accommodation, the Bill will ensure the soundness of building societies as an investment.

In fact, they are regarded by the Government as very secure investments, and, in recognition of that fact, the Trusts Act 1973-1981 is amended by this Bill so that approved building societies will be approved trustee investments for the purposes of section 21 of that Act.

In devising a totally new Act to completely revise the law, I have been conscious that the expertise available in the industry deserves to be consulted.

In fact, the Bill in its present form follows many consultations and discussions with representatives of the building societies industry, particularly during the past 18 months.

I am confident that the legislation will remove difficulties of the past and lay down clear guide-lines for the future.

The Queensland Government—the Bjelke-Petersen Government—is committed to reform and progress in all aspects of private enterprise.

Building societies have a key role in the lives of Queenslanders. I am determined that they should receive every encouragement and assistance to fulfil their objectives.

I commend the Bill to the House.

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

INTELLECTUALLY HANDICAPPED CITIZENS BILL

Second Reading—Resumption of Debate

Debate resumed from 28 February (see p. 3603) on Mr Austin's motion—

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

Mr MACKENROTH (Chatsworth) (9.49 p.m.): The Minister for Health (Mr Austin) has introduced this Bill for the second time and maybe he hopes that this time it will be right. About two years ago, a Bill that looked a little like this legislation was introduced into this Chamber. At that time there was a lot of opposition to the Bill and the Minister allowed it to be removed from the Business Paper.

I was very interested to read the opening remarks of the Minister for Health (Mr Austin), in his second-reading speech, that the Bill was allowed to lie on the table of the House to give interested persons and organisations the opportunity to make submissions and to comment on the innovative proposals contained in it.

When the first Bill was introduced two years ago, the Minister gave no indication that he would allow anybody to have any input into it. The first Bill was brought into the Parliament on 23 March 1983 and it was allowed to lie on the table until the House met for the next session. The Bill was not placed on the table of the House to allow people to have an input. If the Minister had wanted input, he would have asked for it, but he did not.

The opposition from the community to the legislation forced him to withdraw the Bill and to speak with those people about their concern. I congratulate the Minister on doing that. As I understand it, the people who opposed the original Bill do not oppose this legislation. I assume that each one of the organisations that were opposed to the Bill has now given approval to this legislation in its present form. Because the Bill was withdrawn as a result of opposition to it, people have had an opportunity to meet with the Minister's departmental officers, to talk about the different provisions and to have an input.

On the surface, at least, most people are happy with the Bill in this form, and they have issued statements signifying their acceptance of it. Because the provisions that those people were opposed to have been removed from the legislation, they no longer oppose it.

Mr Ahern: The Minister has done a good job.

Mr MACKENROTH: I remind the Minister for Industry, Small Business and Technology (Mr Ahern) that I have already congratulated the Minister for Health. I must say that it is very hard for me to congratulate him on anything. For a short time Queensland had another Minister for Health, and Mr Austin was probably not sure whether he would be reintroducing this piece of legislation. Although at one time he was not quite sure just where he stood, he finally made up his mind. However, I am not sure that he knows where he stands now.

A Bill such as this raises questions about civil liberties, and we, as members of Parliament, should always be concerned about them. Legislation must find a balance between what is an intrusion on civil liberties and what is best for people. Quite frankly, I think that this Bill has achieved that balance. I am opposed to a couple of provisions, and I will speak further about them at the Committee stage. However, in general, the Bill will be helpful for intellectually handicapped people. It frees them from many controls and allows them to be, as far as is possible, ordinary citizens in the community. I hope that all members will support the Bill, and the amendments that I will move to it.

A major aspect of the Bill is its definition of an intellectually handicapped citizen, as meaning—

> " a citizen who is limited in his functional competence by reason of intellectual impairment which is—
>
> (a) of a congenital or early childhood origin; or
>
> (b) the result of illness, injury or organic deterioration;"

The definition of "functional competence" includes—

> "(a) the competence to carry out the usual functions of daily living;
>
> (b) the care and maintenance of oneself and one's home environment;
>
> (c) the ability to perform civic duties;
>
> (d) the ability to enter into contracts; and
>
> (e) the ability to make informed decisions concerning oneself;"

Taking all of those factors into account, one could suggest that the definition relates to everyone within the community.

When one considers that the Intellectually Handicapped Citizens Council of Queensland will not allow those who appear before it to be legally represented, that description of "functional competence" makes one a little wary. I believe that, if a person is to be taken before a council, court or other tribunal set up by legislation, that person has the basic right to be represented by whomever he chooses. The council should not have the right to make a decision on whether a person appearing before it can be represented by a lawyer.

The council will make decisions on whether persons are intellectually handicapped. Could it be that if a person appearing before the council says that he wants to be legally represented, the council will decide that he is not competent to make that decision? If that is the case, why is the council deciding that that person is intellectually handicapped? It would appear to me that that decision has already been made. People should certainly be allowed to be represented by a lawyer if they wish. They have to make that decision. A similar provision is contained in the Mental Health Act. Those who go before that tribunal are unable to be represented unless the tribunal decides otherwise.

What caused the Minister the most trouble when he introduced the original Bill were the terms "Legal Friend" and "volunteer friend". I do not believe that many people really understood those terms. As soon as the term "volunteer friend" was mentioned, people automatically jumped up and down and claimed that those volunteers would take over from families. Whoever chose those terms endeavoured to find nice terms that sounded friendly. I do not believe that they were a good choice. If the Minister had not had those terms in the previous piece of legislation, he may not have found himself with as many problems.

The council will be able to appoint a volunteer friend to act as a friend or as a person who can help an intellectually handicapped person. Many of the complaints that I received were from people who were actually looking after an intellectually handicapped person. They believed that the Government intended to appoint a volunteer friend who would take over from them and look after the handicapped person, whether he be a child, parent, other relative or whatever.

These people believed that the volunteer friend would be a stranger who would come into the home and tell them what they could do. Perhaps after a person read the legislation he might believe that that could happen. I do not believe that it would. I firmly believe that the legislation has been formulated by the Minister's officers with the intention of allowing intellectually handicapped people to live as much as possible as citizens in the community. That is a good thing. The Queensland Health Department is trying to move mentally retarded people into the general stream of the community. One could say that, because that is what the department is trying to do, that is what the legislation tries to do. However, one always has to be careful of what future Governments or future officers of the Health Department might do. That is why one must be very careful about what is actually written into legislation. That brings me to a point I will raise at the Committee stage, that is, what a Legal Friend is able to do.

I am greatly concerned about clause 26 (3) (b), which states—

> "such other matters as the Council determines generally in respect of approved citizens by notification published in the Gazette."

The Minister is being given a right to decide virtually anything that the Legal Friend can do. The Minister will be able to make the decision that the Legal Friend will have jurisdiction over particular matters. By its being published in the Government Gazette, it will be part of this law. On the last occasion that this legislation came before the House, problems were raised by different organisations that were concerned about the jurisdiction of the Legal Friend and the volunteer friend. Whilst the Minister may have made most, if not all, of those organisations happy to different degrees, I do not think that any of them could be happy with that provision in the Bill. I do not believe that any similar provision should be included in the legislation. If it is necessary in the future for the extension of the definition as to what a Legal Friend can do, that particular section of the Act could be debated before its inclusion in the legislation. I do not believe that the Minister should be able to simply publish a notification in the Government Gazette. As I said, I intend to refer to some clauses at the Committee stage and to move some amendments. I will reserve any further comments until then.

Mr BOOTH (Warwick) (10.1 p.m.): I commend the speaker who preceded me in this debate for the way in which he handled a fairly sensitive and delicate issue. I hope that I can handle it in a similar fashion.

The most traumatic experience would be to have a child with an intellectual handicap. Although it is a traumatic experience, it brings out the best in human nature. Many people spend a lifetime looking after someone who is intellectually handicapped. I know that it is not possible for everyone to do so. Age is one barrier. Although a person might be able to look after an intellectually handicapped person for a number of years, there comes a time when he can no longer do that. Looking after an intellectually handicapped person brings out the best in human beings and the best in human nature.

I commend the Minister for presenting the Bill, leaving it on the table for some time and deciding to redraft it.

Mr Hamill: It's a shame it doesn't happen more often.

Mr BOOTH: It is something to be commended.

The Minister is to be commended for the way in which he has handled such a sensitive issue. That is one possible reason why the honourable member for Chatsworth (Mr Mackenroth) handled his contribution with some restraint.

Whether the Bill will succeed will depend largely upon its flexibility. If it is flexible enough, it will be a success. However, if we try too move to quickly or are too harsh, I do not think that it will achieve the success that we expect it to have. I have faith in the department and I believe that the legislation will be handled very well.

Although there are very many good volunteers who give their time and their labour, a small proportion of what might best be described as "do-gooders" exist. Although

those people have a high degree of motivation, for want of a better word, they sometimes create a nuisance. I would be worried if certain people were given too much latitude and were allowed to intrude into a person's affairs. I will not go into the matter at length. I support the Bill.

I have much pleasure in supporting the reintroduction of the Intellectually Handicapped Citizens Bill. I particularly extend my congratulations to the Minister for Health and his department on the considerable liaison and consultation that has occurred with individual parents, parent groups, and concerned representatives of organisations in its redrafting process over the past two years.

After the Bill was first tabled in March 1983, concern was expressed about the implications for families, and that concern was reflected in both submissions received and media comment made. However, much of this was based upon a lack of clear information and some misunderstanding of the proposals.

I am impressed that, on the reintroduction of the Bill, public education material containing explanations of the major implications of the Bill and some significant background information concerning the need for the Bill have been disseminated widely.

I believe that about 2 500 information packages were sent to parents and submission-writers and that this action has already alleviated many of the concerns expressed previously.

When the Bill was first tabled, considerable apprehension was expressed by families with an intellectually handicapped member in relation to their misconception that they would be excluded from actively participating in the lives of their intellectually handicapped relative.

As I read through the Bill, I see that the special role of families has been well and truly confirmed. The involvement of families which was assumed in the first draft has been made explicit.

It is unfortunate that many parents had mistakenly believed that they held or could presume automatic guardianship of an intellectually handicapped adult. Generally, this presumption has been made by family members because of the obvious difficulties an intellectually handicapped citizen may face in leading his life, and his consequent need for assistance and support throughout life.

However, although responsibility for giving consent has always rested with the individual concerned, the role of families in this process is affirmed in the Bill.

Indeed, I see that this Bill provides two major things: firstly, it is supportive of the intellectually handicapped citizen and, secondly, it confirms the natural supportive role of the family and its members toward an intellectually handicapped adult.

The intellectually handicapped person and his family are able to tap into the services provided by the legislation by means of making an application for an intellectually handicapped citizen to become an "approved citizen"

The family is entitled to be present at the initial hearing of the Intellectually Handicapped Citizens Council and at the reviews that will be conducted at least every two years.

These hearings should not be considered as being formal court situations, but rather as a meeting of interested people who have gathered together to consider the best interests of an intellectually handicapped citizen.

In regard to the role of the Legal Friend, I understand that this includes the provision of free legal advice on specific matters of concern for intellectually handicapped people and families, which is a significant innovation in this State. The Legal Friend may also act as a consultant to an intellectually handicapped citizen. It is recognised that some intellectually handicapped adults may be able to make an informed consent in certain

circumstances and may only require the additional support of their family members. When family support is not available, the Legal Friend may assist in this regard.

In the instance in which there is a need for consent on behalf of an extremely intellectually handicapped citizen, or in the case of a person who is seriously incapacitated, the nearest relative under the Bill has the absolute entitlement to be consulted by the Legal Friend.

The Legal Friend cannot take the place of parents, but stands in for the intellectually handicapped person and gathers together information and advice in the same way as an ordinary citizen would do when facing a similar personal decision.

Of paramount importance to parents is the fact that in no way does the Legal Friend take responsibility for everyday decisions away from the citizen himself, families or the nearest relative involved. When an informed consent is required, serious consideration is given to the need to maintain the dignity and self-respect of the citizen, to comply with the citizen's expressed wishes and to take account of ethnic and cultural backgrounds and any special circumstances that may arise.

As well, in the circumstances of an extremely intellectually handicapped citizen, the opportunity exists for another lawyer familiar with the intellectually handicapped person and the family to be approved to undertake the responsibilities of the Legal Friend.

On reading the Bill it is obvious that its redraft has included much more detail on the extent of family involvement.

I believe that it is important that the families of intellectually handicapped people regard the Legal Friend and the Intellectually Handicapped Citizens Council in their proper light.

The redrafted Bill also draws a clear distinction between the roles of the Legal Friend and that of the volunteer friend, which initially produced some confusion.

A volunteer friend may be appointed by the council to provide friendly personal support to an intellectually handicapped citizen. The Volunteer Friends Program is intended not for intellectually handicapped citizens who already have established social and personal links, but rather for those people who are in the main isolated and without usual supports which come through normal family and social involvement.

Elderly parents may be greatly relieved by the knowledge that a volunteer friend, who may be of comparable age to an intellectually handicapped son or daughter, is able to provide additional activities and interest in perhaps recreational or social pursuits.

A further concern expressed by families has been that of access to an intellectually handicapped person by the volunteer friend. The legislation is quite specific in this regard. Neither the Legal Friend nor the volunteer friend has the entitlement to enter a home without permission of the owner. People have the right not to invite others into their homes. However, in cases in which the intellectually handicapped person is considered to be at immediate risk, certain set procedures may facilitate access to an individual citizen for his benefit.

In all instances, this proposed legislation considers the humane aspects basic to the individuals needs, and is as flexible as possible in recognition of the rights of the intellectually handicapped citizen, families and individual circumstances. An example of this is in the circumstance of trust arrangements. Many parents, to ensure the financial security of their intellectually handicapped son or daughter, make special provisions through private trust arrangements. One of the flexible aspects of this Bill is that it does not interfere with these arrangements, but allows for the Public Trustee to become involved only if these arrangements cause serious concern.

The provisions of the Bill are seeking to accomplish a difficult task of providing support, assistance and encouragement without unwarranted intrusion. In general consideration of the intellectually handicapped adult, the decision was taken that this

should not be guardianship legislation because this would place such a person in the position of a child, in a legal sense.

It is much more difficult to try to facilitate the development of a person towards independence than it is to encapsulate protection for that person in legislation. The Bill is based on the supportive philosophy, in full recognition of the serious deficits suffered by a small percentage of intellectually handicapped citizens and of the recognition for the capacity of growth and development in all.

The important role of family members, and indeed of a variety of service providers at Government and non-Government levels, has been endorsed by the Bill and made integral to the establishment of a system of support mechanisms.

The legislation is unique in Australia, and whereas it draws on the experiences of other States and overseas countries, it is primarily based on the proven achievements and aspirations of intellectually handicapped citizens in Queensland. As I suggested in my opening remarks, the fact that the principles embodied in this legislation have been tested to some extent means that the provisions of the Bill must be implemented with a degree of sensitivity. I believe that most of the opposition to the Bill which was encountered in the early stages has been wiped away.

The two areas that worry people to the greatest extent are the proposals for a Legal Friend and a volunteer friend. The Bill now sets out clearly that, if sufficient family support exists or if a person is not intellectually handicapped to any great extent, the friend stipulated in either category may not be necessary. However, an intellectuallly handicapped person may desire a volunteer friend.

The provisions of the Bill must bring to parents a feeling of security because, should the parents pass away and no-one is available to help an intellectually handicapped dependant, a volunteer friend as well as a Legal Friend can be appointed.

I conclude my remarks by repeating that this legislation should be handled with sensitivity. Althought problems arose in the initial stages of its presentation, I believe that the aims of the Bill will be successfully accomplished and the provisions of the Bill will be of great advantage to intellectually handicapped people in this State.

Mr COMBEN (Windsor) (10.14 p.m.): The Bill is intended to protect individuals who are limited in function and competence by reason of intellectual impairment. The types of individuals to whom the Bill will apply should include the types of people specified in two questions that were directed to the Minister for Health (Mr Austin) yesterday. Those questions, concerning accommodation for mentally disabled people who had recently been discharged from hospital, and the Minister's answers have received media coverage during the past 36 hours. The questions are relevant to the clauses and ambit of the Bill, and I wish to examine the question of accommodation for mentally disabled and intellectually handicapped people.

At the present time, no assistance is given to meet accommodation needs of recently discharged, chronically mentally disabled people. As a result, these people are thrown onto the mercy of a private market that is full of sharks and rip-off merchants.

That fact was well acknowledged in the interim report that I quoted yesterday. The preamble of the report states—

> "On 22nd April, 1983, the Director of Psychiatric Services. . . initiated two actions in response to increasing concern about the circumstances of discharged chronic psychiatric patients living in a range of accommodation facilities."

So that two years ago there definitely was concern. What is in dispute today is whether there are still matters of concern.

The Minister's own report, finished in the first quarter of 1984, reported on a legion of problems. Overcrowding, poor lighting, poor ventilation, insufficient and poor quality food, and poor standards of cleanliness were commonly found. Althouth a number of

owners/managers were then in the process of addressing the problem, a number of facilities were still causing considerable concern. So, just on a year ago, the Minister's own department was saying that there were considerable concerns.

The Minister's reply to my questions yesterday as to the present situation was that no-one complains, that everything has now improved and the report is of no relevance. That was the report passed on to various media outlets yesterday as well. Unfortunately, although I wish that were true, it does not in fact represent the present situation.

Let me look at the public response since I raised the matter yesterday. Firstly, in response to the Minister's claims that no-one was complaining about hostels and boarding houses in these circumstances, the Queensland Human Rights Commission issued a statement that makes interesting reading. The statement was issued by the commission's director, Ms Joan Ross, who supported the statements that I made yesterday. She said that mentally handicapped patients in this State today are being denied basic freedoms. The statement reads—

> " 'We have been told of various denials of basic freedoms like the right to marry, the right to vote, the right to quality health care and adequate accommodation', Ms Ross said.
>
> These rights are guaranteed by the United Nations declaration of the rights of mentally retarded persons and the United Nations declaration on the rights of disabled persons.
>
> While there is no legal jurisdiction for the commission to intervene in the running of privately run hostels in Queensland, the spirit of the UN declarations calls on the administrators of the facilities for handicapped people to recognise and promote their patients basic rights.
>
> 'We can however look at the running of the private hostels that receive Federal funding and I would call on anyone with any problems with these hostels to come to us,' she said."

She stated quite clearly that there had been a number of expressions of concern about the standards of large boarding houses and hostels that house psychiatric patients discharged from hospital. So, just because the Minister said yesterday that there had been no complaints, that does not mean that there have been no complaints. Often in such cases people do not know where to complain. These people are the most vulnerable group in society today. They are probably the most inarticulate and the least represented of any group in society.

I point out to the Minister that his own report refers to the inability of some hospitals to understand the problems faced by the chronically mentally disabled in the community. It states—

> "In some hospitals there is a failure to understand this problem. On occasions this has led to difficulties in arranging acute hospital admissions, and at times inadequate preparation of patients for community placement."

That report is really saying that even the hospitals do not realise the problems. If the hospitals do not realise the problems, I am sure that there are many medical workers, paramedical workers and relatives and friends of chronically mentally disabled people who would love to complain. If they do complain, those complaints do not necessarily reach the Minister's desk or the desk of the Director of Psychiatric Services.

Certainly, plenty of people in society today are complaining about the needs of those people and the inadequacies of hostels. I have today been inundated by telephone calls from relatives and friends of patients in hostels catering for the chronically mentally disabled. Some of those people were supportive of certain facilities; unfortunately, the majority were not. One person reported to me an admission he witnessed to Royal Brisbane Hospital from Veta Flats in Spring Hill. The debilitated elderly gentleman, who is still living at Veta Flats, had apparently been cruelly neglected. He had been found in a bath of very cold water, where he had been left, forgotten, for a number of

hours. He had been left for so long that his own faeces were floating in the bath water. He had been unable to climb from the bath and his skin had been stained by the fouled water in which he had sat for such a long period. One would not expect such an occurrence in well-run, supervised facilities. That is an example of total neglect by the owners and managers of such facilities.

A relative of a client in White Haven, Wilston, told me today that, until very recently, patients at that institution were placed in small bedrooms, often three to a room. In the specific case brought to my attention, the room was roughly furnished, the doors of the wardrobe were missing and clothes had to be piled on the floor because there was nowhere else to put them. No personal lock-up facilities were available. My contact's relative even had his toothbrush stolen regularly. That is indicative of the level of security at that institution. If the patient wished to leave the premises, he always tried to obtain a note from his relative stating where he was going and for how long.

That is scarcely a healthy state of affairs. If I were the Minister and knew of those things, I would not be saying that everything is all right, that all the problems have been solved.

The gentleman at White Haven had a bank-book with a small amount of money in it, but he was unable to tell his relative when he had last seen it. That, again, raises the question of security in such institutions.

Another facility at Wilkinson Street, Annerley, with only five clients, charges each of them $65 a week. It is a smallish house. All the patients share rooms. One of the rooms is in such poor condition that, in a storm, towels have to be laid at the door to try to prevent the water entering. That precaution is only 50 per cent successful. Two of the patients are housed in a partially enclosed sleepout. Obviously, that is not acceptable in these modern days when people are trying to rehabilitate themselves.

The food is substandard. Only basic meals of baked beans, sausages and similar fare are provided. That food is not nutritionally acceptable. On one recent occasion when one of the patients at that facility went out, he came back after tea. He was told that he had missed tea, but that the same meal would be served up reheated the next day after it had been stored on the same plate for the whole day in the refrigerator. That is not acceptable in supposedly modern half-way houses.

The Norman Park Accommodation Services centre has even stopped people from marrying. When two people of mature age who had had a relationship for some time attempted to marry, the lady was asked to leave because the centre management did not think the relationship was healthy and because she was no longer on the pill—because they had not given it to her! When such happenings are taking place at these centres, the Minister can hardly say that he is managing his portfolio competently and that everything is all right.

Mr Davis interjected.

Mr COMBEN: The honourable member for Brisbane Central asked me whether I thought the centres should be licensed. The facilities should be totally licensed and the management should have some form of accreditation, so that Queensland may follow the lead set by South Australia, which has a community residence scheme that is working extremely well. The managers are licensed and the boarding-houses and lodging-houses are accredited.

The quality of care provided should be acceptable to the community today, and good, professional supervision of the type that one would expect should be provided for the mentally disabled. These people are important as human beings, and need just as much looking after as any physically traumatised person.

The South Australian community residence scheme involves quite a deal of community back-up, with group therapy, individual placement, individual casework and community care. Generally, far better facilities are provided in the way of support staff,

social workers and welfare workers. On average, the cost in South Australia for the 600 patients looked after in the system is some $2 a day. Obviously, that is less than the Queensland Government is spending on about the same number of patients. I understand that there are about 500 patients in the system in Queensland.

So that it does not incur the cost of $35,000 or $36,000 a day on the health care of the chronically and mentally disabled at places such as Wolston Park, the Government is trying to privatise the health service. Those patients are being sent out into the community to try to rehabilitate themselves, and the Opposition has no argument with that basic concept. What is needed is a back-up or support system, and the provision of half-way houses. That support is totally lacking at present. Those people are vulnerable to the activities of sharks and rip-off merchants. That is totally unacceptable to the Opposition. Action should be taken to prevent them from being ripped off. They should be totally supported. Their circumstances should be viewed with real concern and seriousness. That is totally lacking in this State today.

In conclusion, I wish to refer to what the Minister said yesterday. He made a below-the-belt comment about the Anglican Church. It was directed at me, as an active Anglican, and at the church. Yesterday, in answer to a question that I asked, the Minister stated that I would probably be aware that one of the facilities was owned by the Anglican Church. As he well knew, the Anglican Church owns the property and leases it out to two gentlemen, who do not have a good reputation in this field. The Anglican Church is not in any way supporting the patients in the Eton Private Hotel. Recently, the church has become concerned about the standard of care provided at that private hotel and has started making its own inquiries to see whether there is anything that it can do. The lessor of a property can in no way control what happens in his leased property. That is certainly the situation with the Eton Private Hotel.

The Anglican Church in Queensland has a long and good history of caring for disabled people and for supporting people in need in the community. The person who formerly managed the Eton Private Hotel was certainly not the type of person who would be employed by the Anglican Church. The present manager, Mr John O'Neill, appeared on a Channel 7 program tonight and gave a very good account of himself.

Mr Stephan: Is that hotel all right now?

Mr COMBEN: It is not all right now. Under the management of Mr John O'Neill, it may be providing a more reasonable standard of accommodation.

The former manager was Mr Bridges. It is interesting to note that he left New South Wales four years ago. Previously he had operated a hostel in Katoomba. During that time there were many complaints about irregular activities with money, about food, about care, about cleanliness and about Mr Bridges's sexual activities. Because of the number of complaints received, the regional director of health in New South Wales ordered that all placements at that hostel were to cease. Soon afterwards, the ownership of the hostel changed hands and Mr Bridges was dismissed. That is the type of person who, until recently, was managing the Eton Private Hotel. That is the type of person whom the Minister for Health has not attempted to control or supervise. That is totally unacceptable.

The situation is horrendous. The matter cannot be whitewashed as easily as the Minister tried to do yesterday. It demands immediate attention and the introduction of legislation. I hope that legislation will be introduced similar to the Intellectually Handicapped Citizens Bill. The people covered by this Bill receive far more sympathy in our community than the people about whom I am speaking—the chronically and mentally ill. They need to be protected.

The world is moving faster and faster towards the stage at which all people are receiving an equal go and equal protection before the law. The people about whom I am speaking are being discriminated against constantly and are being subjected to

financial and every other type of abuse. It is time that this State fully and properly protected them. I ask the Minister to give the matter urgent consideration.

Mrs CHAPMAN (Pine Rivers) (10.30 p.m.): The Intellectually Handicapped Citizens Bill is a much-needed piece of legislation in this State. As honourable members would be aware, this Bill is designed to repeal the Backward Persons Act of 1938, which is legislation that has not been implemented and that is no longer appropriate to the current philosophies and services in regard to intellectually handicapped adults.

Many of the matters covered by the Backward Persons Act, especially where it related to children, are now well covered, as cited by the Honourable the Minister for Health (Mr Austin) in his second-reading speech to the previous Bill. For example, education of intellectually handicapped children is integral to Queensland law. Similarly, the Mental Health Services Act deals with aspects of residential care of intellectually handicapped people. Therefore, these matters are no longer required to be addressed in special legislation.

However, an area of expressed concern, and where there has been an identified need for progressive legislation, is in respect of intellectually handicapped adults. It should now be well recognised that intellectually handicapped people over 18 years of age are adults, even though their level of understanding and functioning may not be equal to that of other adults. Today they live as members of the community, travel on public transport, go to sheltered workshops and activity centres, and participate in social or recreational activities. The people round them therefore perceive them as engaged in adult activities. Indeed, the law does not differentiate very much at all with respect to their adult status. Thus, many intellectually handicapped people and their families are placed in ambiguous situations where the capacities of the intellectually handicapped adult are not equal to the demands of their adult status.

Although society has recognised the needs of intellectually handicapped people in many ways through the provision of special schools, sheltered workshops, activity centres and a variety of residential options, it has not provided complementary support mechanisms for intellectually handicapped citizens.

Similarly, we have seen the development of welfare activities by church organisations, service clubs and other community groups providing opportunities for social and recreational pastimes. However, some intellectually handicapped people are socially isolated and unable to utilise and benefit from these opportunities.

Many services have focused on children, but all have a common aim to assist intellectually handicapped people to achieve a fuller and happier life and to further their independence. The Bill before the House supports and implements this aim.

The Bill recognises that intellectually handicapped people have disabilities that may place them at a disadvantage in society. For example, they may not understand their rights or responsibilities as members of society, they may not be legally competent to give informed consent when this is required, and they may not be able to make friends or cope with social situations. However, these disabilities should not be seen as an insuperable barrier to their participation in society.

Intellectual disability does exist to quite different degrees in different people, and, therefore, the extent to which their functional competence is affected varies a great deal. Similarly, the family and social circumstances of people varies considerably. It is therefore important to recognise and appreciate the distinction between the disabled person who overcomes his disability to take his place in society and the person who is handicapped to the extent that he may require continuing support that is initiated by other people.

As I understand it, it is the second person who comes within the scope of the Bill, because he is so severely intellectually impaired that he requires the kinds of services and supports proposed. I know of intellectually handicapped citizens living within my own electorate who will certainly benefit in various ways by the introduction of this legislation. Some intellectually handicapped citizens live within their natural family

environment and enjoy the loving and caring family supports offered by mothers, fathers, brothers, sisters and other relatives.

Some intellectually handicapped people have found a degree of personal independence by living in residential settings with their own peers. Many such residentials are offered by Government and non-Government agencies in this State. Still others, with the necessary supports and training, are learning to cope with daily living and may share a house or flat with friends, and in this way, are integrated within our community.

Many intellectually handicapped people may never require access to the supports and assistance provided under the Bill, such as legal advice or support provided by the Legal Friend or the friendly support offered under the Volunteer Friends Program. However, the Bill offers flexible assistance for others who may not have the friendly, caring supports offered by family and who are so severely limited in their abilities due to their intellectual impairment that they may require, from time to time, assistance tailored to their personal circumstances and needs.

Over the last decade, very definite philosophies have been developed and adopted for service provision to intellectually handicapped people. These philosophies are evident, not only in the services offered by this State Government, but also in the services of non-Government organisations in Queensland and at similar agencies in other States and overseas.

A significant aspect of the proposed legislation is in its emphasis that any action taken by another person for the benefit of an individual intellectually handicapped citizen should be aimed at assisting that citizen to participate in society in the most positive and least restrictive way. To this end the assistance given under the Bill is to be supportive of the individual, whilst at the same time recognising his rights, needs and abilities as well as the limitations that may place him at a disadvantage. The Bill therefore focuses on promoting the individual to take advantage of the ordinary, basic rights he has available to him as a citizen of Queensland. The aim is not to interfere with family relationships or to take charge of the intellectually handicapped citizen's life, but rather to bolster up the individual coping capacities of the citizen and to foster his personal growth and development. As an adult citizen, this means he has a right to have as much control as possible over his own life, to have his abilities as well as his dignity and self-respect recognised and supported by others, to have relevant options and alternatives considered when important decisions need to be made in his life, and to have someone simply take a friendly, personal interest in his activities.

Obviously, the Bill cannot seek to minimise all of the real difficulties confronting an intellectually handicapped person as a citizen, rather it provides the practical support mechanisms to assist in the achievement of that citizenship. The Bill sets a positive course for the recognition of such handicapped people and provides an avenue for, as the Minister noted in his second-reading speech, "encouraging an attitude and an expectation with regard to our society's response to its intellectually handicapped citizens."

The Bill enables intellectually handicapped people to participate more competently in the community and provides a system to help them in this aspect of their lives. It is my great pleasure, therefore, to commend the Minister for the reintroduction of the Intellectually Handicapped Citizens Bill.

Mr INNES (Sherwood) (10.40 p.m.): One must greet the second attempt at this legislation with far more warmth than that felt for the first attempt. The parents of many disabled and mentally handicapped persons thought that the original Bill presumed that parents did not offer an adequate support system for the intellectually handicapped person, whether that person was young or old, and intruded into established supportive family relationships round intellectually handicapped persons. More extensive provision was made for the activities of the Legal Friend. To some extent, reservations might still be expressed about the role, the method of appointment and the rights of the Legal Friend. Provision was also made for the volunteer friend, a very contentious person

who could not be a parent or a relative and who had rights upon appointment that could run contrary to those of the relatives round the intellectually handicapped person.

I think that honourable members understand why the Bill was couched in those terms. Because of the knowledge and professional discipline of those who work with profoundly handicapped persons and, in many instances, less than profoundly handicapped persons, the parents of many of them leave them to the resources of the State. Many families do not give the support to an intellectually handicapped person that one might expect. There are many reasons for that. A profoundly handicapped person can be an enormous burden to a family; a profoundly handicapped person can cause the break-down of a family or other persons. I share the reservations expressed by those persons with handicapped children. I suspect that in every second street of any suburb one would find an intellectually handicapped person living at home with a totally adequate support system.

A group of parents of the disabled and their teachers who met in my electorate put some of my attitudes into perspective. To cite an illustration—one of the teachers pointed out that it is very dangerous for people to presume that they know best for an intellectually handicapped person. A teacher quoted an instance of a teenage handicapped person who would go home from an institution, stay at home for six to eight weeks and then return to the institution in poor physical condition and appearance. The child mirrored the family. The members of the family did not worry much about personal appearance, probably did not eat a balanced diet and were not very good at looking after themselves. However, the child derived enormous benefit and emotional satisfaction from knowing that he or she was a child of the family, that he or she had a mother, father, brothers and sisters and knowing that he or she could interact and relate with the family. Government specialists or specially trained persons in that field might say that if the young person was exposed or maintained in that environment for a long period, there was some risk that he or she might finish up with an unkempt appearance and in a somewhat undernourished condition. However, it was arrogant to assume that that child must be protected from himself or herself and removed from a family that could not adequately care for him or her. In fact, the child was cared for to the same extent as other members of the family cared for themselves, although honourable members might not consider that to be a good standard of care. The pre-eminent consideration was that that intellectually handicapped child had something added to its life because it knew that it was a member of a family, that it had brothers, sisters, a mother and father and a home to go to.

Several honourable members spoke about the desire of even the profoundly handicapped, who have to be institutionalised, to go home. The emphasis is on the words "home", "mother" and "father" Most honourable members would have relatives, friends or acquaintances who have a handicapped child who perhaps suffers from Downs Syndrome or some other affliction. Those children are loved and cared for by families all over this city and all over this State. Approximately 500 parents are members of the Queensland Parents of the Disabled, an organisation that exists for the mutual support and encouragement of people who have disabled children. Perhaps those people who care for their disabled children at home do not show up in the statistics. The children who are institutionalised certainly appear in the statistics.

Disabled children who live at home go through life far more happily than those who are institutionalised. It was a great shock and an affront to families who care for their disabled children to see legislation that seemed to be couched in terms of, "The Government knows best. The specialists know best.", with other people having rights—intrusive rights—completely contrary to the will and interests of the family.

No-one would deny that, fortunately, many intellectually handicapped persons attain the age of 18 years, at which time their legal position changes. As I apprehend the law, it assumes that a certain stage of development will be reached by a person of that age. By the very nature of their disability, intellectually handicapped persons do not achieve

the mental age of a normal 18-year old. It is a grey area; their mental capacity is not that of the average 18-year old.

Disabled persons, whether above or below 18 years of age, are entitled to the respect that should be accorded to any human being. Of course, they also have certain rights. It was the failure to consider matters such as that which caused people to suggest that as soon as disabled persons reach the age of 18 years, Legal Friends or others can be appointed and can move in, and that some disabled persons are exploited by families and therefore there is a need for special safeguards. The Bill was drafted on the assumption that some people do exploit the intellectually handicapped and that people do not necessarily do the right thing.

One of the features of much legislation is that it is couched in terms of the lowest common denominator. Some people do things improperly, so the legislation is drafted on the assumption that all people do things improperly. The first Bill was objected to—quite rightly—in the strongest possible terms.

The original Bill did not find the balance, because it did not register the realities of life in a modern community.

Although the present Bill is not perfect, it is an enormous improvement on the previous Bill. Organisations such as the Queensland Parents for the Disabled have expressed some reservations. The reservation that is probably most important relates to the appointment of the Legal Friend.

Drafting of the Bill is somewhat convoluted, in my view, and it is no doubt even more difficult for the layman to understand. However, the Legal Friend can be appointed without the approval of the parents, in the case of an intellectually handicapped child who is living with parents, and the Legal Friend can make decisions that many parents of intellectually disabled people—certainly parents who look after intellectually handicapped people at home—feel should be left primarily to the parents to make.

I realise that the legislation sets forth a qualification in that the council must be satisfied that the intellectually handicapped person is not satisfactorily or adequately cared for by relatives; but, in many ways, the Bill would have a happier result if it required a departmental officer or other interested person to responsibly demonstrate that the parents were not adequately looking after the intellectually handicapped person, before the right to make vital or supportive decisions could be removed from the parents and vested in another person.

I should point out that in most of the cases I referred to, where intellectually handicapped people are residents of suburbia, parents and families have devoted—and in many ways deliberately arranged—the whole of their lives to ensure the continuing support of the intellectually handicapped person when that person becomes an adult. Particular emphasis is given to the day when the parents will not be there, and provision must be made to safeguard the interests of that intellectually handicapped person.

For many families, the arrangement will be that for whatever assets can be put by, for instance a house or more substantial assets, provision will be made to bequeath those assets to the most responsible non-handicapped person in the family to administer, to ensure that the intellectually handicapped person will not splurge or rashly dispose of the assets.

I know of cases in which parents have gone to extraordinary lengths to provide financially for the future of the person who is intellectually impaired. The problem is that, although an intellectually handicapped person has attained that age of 18 years—and it shoud be borne in mind that various degrees of handicap exist—and although an intellectually handicapped person is totally self-sufficient and able to care for his appearance and feed himself, and take up occupations in sheltered workshops, he has insufficient mental sophistication to make important decisions in matters such as investment or allocation of finances.

The tens of thousands of parents who care enough to make special arrangements do not believe that other people should move in and make those decisions for them. It is simply a matter of privacy, to a certain extent—that problems associated with intellectually handicapped people should remain in the care and control of those who are nearest and dearest, rather than being publicised at large. I stress that the reason for that is not that people are ashamed of an intellectually handicapped offspring, brother or sister; it is simply a matter of maintaining a reasonable standard of human privacy.

Such sentiment and respect for the rights of people who care should be mirrored in the legislation and echoed in the clauses of the Bill. In that case those vital decisions—consents—can now be made by the Legal Friend, or a barrister or solicitor appointed by the council. I hope that the council will use its powers not to appoint a Legal Friend but to appoint the solicitor or representative of the family—the family solicitor—if that is the wish of the family so that there is somebody effective who has an ethical or other responsibility of a legal type to make decisions in the best interests of a person who would, of course, be a client. The solicitor would have a special obligation in that regard.

The Minister is to be commended for bringing in a Bill which is a vast improvement on the original Bill. One will have to see how it works in fact. Much will depend on how the council assumes its obligations, and on the habits or practices that evolve, because a number of things are possible under the Bill.

In the administration of the legislation—and I certainly speak for those parents of intellectually handicapped people whom I know—one would hope that it is recognised, if necessary by amendment, that thousands of caring relatives seek to act in the best interests of the intellectually handicapped person. Whether that person is above or below the age of 18 years, the reality should be recognised that the capacity of that person to make very important decisions is limited and that the family, having put together the assets to look after that intellectually handicapped person, is certainly entitled to a primary role in using those assets for the benefit of that person. That is not to say that, in a case in which it can be demonstrated that people are abusing any trust, for instance another sibling who is frittering away things put aside by a parent for the purpose of an intellectually handicapped person, they should not be replaced by somebody who makes more responsible decisions. The presumption should never be that the family and relatives are exploiters; it should be that, where the intellectually handicapped person still lives at home, the support network is a caring and responsible one.

I hope that, in the future, the department will maintain consultation with the various organisations that are responsible for or have an interest in this area, and amend the legislation if it is found that some of these, in my view, completely justifiable attitudes of responsible, supportive relatives are being in any way limited and having to defer to bureaucratic intervention.

Mr HAMILL (Ipswich) (10.58 p.m.): I do not wish to follow in the furrow so repetitiously and tediously ploughed by the member for Sherwood (Mr Innes). I want to address some remarks to the welfare and care of the intellectually handicapped. It is of interest to me that, in this week of legislative activity in this Assembly, when members have seen so much legislation which has, I believe, been striking at fundamental rights, members now have the pleasure of having a piece of legislation before them which actually tries to ensure rights of individuals in our community.

I believe that, in many respects, a Bill such as this and, indeed, the care of the intellectually handicapped and their role in society, which lie within the Health portfolio, should be regarded more as an anachronism than as a reflection of the needs and demands that those people can have upon government. I would have thought that a Bill seeking to safeguard the rights of the intellectually handicapped might more appropriately, in this day and age, be introduced by the Minister for Justice and Attorney-General. The responsibility for the intellectually handicapped could well be taken away from the Health portfolio where it was placed, I suppose, 150 years ago when the mentally

handicapped were equated with the mentally ill and there was an institution established in which people who were handicapped or ill were incarcerated.

The definition in the Bill of "intellectually handicapped citizen" is important. It provides that an intellectually handicapped citizen is one who is limited in his functional competence by reason of intellectual impairment. It is pointed out that the intellectual impairment may be congenital, may have occurred in early childhood or may have been the result of injury. The Bill is not dealing with illness as such but with a person's state of mental ability. Quite rightly it has, as its objective, the fulfilment of a variety of needs of the intellectually handicapped person. In the past, the caring allowed by way of legislation did not respond to those needs.

The points canvassed this evening have centred on the role, rights and responsibilities of those engaged in the care of, and working with, the intellectually handicapped. As other honourable members have pointed out, enormous concern was expressed in the community when the original Bill was introduced, in that those involved in caring for the intellectually handicapped were not adequately considered. The families, particularly, felt very threatened by what they saw as legislative intrusion into the traditional family role of caring for handicapped relatives. At times hearings will be conducted before the Intellectually Handicapped Citizens Council. It is important that, when an application is made by a handicapped citizen, a relative is to be entitled to participate in the proceedings. When a hearing is initiated at the behest of one of the other persons prescribed in the Bill, the relative is also entitled to be present and heard.

The Bill provides very significant improvements for the intellectually handicapped citizens particularly through the appointment of two officers, namely, the Legal Friend and the volunteer friend.

Other honourable members have alluded to the difficulties faced by intellectually handicapped people who have lived in the community without a family. Neighbours who are now deceased had a child who was born unimpaired mentally but suffered intellectual impairment when very young. The parents lived in fear of what might happen when they passed on. The illness that caused the intellectual impairment also impaired the son's heart. He passed away before his parents did. Although they grieved at the loss of their son, who was in his forties when he died, they breathed a sigh of relief because they could not think of anything worse than his having to go in an institution or other place away from where he had grown up. That is not a new problem. It confronts people continually. The Bill provides excellent machinery to overcome such problems.

A basic problem that cannot be resolved is the conflict that exists between the desires of parents who attribute to themselves the role of the best deciders for the future of their offspring and the measures that the State perceives to be the best possible care for the handicapped person.

So often parents have felt guilty or ashamed of having a handicapped child. Because of such a feeling they have tried to keep their children at home, and out of the wider community, with the result that the basic human needs of the child have not been adequately serviced or recognised by the parents. They wished to cling to the notion of a wholly dependent person within their care. Obviously, that basic conflict led to much discontent when the original Bill was presented to the public.

I recall attending a number of meetings called by interested groups to discuss the ramifications of the original Bill. The fears of the parents who attended were very real. The officers of the department may have thought that those very real fears of those parents were somewhat irrational; nevetheless, they were there, and they were providing additional impetus to concerned people to rally against the implications, as they saw them, of that Bill. Those feelings of being threatened are allayed by the provisons in this Bill that recognise the important role that the relative has to play in caring for the handicapped person. The most crucial point is that the Bill is endeavouring to strike a balance between the level of care that can properly be maintained by the relative or parent and the State's assuming the responsibility to intervene, not in the State's interest,

not necessarily in the parents' interest, but quite rightly, as it should be, in the interests of the handicapped person concerned. The machinery that is put in place by this Bill gives due consideration and recognition to the important role of the relative.

That leads me to the implications of the policy that has been pursued in relation to the intellectually handicapped. The policy to which I refer is the emphasis that is placed on the de-institutionalisation of handicapped people in our community. Thank goodness, institutions such as Bedlam and others that earned such a deservedly bad name are things of the past!

Mr Lingard interjected.

Mr HAMILL: When one hears some of the little commentaries from the Government side, one wonders just how much input some Government back-benchers have had in a Bill such as this one. I am sure that it is far more forward-thinking than collectively many of them could have envisaged.

The role and participation of the handicapped person in my own community is very important. My colleague the member for Ipswich West (Mr Underwood) has the Challinor Centre within his electorate. Although the Department of Health does not operate any institution within my electorate, that is, apart from the Ipswich General Hospital, the needs of the intellectually handicapped citizen are real. The department has pursued very vigorously a policy of de-institutionalisation. It allows these people to live as normal a life as possible within the community. That has been a very successful policy, and the department deserves commendation for the vigorous pursuit of that policy.

A couple of aspects must never be lost sight of.

Mr Underwood: The goodwill of the Ipswich people.

Mr HAMILL: A lot of goodwill is displayed by the Ipswich people. The community has been very supportive of the policy that has been pursued.

The point I was making was that, if the policy is one of normalising living conditions, the department must always have in the forefront of the implementation of that policy the need to spread the population from those institutions throughout the community.

An oft-heard criticism of the policy pursued by the Queensland Housing Commission has been the establishment of large, concentrated Housing Commission estates. Because many people who are accommodated by the Housing Commission are from the disadvantaged sections of the community and receive very low incomes—many of them rely on social security benefits for their income—they face problems with poverty. That causes enormous social problems, as anyone who has any appreciation of the problems of unemployment and poverty in the community would recognise. So is it also with the policy of institutionalisation of the intellectually handicapped.

If the department pursues a policy of lumping these people into the cheapest possible accommodation, it runs the risk of an undue concentration of handicapped people in particular areas and suburbs. That is not in the interests of those people or of the community. I hope that the department, in pursuing this quite proper course of action, will bear in mind that it must spread these populations throughout the community.

As the institutionalised population has been drawn from a very wide area, I do not believe that it is appropriate that that whole institution should be emptied out into a small area. It must be assumed that the families of handicapped people and the community will be as well-motivated to provide assistance as the people in Ipswich have shown that they are. The department must consider that, because these people have come from a wide area, it is in their interests to be spread into the disparate areas from whence they came.

Mr Lingard: "From whence they came"—what sort of poppycock is that?

Mr HAMILL: The honourable member for Fassifern, who purports to be a schoolteacher, is having difficulty understanding the term "from whence they came". That is typical of the fatuous comments that this House has come to expect from him. He would be better off reading the Bill and showing concern for the intellectually handicapped than trying to make cheap and silly points during this debate.

Mr Comben: Is it true that the member for Fassifern has to read all his speeches?

Mr HAMILL: Far be it from me to criticise the honourable member for Fassifern, who reads his speeches into "Hansard". However, I wish to return to the important issue of concern for the intellectually handicapped.

The Bill, which I commend, is part of a very constructive approach to the intellectually handicapped. It is long overdue, but as the Opposition spokesman has said, the Opposition welcomes it with a couple of qualifications. The Bill is founded upon the need for support for these people. That support contrasts with control. The history of legislation dealing with intellectually handicapped people and mental health in general has been characterised by measures of control that have been applied to their lives.

As I have said, the Ipswich community has a very keen interest in this Bill. It is very fortunate that the Ipswich community is sensitive to the needs of the intellectually handicapped, and it has demonstrated its ongoing concern by the proliferation of a whole range of support groups. I refer to voluntary agencies that have been formed by people who are committed to the betterment and normalisation of the lives of the intellectually handicapped.

Last week, in the debate on the Consumer Affairs Act Amendment Bill, I spoke about the endeavours of one such group called FOCAL. I know that honourable members come and go from the Chamber, but I ask those honourable members who have heard my narrative already to bear with me. A policy of normalisation cannot be pursued without an awareness of a whole range of new problems and experiences confronting the intellectually handicapped who, formerly, were within the walls of institutions.

As intellectually handicapped people become more self-reliant and as they are expected to play a role as a normal citizen, they are finding difficulties with consumerism. It is a new challenge for them. That many of these people cannot read or write does not set them apart from the community as a whole. Many people, such as migrants who cannot speak the language and children, who are not intellectually handicapped have difficulty reading. Some years ago, FOCAL, which has played a very important and responsible part in assisting the intellectually handicapped, endeavoured to have pictograms placed on commodities to enable the intellectually handicapped person who is illiterate to recognise the commodities for what they were and to be able to use them. In the International Year of the Disabled, FOCAL applied for and received a grant of $5,000 from the Commonwealth Government. However, manufacturers have shown little interest in pursuing the measure and make the point that pictograms are very costly. It was suggested that four pictograms would cost $15,000.

If intellectually handicapped persons are to try to live a normal life, when they go to the local grocery store and supermarket, which are self-service operations, it is important that they are able to tell the difference between sugar and salt and not fall into the trap that some have of mistaking cooking oil for shampoo. That sort of activity might seem very easy for most people but, for those people, this is a new trial. In fact, their very existence is full of trials. If the Government is to pursue this course of endeavouring to improve the lives of the citizens, as properly it should, it should be doing something to assist them in their role as consumers. That means that manufacturers, which up till now have not shown an interest in pursuing this very worthwhile project, should be cncouraged by State, Federal and foreign Governments to assist the intellectually handicapped as consumers. It is not something that would be only for Australia or Queensland alone; world-wide standards are needed.

Because of the expense, one cannot expect voluntary agencies such as FOCAL to carry the can for this very worthwhile project. That organisation simply does not have the resources to make a commitment to developing and marketing the symbols. I hope that the Minister will liaise with his parliamentary colleague the Minister for Employment and Industrial Affairs (Mr Lester), who indicated that he would write to me on this issue of Government action in this direction. I am still waiting for his letter.

In conclusion, I shall make a few remarks on the manner in which the Bill has come before the House. It is usually the case that, if I am discussing the manner in which a Bill is presented to the House, it is by way of criticism of the manner in which legislation is pushed through this Assembly without giving the public the opportunity to develop their arguments on that legislation. When the original Bill came before the legislature, it caused considerable outcry. At that time the Minister quite properly withdrew the Bill to obtain public comment and public submissions. That that does not happen more often is a shame, because the public is satisified that their inputs have been recognised and because the Bill before the House is a far more reasonable and acceptable piece of legislation, this time round there has not been the public outcry. That demonstrates the value of a process of consultation—a considered approach to legislation. It is unfortunate that the Government does not pursue this course of action across the board. Only this week, industrial legislation was trust upon the House without members having the opportunity to consider it before the Opposition was called upon to debate it. It is that sort of contemptuous attitude that the Government adopts to the processes of this House that brings the Government into ill repute. I am pleased that at least the Minister for Health has turned over a new leaf and I hope that other Ministers follow suit.

Mr HENDERSON (Mount Gravatt) (11.18 p.m.): I am pleased to take the opportunity of congratulating the Minister for Health on the design of the Intellectually Handicapped Citizens Bill, which will be supportive of intellectually handicapped adults living in Queensland. Honourable members will realise that, although a previous draft of this legislation was introduced into the House on 22 March 1983, the Bill before us has been redrafted after long and careful consideration to take into account the comments and concerns expressed by community members.

I was delighted to hear the member for Ipswich thank the Government and congratulate the Minister on his approach. Obviously he did not observe the look on the face of the honourable member for Chatsworth, who apparently has quite a differenet opinion on why the original Bill was withdrawn.

Much of this Bill's redrafting has been directed at improving the mechanism of providing services through the Bill and to ensuring that these are sensitive to the individual needs of intellectually handicapped adults and their families. Consideration of some of these provisions will enable members to recognise the importance of the Bill in the lives of intellectually handicapped adults in Queensland.

The Bill allows for the establishment of an Intellectually Handicapped Citizens Council, which will be responsible to the Minister for Health. This council will have five members who will be selected by reason of their knowledge of intellectual handicaps. As the membership selection criteria are not specific, a wide range of experienced people would be available for membership. This group could include parents, volunteers, or professional people who have worked in the field but, it should be noted, will not include people currently employed full-time by agencies working with intellectually handicapped people. This exclusion will avoid conflict of professional roles.

These council members will be appointed for a three-year term and, as the Minister for Health noted in his second-reading speech, provision has been made for the council to meet at varied locations throughout Queensland. The council members will thus develop a store of expertise in the complex and delicate area in which their responsibilities lie.

In order for intellectually handicapped people to gain access to the services provided by the council, an application for assistance will have to be made to the council.

The application can be made by the intellectually handicapped person himself or by a range of other persons who have a proper interest in the welfare of the intellectually handicapped citizens. This clearly means that not every intellectually handicapped adult in Queensland will automatically come within the province of the council. However, should any intellectually handicapped adult require the assistance of the council, the mechanisms are there to ensure his or her referral.

I envisage that many families may make application to the council on behalf of their intellectually handicapped family member to ensure that the interests of that person are protected in the future when family support may no longer be available.

When an application is received, the council is bound to consider this application and, if appropriate, offer the services to meet the individual needs of the intellectually handicapped person. It is important to understand how the decision to offer services or not will be made.

The council will organise a hearing to investigate the individual circumstances of each intellectually handicapped person referred to it. This hearing can only address itself to the issue of the functional competence of the intellectually handicapped person. No other irrelevant information about which the family may be sensitive is to be considered.

The Bill clearly supports the right of the intellectually handicapped person himself to be present at the hearing together with the nearest relative and other genuinely concerned people. A council hearing is an information-gathering process conducted so that the people attending are able to participate fully and informally. There is, however, the possibility of any necessary representation being allowed with the approval of the council. This might include legal representation that any person entitled to be present at the hearing is able to request.

Where the intellectually handicapped person is so disabled that he or she cannot attend the place where a hearing is held, the council is able to arrange for the person to be visited and for appropriate representation before the council. This may occur with very severely disabled people who would be seriously stressed by travelling to another place.

Before the hearing is held, an officer of the council is required to collect information relevant to the functional competence of the intellectually handicapped person and to present that information at the hearing.

The council can only offer services or refuse an application on the basis of the information presented concerning the functional competence of the intellectually handicapped person. I stress that, should concern about the decision be expressed by parties involved in the hearing, the provision exists to request a subsequent review of the decision or to make a formal appeal, through the Supreme Court, against the decision.

In any event, provision is made for mandatory review—I emphasise the word "mandatory"—by the council on a two-yearly basis or earlier, if requested, so as to recognise that both the abilities and disabilities of any person may change in the course of time.

To provide an individual, needs-based service, the council can offer any one type, or a combination of five types, of service. This includes provision of free legal advice to the intellectually handicapped citizen and his family; varied levels of assistance, with the giving of written consent to medical or dental procedures; liaison with service-providers; assistance with estate management through the Public Trustee; and the appointment of a volunteer friend. I will outline each of these in more detail so that honourable members are able to appreciate their relevance to intellectually handicapped adults.

As more intellectually handicapped adults are coming to live in the general community from the protected environments of their family or a residential facility, a number of legal issues may confront them. These legal issues generally require not only the expertise of a lawyer for clarification but also a specific understanding of intellectually handicapped people and their needs. This combination, which is usually difficult to attain, will be possible through the Legal Friend appointed under the Bill. This officer, who must be a solicitor or barrister-at-law, will be required to perform two main functions—to provide legal advice and to assist in giving consent.

It is necessary for the Legal Friend to assist in giving consent only in limited circumstances. It is only where an adult is required to give his or her written consent for medical or other professional treatment that the Legal Friend may have a role to fulfil. However, where such occasions arise, it is obviously a matter of vital importance to the individual intellectually handicapped person concerned.

The Bill provides four options for securing a valid consent on behalf of an intellectually handicapped citizen. These allow for the intellectually handicapped citizen to give consent himself; for him to be assisted by a relative in giving consent; for him to be assisted by the Legal Friend in giving consent or for the Legal Friend to give consent on his behalf.

In giving this informed consent on behalf of the intellectually handicapped citizen, the Legal Friend is not acting as a guardian or in the role of a parent or even an adviser. He is standing in the place of the intellectually handicapped citizen, as if he was that person, and his approach to the situation is framed accordingly.

All honourable members will realise that this range of options gives a great deal of flexibility to the council in assisting intellectually handicapped adults with this complex personal responsibility.

Where a person is so severly impaired that the full task of giving consent must be undertaken by another person on his behalf, the Bill allows a further option of filling the role of the Legal Friend by a suitably qualified legal practitioner nominated by a person entitled to be present at the hearing. This enables a significant degree of flexibility to meet particular situations.

The Bill further allows for the delegation of the Legal Friend's powers to other solicitors or barristers-at-law in Queensland. Such delegation will help to overcome the problems of distance associated with the provision of personal service in Queensland.

The council and its officers will also have a role to play in contacting agencies which provide services for intellectually handicapped people. This role is within the context of ensuring that the services provided are the most appropriate and the least restrictive for the individual intellectually handicapped person.

While the Bill is not concerned with matters of finance or property, the concern for the intellectually handicapped citizen extends to provide for referral to the Public Trustee where indicated. This may occur where the council is concerned that an intellectually handicapped person may be being disadvantaged or subjected to undue influence regarding his estate. The council is thus able to refer him to the Public Trustee so as to ensure that his interests are protected. In a situation where the Public Trustee finds that private trust arrangements exist, these private arrangements will not be interfered with as long as the intellectually handicapped person is not being disadvantaged.

Finally, the council is also able to suggest that the intellectually handicapped person should be assisted by a volunteer friend. This service would only be offered where the intellectually handicapped person is without the particular social support usually provided by family and friends. The role of the volunteer friend is to provide that social support to the intellectually handicapped person and to be concerned about his welfare as a friend. The volunteer friend has no authority under this Act or professional status.

In every facet of their roles, the members and officers of the council and other helpers such as volunteer friends must respect the integrity of the individual and his

family situation. There is special provision made for circumstances in which officers or members of the council have cause to be concerned about the welfare of the intellectually handicapped citizen because they have been denied access to him.

Where such circumstances arise, an application is able to be made by the executive officer, with the prior approval of the chairman or member of the council, to a justice for a warrant to achieve such access. It is emphasised that this is to enable an appropriate person, accompanied by a police officer who must execute the warrant, to interview the person concerned and to ascertain the circumstances.

It is recognised that this is an extremely difficult area in which to establish legislation. It is difficult to interpret philosophies and principles of needs and disabilities into the language of legislation and to set up procedures and mechanisms that will reflect these. However, I feel that this has been successfully achieved, and I commend the Minister on the way in which this legislation seeks to ensure and enhance the personal dignity and rights of those involved.

Hon. B. D. AUSTIN (Wavell—Minister for Health) (11.31 p.m.), in reply: I thank all honourable members for their contributions to the debate this evening. I will not attempt to deal with those contributions individually, with the exception of one that I will deal with at some length.

The Opposition spokesman raised the matter of the Bill needing to be redrafted, and I presume that that matter was raised because of pressure emanating from the Australian Labor Party. I make it quite clear that although it may not appear in "Hansard" at the time when the Bill was brought forward—and this is true not only of this Bill but also of the Bill to amend the Mental Health Act—the intention was to allow time for public comment on the proposals contained in it. A response in the form of public comment has been received, and I appreciate comments that have been made by various groups and individuals within the community, because each one has made a very positive contribution to the final form of the Bill that is presently before the House.

I can say generally in reply to the comments made by honourable members who took part in the debate that the present draft of the Bill does not vary the basic principles that were set out in the first draft. It merely sets out more clearly and in more detail the way in which the Bill will be implemented. The redrafting occurred in response to concern that had been expressed by many families.

As it was set out in the initial draft, the role of the volunteer friend was grossly misunderstood. The basic fear was that volunteer friends would be trained as volunteers and would not adopt a professional role. Redrafting of the Bill has made the role of a volunteer friend much clearer.

Honourable members have referred already to the satisfaction of recognising oneself as a part of a family. The policies of the Department of Health certainly support the concept of the role of the family, and the department has an excellent record of providing support care within the natural family. However, the Department of Health does not have a policy of hasty placements into residential care because the department has adjudged that families are incapable. Even if that were the case, nothing has been set out in either the present draft or the previous Bill that would enable anyone to remove a person from a family. The present draft underlines the role of the family through one of the provisions stipulating mandatory consultation by the Legal Friend with the family.

No differentiation has been made between so-called good and bad families. The Bill does not presume that a family or anyone else will reject an intellectually handicapped citizen. However, in the light of the realities, the Bill contains sensible and careful provisions such as the clauses providing for access and for the referral of matters to the public trustee, which will assist in preventing exploitation.

The Bill makes a presumption—and rightly so—that an intellectually handicapped person is an adult. It should be noted that many intellectually handicapped persons will

66531—133

not be referred to the council until such time as a family is unable to provide care for them. In such cases, the family role will continue unchanged until the crisis occurs.

As I said at the outset, most of the matters that have been raised in the House have been covered by members on the Government side. I was pleased to note that many of the matters raised by individual Government members were raised also by members of the Opposition. It is pleasing, indeed, to participate in a debate in which a Bill before the House appears to have a great deal of support from all honourable members in the Chamber.

Only one member marred what I believe was an extremely important debate, and that was the honourable member for Windsor (Mr Comben). The honourable member appeared to be totally ignorant of the difference between an intellectually handicapped person and someone who has a mental illness. I certainly found it very difficult to judge whether he knew the difference.

The answer really became very clear to me when the honourable member referred to a rather confused article that appeared in today's "Telegraph" From the manner in which he quoted the lady referred to in the article, he knows her personally. He spoke about Ms Joan Ross. The article began—

"The Queensland Human Rights Commission had received complaints about the care of intellectually handicapped people in private hostels, director, Ms Joan Ross, said today."

The article continued—

"She supported claims made in State Parliament yesterday that mentally handicapped patients were being denied 'basic freedoms'."

In the first part of the article, she referred to intellectually handicapped people; then she switched to the term "mentally handicapped people" I can see that the honourable member for Windsor is now checking the article that he quoted so authoritatively.

The article continued—

"The ALP backbencher, Mr Pat Comben, told parliament that a Health Department report showed that large boarding houses and hostels for the care of mentally disabled patients. . "

So, at the begining of the article, there was reference to the intellectually handicapped, it then progressed to the mentally handicapped and finally referred to mentally disabled patients; yet, during his speech, the honourable member quoted that article as an authoritative source. I suggest that the honourable member might like to contact the director of the Queensland Human Rights Commission and ask her whether, if she is so concerned about the rights that she says those people are being denied, she has written to the Queensland Minister for Health lodging complaints. She has not!

Mr Innes: With all the staff she has been given, she needs to drum up a little bit of business.

Mr AUSTIN: Exactly. She has not even bothered to write to me. How sincere is a woman who heads a commission in this city and arranges an article in the "Telegraph" today, yet does not have the decency to correspond with me regarding a matter that the honourable member obviously raised with her? She has no credibility whatsoever when she pulls that sort of trick.

Mr Underwood: She adopts your tactics.

Mr AUSTIN: The honourable member will learn about those tactics now.

The honourable member for Windsor referred to part of a report that he did not table yesterday in this Chamber but which he circulated to the media. I managed to get hold of a copy of the report from which the honourable member quoted. He said that it was an extensive Health Department report. In fact, the document that the honourable

member circulated to the media comprised about 20 pages of a report which ran to over 100 pages. Honourable members will now hear some facts.

Mr COMBEN: I rise to a point of order. The Minister is misleading the House. I do not know where he got any information about my having had 20 pages. I do not know the number of pages that I had, but any document that I gave to someone was in someone's possession. I can only presume that the Minister has stolen that document from someone.

Mr DEPUTY SPEAKER (Mr Row): Order! There is no point of order. I do not think there is any real personal reflection.

Mr AUSTIN: The honourable member has alleged that I stole the document. Actually, I did not steal it; a journalist offered it to me freely. That leads me to the next point. The honourable member obviously has a very guilty conscience about the person who stole the document from the Health Department—a very guilty conscience indeed.

Let me continue. The document that the journalist handed to me had no page numbers on it. One would question why a report that I have in my possession which has page numbers would have been circulated to the media without page numbers. I will explain that to you, Mr Deputy Speaker. It was done to deceive the media, because sections were left out of the document that the honourable member circulated.

Mr COMBEN: I rise to a further point of order. The Minister is again misleading the House. The simple answer is that the photocopier here was not large enough to include the page numbers.

Mr DEPUTY SPEAKER: Order! I point out to the honourable member for Windsor that in raising a point of order a moment ago he negated his own point of order by then suggesting that the Minister was untruthful. Therefore, I do not think that there is any point of order.

Mr AUSTIN: I thank you, Mr Deputy Speaker.

Mr Mackenroth: If the honourable member for Windsor was trying to deceive someone, why don't you table the full report?

Mr AUSTIN: I have not finished yet.

The honourable member said that the photocopier was not big enough to include the page numbers. It must be a strange photocopier, because the recommendations were left out of the report. I wonder what size of photocopier would be needed to include the recommendations. Why did it leave out the good part? Why were not the recommendations in the report that was circulated to the media? I find that very difficult to understand.

For the enlightenment of the House, and particularly for the benefit of the honourable member for Windsor, I will cite a few facts. Persons who have been treated in psychiatric hospitals, clinics and general hospital units can, if necessary, be followed up by—

(1) community support services;

(2) after-care services of various kinds;

(3) community-based clinical services—specialised and general; and

(4) private general practitioners, specialists, etc.—to ensure that they receive adequate care and attention and are not subject to abuse or exploitation.

Staff in the psychiatric hospitals and general hospitals take professional responsibility for ensuring that people are not discharged prematurely and for helping to arrange for placement of such persons in suitable accommodation as necessary. They also take responsibility for arranging any necessary follow-up care. The overwhelming majority of such persons are not regulated under the Mental Health Act at time of discharge and

are free citizens—free citizens—with full legal rights, who are entitled to choose their accommodation, their care and their treatment. Many return to their own homes and families, individual flats or shared rented accommodation.

Those persons who require guidance and help with accommodation and care can receive professional assistance from the services I have listed.

Within the Health Department, clinical, caring and support services for persons who have experienced mental illness or have recovered from mental illness, or are prone to mental illness, or continue to experience a degree of mental illness or disability which does not warrant hospitalisation, have been steadily expanding and developing.

In Queensland, within the Division of Psychiatric Services alone, approximately 100 mental health probation officers are functionally providing these services from hospitals and after-care services, community clinics and the Community Support Service. During the next few months these services based on the community clinics will steadily expand to the Woodridge, inner metropolitan, outer northern metropolitan and Rockhampton regions.

Mr Underwood: When will they go out there?

Mr AUSTIN: This year.

Mr Underwood interjected.

Mr AUSTIN: I ask the honourable member to wait a minute. I will deal first with the honourable member for Windsor.

The Community Support Service was set up by Cabinet as a result of the report. This represented a significant expansion and development of existing services. It is unique to Australia—so much for the honourable member's statement about other States!—as being largely a client-centered service which employs dedicated social workers and associates, nursing staff and administrative personnel to ensure that the group of persons whom I have described above are adequately cared for and accommodated and are in receipt of proper treatment. It uses the case-management approach and also endeavours to co-ordinate the above-mentioned service and those provided in other health and welfare agencies, including private and voluntary sectors, in the best interests of the individual clients.

This particular program, in conjuction with other services, has been very successful in raising standards of care and accommodation of its client group.

The Community Support Service and after-care services of various kinds employ about 50 professionals across the hospital and community complex of services and spend in the order of $3m a year. That expenditure is increasing. The total funding for the care and treatment of mental health services of the Health Department and general hospitals for persons resident in the community, etc., is in excess of $10m. That expenditure provides for good-quality treatment and care and accommodation for the mentally ill person or persons who have experienced mental illness.

Mr Underwood: Tell us about the lack of staff.

Mr AUSTIN: I intend to speak further about the contribution made by the member for Windsor.

Last night the honourable member for Windsor appeared on the television program "State Affair" I believe that that program always attempts to present a reasonably balanced view. Some of my colleagues may not agree with that.

It was interesting to note that the honourable member for Windsor had a fair go on the program. He was interviewed by the host of the show for a considerable period and allowed to say what he liked. Although I was given the opportunity to appear on that program tonight, when I found out that some of the so-called inmates were to

appear on the program, I declined to appear on it, hoping that they would be given the opportunity to tell the truth.

What the program did tonight was rehash what the honourable member had said last night. He said that the establishments were dirty and that the people in them were filthy and underfed. It must be borne in mind that the program tried to portray an unbiased view.

The first patient was asked, "How do you like it here?" He replied, "It is terrific. I get fed well and it is clean and tidy." Patient after patient who was interviewed totally refuted anything that the honourable member for Windsor had said. That is a far better recommendation than any recommendation that I could make on the program. The patients themselves said that. They gave the honourable member the greatest rebuff that he could receive.

The honourable member for Windsor said something about human rights and human dignity. He used those terms. What did he do by going public in this Chamber and naming those institutions? He gave the names to the media, thus allowing them to go into those institutions and invade the privacy of people who suffer from some degree of mental illness. That man there gave out that information in this Chamber yesterday. Now the media have it.

Mr Hamill: What are you trying to hide by it?

Mr AUSTIN: I am not trying to hide anything at all.

The honourable member for Windsor spoke about civil liberties. The people in those institutions have certain civil liberties, and they do not want them eroded by persons such as the honourable member for Windsor. Some of those people have friends and relatives in the community. Tonight, as a result of what the honourable member did irresponsibly in this Chamber, they were subjected to television coverage.

The honourable member for Windsor had the right to say what he did say in this Chamber, but, in my view, he did not have the right to name the institutions without any evidence. Today, he exposed to the media some of those people who suffer from varying degrees of mental illness. I do not believe that that is the correct and proper thing for a person who says that he cares about human rights to do.

I do not know what the honourable member for Windsor thought he was doing, but he undermined the efforts of some very dedicated and loyal staff within the department and within our institutions. Some of them were disgusted at what had gone on. What the honourable member did had the capabilities of totally undermining a program that has taken two years to establish. He has just about ruined the whole program. Knowing that persons such as the honourable member for Windsor will tell the public where they are, some of those people will not go to those institutions.

Maybe some good proprietors are petrified that he will make unsubstantiated allegations about their institutions and the patients in them, and they will be reluctant to accept that type of patient. It is simply not good enough for a member of Parliament to get up in this Chamber and deprive people who have chronic mental illness of their liberties.

The honourable member for Windsor did worse than that. One of the institutions that he named in this Chamber yesterday was the Eton Private Hotel. Some honourable members in the Chamber laughed. I suppose everyone knows why they laughed. The honourable member criticised one of the institutions that he has some responsibility for administering. He will have to answer to his peers for that. Some of them have already contacted my office.

I hope that the honourable member for Windsor is satisfied about what he did yesterday. He could have destroyed a program that has taken my department some time to implement. He has invaded the civil liberties of people who are suffering from mental

illness. Today, he has had the television cameras at the institutions. No doubt the newspaper photographers have also been there. I hope that the honourable member is extremely satisfied.

I thank every other member who has contributed to the debate. Most of their contributions were very meaningful. I hope that the effort that has been put into the Bill by my departmental officers and community groups will be rewarded by the operation of the Bill.

Motion (Mr Austin) agreed to.

Committee

Mr Menzel (Mulgrave) in the chair; Hon. B. D. Austin (Wavell—Minister for Health) in charge of the Bill.

Clause 1—Short title and commencement—

Mr COMBEN (11.51 p.m.): I will reply to the incoherent, maniacal ravings of the Minister for Health about some of my earlier remarks.

The Minister prefaced his remarks about the range of support facilities available and the $10m that is to be spent by saying "can, if necessary" He did not say that the facilities were being provided and that patients were using them. He merely said that the patients could have those facilities if necessary. He was hedging his bets because he knows that those facilities are not available to every patient who has recently been released from a mental institution.

The Minister said that the community support program was set up as a result of the report from which I quoted. For the third time I will read from the introduction of that report as follows—

> "On 22nd April, 1983, the Director of Psychiatric Services, Dr. G. S. Urquhart, initiated two actions in response to increasing concern about the circumstances"——

Mr AUSTIN: I rise to a point of order. Mr Menzel, I draw your attention to the title of this Bill. As I pointed out before, the honourable member has some difficulty understanding the difference between an intellectual handicap and mental illness. He is referring to mentally ill patients and not to intellectually handicapped people. I seek your ruling, Mr Menzel, as to whether he is entitled to speak about that under clause 1.

The TEMPORARY CHAIRMAN (Mr Menzel): Order! I take the Minister's point, and I ask the honourable member for Windsor to speak to the clause.

Mr COMBEN: I am speaking about a matter that is contained within the definitions in the Bill, because I am referring to citizens who are limited in their functional competence by reason of intellectual impairment. That relates to people who are mentally incapacitated, and they are covered by the report from which I am trying to read. The report continues—

> ". . . increasing concern about the circumstances of discharged chronic psychiatric patients living in a range of accommodation facilities."

Mr AUSTIN: I rise to a further point of order. I must object to this. Intellectually handicapped people are not necessarily——

Mr Comben: Can't you take it?

Mr AUSTIN: Yes, I can take it.

An Opposition Member interjected.

Mr AUSTIN: I will in a minute, but I just want to get this in. Intellectually handicapped people are not necessarily mentally ill. I wish that the honourable member would understand that. If I had an intellectually handicapped child, I would find the honourable member's attitude offensive.

Mr Mackenroth interjected.

Mr AUSTIN: That is right, because some intellectually handicapped people may be mentally ill.

Mr Mackenroth: Therefore he's right.

Mr AUSTIN: No, he is not, because the Bill is exclusive.

The TEMPORARY CHAIRMAN: Order! I take on board what the Minister has said, but I will allow the honourable member for Windsor to finish his sentence. I will then expect him to speak strictly to the Bill.

Mr HAMILL: I rise to a point of order. Clause 4 defines very clearly what is and what is not an intellectually handicapped citizen and states that intellectual impairment can result from illness. That suggests that the Minister's point that the two conditions are not mutually exclusive is a little spurious. I think that your ruling, Mr Menzel, should take that into consideration.

The TEMPORARY CHAIRMAN: Order! I call the honourable member for Windsor.

Mr COMBEN: I thank you, Mr Menzel, for your tolerance and indulgence.

The report was referring to actions that had already been taken to establish an interim community support program. However, the Minister has said that that program was set up as a result of the report. That is spurious. This evening the Minister said that patient after patient appeared on "State Affair". In actual fact only three patients appeared on that program. As the Minister said, those patients are free people. He cannot in one sentence say that it is a free person and in the next say that the Opposition is invading a sick person's liberty. As far as the Church of England is concerned——

Mr Austin: I did not mention the name of the church.

Mr COMBEN: The Minister mentioned the name of the church during question-time yesterday morning.

The TEMPORARY CHAIRMAN: Order! The honourable member for Windsor is totally out of order, and I ask him to resume his seat.

Clause 1, as read, agreed to.

Clauses 2 to 15, as read, agreed to.

Clause 16—Function and duties of Council—

Mr GYGAR (11.56 p.m.): I ask the Minister for some clarification in respect to clause 16 (2) (b), which provides that the council must ascertain whether the citizen is competent in law to make informed decisions. If the citizen is not competent, the Legal Friend is brought in. I have endeavoured to ascertain what "competent in law" means because, in his second-reading speech, the Minister said—

> "However, the provision of either the Legal Friend or another legal practitioner to act on a citizen's behalf would occur only—"

I stress the word "only"—

> "when he was unable to act on his own behalf, either independently or with the support of a relative or of the Legal Friend."

No-one would dispute that what the Minister said in his second-reading speech is the most desirable course, that such assistance should be given only when they are unable

to act on their own behalf, either independently or with the support of a relative. I do not think that it is the intention of the Bill to lock out the parents. However, there may be a significant difficulty with the words chosen to implement that course, because when one seeks a definition of what "competent in law" means, one cannot find one becuase that phrase is not known to law. From my research and that of the Parliamentary Library, that phrase has not been judicially determined. I am a little afraid that, by choosing those words, the legislation may in fact impose a test which is different from that which the Minister proposes. The Minister's test is a wide one. Basically it is a commonsense approach.

The use of the phrase "competent in law" may cause some difficulties. The first authority I could find is Black's Law Dictionary, which states that "competency" has been defined by the courts as meaning "without mental disability or incapacity", which is a dangerous definition for this Act. My second authority is Stroud's Judicial Dictionary of Words and Phrases. It states that a "competent person" is "a person who is practical and reasonable and who knows what to look for and how to recognise it when he sees it." I do not dispute the Minister's intention or that he means what he said in his second-reading speech. I am just a little concerned that the words chosen to express that intention in the Bill may in fact impose a stricter legal definition than that which was intended by the Minister or by this department. I sound a note of warning on that and ask the Minister whether there is information available to him and his officers that will explain why that particular form of words was used in the drafting and if, in fact, the Minister is confident that the form of words used will not be to the detriment of the family's involvement, which is what is intended, and in fact will bring about the effect that he seeks.

Friday, 8 March 1985

Mr AUSTIN: My advice is that those words were specifically inserted by the Parliamentary Counsel. I accept the point made by the honourable member relative to intent. What will happen is that the council will engage its own legal advisers to give it competent legal advice so that it knows where it is going. As the honourable member would know from the contents of the Bill, there need not necessarily be a solicitor on the council. The council will have power to engage its own legal advice. I would expect that it would consult its own counsel on matters of law.

Mr INNES: As to the last matter raised by the Minister—one often hears about lawyers accused of pushing their own barrow. Without any suggestion of lawyers being involved in barrow-pushing, I point out that the organisation to which I referred earlier—the Queensland Parents of the Disabled—believes that it would be highly desirable if the chairman or at least a member of the council were legally qualified. That is not specified in the Bill. That would practically provide some legal expertise in the council to allow its members to make effective decisions and to follow the Act.

As long as the administration of the Act is as the Minister outlined, I share his views and the views of the member for Stafford (Mr Gygar). The use of the phrase "competent in law", before getting round to the qualifications, tends to suggest that the citizen must be able-minded and totally able to arrive at his own decisions. That would be the ordinary meaning of "competent in law", unless one moves straight on to qualify it in the way in which it is intended. There could be an ambiguity in the Bill that should be taken on board and checked with the Parliamentary Counsel or the Crown Solicitor to see whether it should be amended in due course.

Mr AUSTIN: I thank the honourable member for his comments. The question of having a legal person on the council was raised, as the honourable member said, by the Queensland Parents of the Disabled. I have a copy of the newsletter. I think that the honourable member had a copy of the newsletter when he was speaking. The Government, my department and I have specific views in relation to the suggested reasons for appointing legal persons to the council. If a legal person is appointed to one of my hospital boards

or to a council, I believe that he is not entitled to, nor should it be expected of him because he is lawyer, to provide free legal advice to that board or council. My view is that in this instance the council will seek its own counsel from private sources. It could well be that if a legal person were the chairman or a member of the council, a conflict of opinion or some other problem could arise. The council would operate far better by consulting its own legal advice from persons outside the sphere of influence of the council.

Clause 16, as read, agreed to.

Clauses 17 to 25, as read, agreed to.

Clause 26—Legal Friend—

Mr MACKENROTH (12.3 a.m.): During the debate on the second reading, I foreshadowed that I intended to move an amendment to this clause. The Opposition does not believe that the Government should have the right to extend the responsibilities of the Legal Friend by simply inserting a notification in the Gazette. If we are to have a law and if we are to debate the responsibilities of the Legal Friend, the responsibilities of that person should be defined in the Act. If those responsibilities need to be extended, the Act should be further amended rather than publish a notification in the Gazette. To try to make sure that that happens, I move the following amendment—

"At page 11, omit all words comprising lines 36 to 38."

Mr AUSTIN: The Government does not accept the amendment as proposed by the Opposition.

Mr Mackenroth: That's a surprise.

Mr AUSTIN: The Government does not accept the amendment moved by the Opposition, and I will tell honourable members opposite why. One of the community groups that approached the Government requested that these things be published so that they would be well aware of what was happening in the system. If they were not published, the process would tend to be secretive. The Government agreed with the suggestion of community groups that those things be published. In my opinion, those words should not be removed.

Mr MACKENROTH: The Labor Party does not disagree that those things should be published. Opposition members agree that, if the council is to be given the right to extend the provisions that are in the Act, it should be published. The Opposition objects to the fact that the Minister will be able simply to notify, in the Government Gazette, extensions of the responsibilities of the Legal Friend. Opposition members are of the opinion that, if those responsibilities are to be extended, it should come back before the Parliament. The matter should be debated and the Parliament, not the council or the Minister, should decide whether or not those responsibilities should be extended.

Mr GYGAR: I hope that the Minister takes on board the fact that a considerable amount of concern has been expressed by some parent groups who feel threatened by the concept of the Legal Friend. They feel that they might be shut out. I am sure that that is not the intention of the legislation. In fact, the balance of the Bill taken as a whole indicates that that is not intended at all.

However, provisions such as clause 26 (3) (b) make people unnecessarily and unduly suspicious. Many of the doubts that have arisen could be solved this evening if the Minister could give a clear indication of what extensions are intended because, on the face of it, the Bill gives an untrammelled right to extend the power of the Legal Friend right across the board. If the Minister offered some public assurances about the consequences of that power and how it will affect people—in particular, parents—and their responsibilities and powers, much of the present disquiet could probably be allayed.

Mr AUSTIN: I will do my best to answer the honourable member's point. However, I am not sure that I can. In this matter, it is difficult to define where in fact the Legal Friend may become involved or may not become involved. If unforeseen circumstances do arise, the powers may have to be enlarged. I have no idea what those circumstances might or might not be. However, if unforeseen circumstances do arise and need to be dealt with urgently, the very unusual and ridiculous situation would arise of having to wait for Parliament to resume, if the Government does what the Opposition wants.

Mr Mackenroth: We have been waiting for six years for this legislation to be introduced.

Mr AUSTIN: The honourable member should not make such statements.

Mr Mackenroth: We have waited two years for it to come back before the Parliament.

Mr AUSTIN: Considerable discussion and negotiation has taken place on a very delicate and sensitive subject. That has taken a long time. I can assure the honourable member that it has not been an easy task. Quite frankly, it is fortunate, because of the delicacy of the matter, that the Bill is before the Parliament this evening.

That is the best explanation that I can give—unforeseen circumstances. I am sorry that I cannot give iron-clad guarantees.

Mr Gygar interjected.

Mr AUSTIN: That is probably right. Much difficulty was encountered even in drafting definitions for the Bill. It is a very difficult area.

I want to assure the honourable member—and I know that he will accept the assurances that I gave in my second-reading speech—that there is certainly no intention to do the things that a few organisations have suggested.

As I said, a number of groups in the community made a significant contribution to get the Bill into shape. A few groups that were deliberately not consulted made some destructive comments. My department did not discuss the matter with one lady who lives down Redcliffe way, because some of the rumours spread about myself and the contents of the Bill were quite scurrilous.

Mr White: You are not referring to one of my constituents, are you?

Mr AUSTIN: The honourable member for Redcliffe knows that lady very well. She puts out that monthly magazine.

The kinds of people to whom I refer have not been consulted about the provisions of the Bill. I really cannot answer the honourable member for Stafford any better than that.

Mr HAMILL: It disturbs me to hear the Minister say that he is unable to be specific. What the Minister is really saying is that he would like to spell out the provisions of the Bill for all honourable members, but he really cannot do it. "Trust me."—That is really what the Minister is saying. That is probably what the Minister tells the people of Wavell and, no doubt at the last election, that was what he told the Liberal Party when he was re-endorsed.

It is a matter of great concern to people when government is effected through regulations. All the Minister is saying is that he really does not know what other powers must necessarily be vested in the Legal Friend, but everything will be all right because the powers will be set out and published in the Queensland Government Gazette. The Minister proposes not to bring the Bill back to Parliament. Honourable members will be unable to allay the fears of the very people who have expressed an attitude that the Government says it wishes to take into consideration in terms of the Bill.

I foresee no dangers in accepting the amendment that has been moved by the honourable member for Chatsworth (Mr Mackenroth) because it recognises the concern felt by the public about the enormous powers which are provided through regulations, and which have a consequence upon the civil liberties of the people the Bill is purported to protect.

Accepting that it is not unusual for legislation to be repeatedly presented in the Parliament to bring about amendment—and examples of that are to be found in the legislation that has been brought forward this evening—it is not an unreasonable request that the Government accede to the amendment to ensure that the rights of handicapped people will be considerd by the Parliament and will not be quietly carried out by Order in Council published in the Queensland Government Gazette. Approving the amendment would satisfy the very real community fears that exist of disadvantageous effect to the rights of a group of people in the community who are least able to fend for themselves, as the honourable member for Windsor (Mr Comben) mentioned earlier.

Question—That the words proposed to be omitted from clause 26 (Mr Mackenroth's amendment) stand part of the clause—put; and the Committee divided—

AYES, 44		NOES, 15	
Ahern	Knox	Braddy	
Alison	Lane	Burns	
Austin	Lee	Comben	
Booth	Lickiss	Eaton	
Borbidge	Lingard	Goss	
Cahill	Littleproud	Hamill	
Chapman	McKechnie	Kruger	
Cooper	McPhie	Mackenroth	
Elliott	Miller	McLean	
FitzGerald	Muntz	Palaszczuk	
Gibbs, I. J.	Newton	Shaw	
Glasson	Powell	Underwood	
Goleby	Randell	Vaughan	
Gunn	Row		
Gygar	Simpson		
Harper	Stephan		
Hartwig	Stoneman		
Harvey	Turner		
Henderson	Wharton		
Innes	White		
Jennings			
Katter	*Tellers:*		*Tellers:*
	Kaus		Davis
	Neal		Warner

Resolved in the affirmative.

Clause 26, as read, agreed to.

Clause 27—Applications for approvals and reviews—

Mr UNDERWOOD (12.21 a.m.): I ask the Minister a question about the differences between services for mentally ill people and those for intellectually handicapped people. Earlier the Minister made great play on this matter. Has he given consideration to divorcing the services for the intellectually handicapped from the services for those who have mental illness? In other words, will he definitely separate the intellectually handicapped services from the administration and philosophy of the current medical administration, so that the intellectually handicapped services will have greater freedom to pursue more relevant services for intellectually handicapped citizens? That is mooted in a number of areas. Is consideration being given to that question?

Mr AUSTIN: The honourable member has raised an administrative matter within my department, which, quite properly, rests within the department. I will take on board his suggestions.

Clause 27, as read, agreed to.

Clause 28, as read, agreed to.

Clause 29—Proceedings by Council on applications—

Mr MACKENROTH (12.22 a.m.): During the second-reading debate, I foreshadowed that the Opposition would move an amendment to this clause. Opposition members do not believe that the council should have the right to decide whether or not a person going before the council should be represented by a solicitor or barrister, if the person who appears wishes to be represented. A person appearing may be doing so because somebody else has asked the council to consider his case. Such a person could be a relative who has attained the age of 18 years, a member of the police force, an officer of any court, an officer of the council or any other person who has attained the age of 18 years who appears to the council to have a proper interest in the welfare of the citizen.

Almost anybody can appeal to the council and ask that somebody appear before it so that the council may decide whether the person is intellectually handicapped. Such a person appearing should have the right to be represented legally at the council meeting to put his case if that is his wish. I do not believe that the council should make the decision, because the council in this case is the jury. The jury should not have the right to decide whether or not a person should be represented.

A similar situation arose when honourable members were debating the Mental Health Act, and on that occasion the Opposition moved an amendment. Once again, we intend to move an amendment to give any person the right to be legally represented before the council. I therefore move the following amendments—

"At page 14, lines 4 and 5, omit the words—

'as the Council authorizes in a particular case' ";

"At page 14, lines 8 and 9, omit the words—

'if the Council determines that legal representation is warranted'."

Mr INNES: The Liberal Party takes this Bill seriously. That is why it is the only party with all members present.

Mr Hartwig interjected.

Mr INNES: I am sorry; all of the Independent party for Callide is here.

Earlier, I was talking about the barrow-pushing for lawyers. On this occasion I will push a barrow on behalf of a very large group of citizens, that is, the parents of the disabled. They believe that this is a very important matter. It is again a matter of the Legal Friend—somebody else being appointed from outside the family group to make an effective and important decision. At that stage the parents are entitled to be represented.

The Liberal Party believes that the Opposition's amendments have merit. This is one of the crucial matters about the rights of parents or relatives and the intellectually handicapped person against exterior intrusion. As the honourable member for Chatsworth said, if people are taken before the council by a police officer or another person, many of the relatives or aged parents are, frankly, not capable of putting their case as they would like to put it, and many want someone to speak for them and put their case at the highest level.

One of the decisions that has to be made by the council is whether an intellectually handicapped person can still make an effective decision or an effective decision with the support and assistance of a relative. That is the first question to be decided, and that is a matter that obviously can involve advocacy. Many of the relatives and parents are not adept at putting a case and want somebody else to put the arguments for them or to make an examination of the evidence to assist their case.

This is a fundamental matter and it is at the heart of this feeling that things can be done contrary to a person's will and interests. On behalf of the Liberal Party, I ask

the Minister to accept the amendments moved by the honourable member for Chatsworth. The Liberal Party believes that they have merit. In the interests of caring relatives and parents, the Liberal Party supports the amendments.

Mr AUSTIN: The Government does not accept the amendments. As the honourable member for Chatsworth said, the matter was raised during the debate on the mental health legislation. That legislation and this legislation were drafted in parallel and they contain similar provisions.

The Government does not believe that the council is a court. It was never intended that the council should be turned into a court.

Mr Innes: It determines rights.

Mr AUSTIN: I am coming to that. The council is designed to assist people, not to punish them.

Opposition members are suggesting that a lawyer should be present at council hearings. The council will comprise a fine body of people who will assist these people. It is nonsense for Opposition members to suggest that a lawyer should be present to preserve the legal rights of people.

If someone is dissatisified with a decision of the council, a right of appeal is provided in the Bill. Lawyers can be present at that appeal and they can subject their client, if they wish, to a court case. The Government does not believe that, at the inquisitorial or information-gathering stage, intellectually handicapped people ought to be subjected to the processes of the law. As I say, if people are dissatisfied with what goes on at the council hearing, they have a right of appeal.

Question—That the words proposed to be omitted from clause 29 (Mr Mackenroth's first amendment) stand part of the clause—put; and the Committee divided—

AYES, 36		NOES, 22	
Ahern	Lane	Burns	White
Alison	Lingard	Comben	
Austin	Littleproud	Eaton	
Booth	McKechnie	Goss	
Borbidge	McPhie	Gygar	
Cahill	Miller	Hamill	
Chapman	Muntz	Hartwig	
Cooper	Newton	Innes	
Elliott	Randell	Knox	
FitzGerald	Row	Kruger	
Gibbs, I. J.	Simpson	Lee	
Glasson	Stephan	Lickiss	
Goleby	Stoneman	Mackenroth	
Gunn	Turner	McLean	
Harper	Wharton	Palaszczuk	
Harvey		Shaw	
Henderson	*Tellers:*	Underwood	*Tellers:*
Jennings	Kaus	Vaughan	Davis
Katter	Neal	Warner, A. M.	Braddy

Resolved in the affirmative.

Second amendment (Mr Mackenroth) negatived.

Clause 29, as read, agreed to.

Clauses 30 to 36, as read, agreed to.

Clause 37—Appointment of volunteer friends—

Mr GYGAR (12.35 a.m.): Most honourable members are well aware of the reason for the concept of the volunteer friend. However, I should sound a note of warning and ask for an explanation of clause 37 (5), which removes liability.

The volunteer friend concept is an excellent one, which will provide a great deal of benefit for intellectually handicapped people. There would not be one member with experience with the intellectually handicapped who has not had the experience of stickybeak, busybody yahoos who are not happy unless they are stirring up trouble or sticking their noses in where they are not wanted. I am sure the Minister is aware of the trouble that is caused by people who just want to stick their bibs in. They are not happy with things as they are; their opinion is better than that of anybody else; they just have to have their say. In most cases they just stir up trouble.

I hope that the volunteer friends provided for in the Bill will be very, very carefully selected and vetted all the way down the line so that they are not there simply because they are professional busybodies. I ask for a screening process that will protect the general public and, more particularly, protect the intellectually handicapped from the depredations that will be caused by these people.

Given that a system can be constructed so that the volunteer friends are well-meaning, well trained and well briefed, why is it felt necessary to provide in clause 37 (5) such a wide, all-embracing removal of liability? As a general principle, I do not see why anybody should not be liable for his own actions. Certainly actions done in good faith in the pursuit of a properly appointed task should have an absence of liability. That is what is provided for public servants and others. However, the Bill goes a little further than that. It provides—

> "A volunteer friend shall not assume the role of a professional counsellor, therapist or other practitioner and any advice given in good faith. "

That appears to lift the limitation. The Bill says that the volunteer friend shall not do it; but even if he does it in good faith, there is a total removal from liability or answerability in any way. If a person is not liable in any way in law or answerable, that would seem to remove the courts completely from any intervention in the activities of volunteer friends. A relative is prevented from getting a writ of mandamus against them to stop them carrying on in a certain way. They are rendered not liable for any defamations or other sorts of activities. It is quite an extraordinary power and is an absence of liability beyond that given to public servants.

The Queensland Public Service is very reasonably and very well protected in law in the carrying out of its duties. However, the Bill goes much further. I ask the Minister to appreciate that mandamus does lie against public servants. Many of the other writs will lie against public servants. The courts would have no problem in interpreting what is written in the Bill. It states—

> ". liable in any way in law or answerable on any account "

I wonder why such a huge breadth of protection is given to those people. Why should the standard that applies to public servants not be extended to volunteer friends?

Mr AUSTIN: As I understand it, the volunteer friends are different from public servants in that, in the first instance, they are unpaid. In the discussions that were held, some people required some assurance that they would not be liable if someone decided to take action against him. As a result, they needed some form of protection. If some of the decisions of the volunteer friends, to which the honourable member referred, are at variance with the decisions of some other person closely associated with the person concerned, under the Act an appeal can be made to the council. I am positive that that covers the questions raised by the honourable member.

Clause 37, as read, agreed to.

Clauses 38 to 49, and schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

QUEENSLAND MARINE ACT AND ANOTHER ACT AMENDMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 28 February (see p. 3605) on Mr Goleby's motion—

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

Mr EATON (Mourilyan) (12.43 a.m.): The Opposition agrees with the contents of the Bill. The proposed amendments to the Act were suggested two years ago by the Opposition. That shows that Opposition members are not always wrong.

Government members always want to prove that the member for Lytton (Mr Burns) is wrong. On 6 October 1981, during the debate on the second reading of the Queensland Marine Act Amendment Bill, the member for Lytton is recorded in "Hansard" at page 2292 as saying—

"We can say that if the Government does not amend the Bill, it will be back within six months to introduce the amendments we are talking about."

So these amendments were foreshadowed in 1981 by the member for Lytton. Having examined the Act very closely, the Government found that it was not game to proclaim that Bill. The Government said that it was doing the right thing. As is so often proved in this Chamber, the Opposition was right.

Although the Opposition does not oppose the Bill, it is disappointed that it was introduced so quickly. Copies of the Bill were sent out to interested parties in the maritime industry. The Opposition hoped to obtain some feedback, but that has not been possible. When the Government proposed to appoint boards or committees, as it was going to do under the previous Bill, opposition was raised by the employers in the maritime industry as well as by the seamen, and that was referred to in previous debates. I am not having a go at the Minister, because he was not the Minister at that time. That was prior to his being appointed to the Ministry. The Opposition is also concerned about the definition of the word "vehicle" A vehicle can be a bicycle or a trailer. The word covers a very wide field. In fact, there are few things that cannot be termed a "vehicle" The Opposition trusts that the way in which the provision is administered will not create problems.

The Opposition also has some concern about the on-the-spot fines. However, as I said before, after consultation with the Seamen's Union of Australia and various other organisations involved in that industry, the Opposition does agree with the text of the Bill. The honourable member for Lytton (Mr Burns) may want to reinforce a few of the arguments he put up at that time.

I could deal with the Bill in detail. However, because of the late hour, I shall not do so. As the subject-matter of the Bill was covered in the Minister's second-reading speech, perhaps any further comments of mine would be regarded as repetitious. Perhaps I could conclude on this note: Whatever else I might say was said in 1982 by the honourable member for Lytton.

Hon. W. D. LICKISS (Mount Coot-tha) (12.46 a.m.): The Liberal Party agrees with the provisions of the Bill. However, I will make a few comments, particularly in relation to the provision enabling the formation of pilot companies. It enables the coastal pilots to obtain the benefits of incorporation.

The legislation provides further that one or more pilots may incorporate as long as the company engages the services of a licensed pilot to perform the piloting service. It goes on to provide that pilot companies licensed under the Act render pilots not personally liable in pecuniary damages for any damage or loss occasioned by any act or omission of a pilot while he is piloting a ship. That is being extended,—and rightly so—to the pilot companies.

I raise the matter of certainty of the validity of a pilot's licence. I understand that the licence granted under the Marine Act would, by virtue of the jurisdiction of the Act,

be valid within the limits of the State's territory and the realm of the State. Therefore, I question the validity of a licence when the licence-holder is operating outside the territorial limits of the State. The Seas and Submerged Lands Act extended to the low-water mark and further out to the three-mile limit by agreement. The State's territorial limitation was extended further by the provisions of a Commonwealth Act. It must be borne in mind that ships are piloted sometimes in international waters. The provisions of the Bill purport to give immunity to pilots who operate beyond the limits of the State boundary and, because the licences are issued under the provisions of this Act, the licence itself entitles a pilot to immunity.

I wonder whether the Minister, through this Act, really has jurisdiction once a pilot is outside the limits of Queensland. I understand that it is possible, by an agreement with the Commonwealth Government, if the Commonwealth Government does not legislate over an extended area to within territorial waters of Australia off shore of Queensland, that there may be an arguable case that that licence would still be in force. However, it must be remembered that the pilots who pilot the ships can pick up a ship near Thursday Island and can take it to ports in Queensland or even as far as Sydney.

What would happen, for argument's sake, if damage or loss was caused off the New South Wales coast? Does the Queensland licence, issued under the Queensland Act, give the pilot immunity in that case? It is known, for arguments' sake, that the new Hydrographers Passage is virtually in international waters. It is well away from the 12-mile limit, which is usually claimed by Australia——

Mr Simpson: It's 200 now.

Mr LICKISS: No, it is not. When I was the Minister for Justice and Attorney-General, the territorial limit extended to the three-mile boundary. I think that a 12-mile limit was under consideration. Reference to a 200-mile limit relates to fishing zones. It does not establish a territorial limit; it refers to control of offshore resources.

It is the territorial limit that establishes jurisdiction and gives validity to the legislation. I wonder whether pilots, as a matter of certainty, are given immunity and are protected by virtue of the Queensland statute as they pilot ships throughout the designated routes.

Mr Goleby: Does not Federal legislation cover that?

Mr LICKISS: No. The licence is granted under a Queensland statute. A Federal licence does not exist, and licences are granted under the provisions of State statutes.

All that I ask, in the interests of protecting pilots, is whether any protection is offered by virtue of the Queensland licence when the pilots operate in international waters outside the limits of Queensland.

Mr BURNS (Lytton) (12.51 a.m.): I will speak briefly on some of the matters that relate to the Bill and refer to the section that provides a definition of a dealer. On page 9, at line 16, the Bill reads—

> "(c) inserting after paragraph (xx) the following paragraph:—
>
> '(xxa) Defining "dealer"; providing for the Board to approve a dealer; prescribing the conditions that are a prerequisite to obtaining the Board's approval; excusing a dealer approved by the Board from compliance with any regulations made for the purposes of this subsection other than regulations made for the purposes of this paragraph;'."

Honourable members are entitled to an explanation of that clause.

I suggest to the Minister that it is time that certificates of seaworthiness were introduced. Those certificates could operate in much the same way as roadworthiness certificates operate in connection with motor vehicles. I have seen many little tubs—and they are leaky tubs, too—that have been sold to people who then sail out into

Moreton Bay and to most of the ports along the Queensland coast. The people in those boats are taking their lives in their hands.

To emphasise the point I make, I inform honourable members that it is possible for a person to make a boat out of ordinary ply. The boat does not have to be constructed out of marine ply, and it can be put together in the shoddiest fashion. That boat can be traded-in with some of the dealers in the metropolitan area, and then be sold at a low price to an unsuspecting fellow who has never been to sea before.

It is sometimes the case that the modern boats—some of the tinnies and fibreglass boats that are being manufactured—are constructed without an outboard well. A person who is unable to handle a boat or is unaware of the problems that can arise from a following sea can get into great difficulty. However, boats of that kind are being sold by recognised dealers in the way that I have described. I repeat that people who sail in boats of that kind are taking their lives in their hands if they venture out in rough conditions.

Moreover, many boats now being sold that are 12 and 14 feet in length are fitted with a 50 horsepower motor. They are overpowered, and substantially so. In some cases, private dealers are fitting the boat with an outboard and are not hanging the outboard on properly. If the outboard is not fitted to the skeg in the proper fashion, the bow dips or the stern dips.

The difficulties to which I have referred occur regularly. Although regulations exist to specify the kinds of life-jackets that must be provided, and the anchor rope and the bucket that has to be carried for safety, I point out that safety requirements for the boat itself are not prescribed. Nothing is gained by arguing that a boat-owner should have all of the specified safety equipment on board if the boat itself is dangerous. Some of the boats that are being sold these days are dangerous. If a certificate of roadworthiness can be issued for a car, surely the condition of boats being sold can be similarly examined. Many of the people who engage in the purchase of poorly-fitted and poorly-constructed boats are mugs, but they have to start somewhere.

When a person buys his first boat, the advice of the dealer is followed. It is not always the case that the registered dealer is at fault. It must be said that most of the registered dealers in the metropolitan area are people who have been interested in boating all their lives and who know what it is all about. Often those dealers will ask the boat purchaser where the boat is intended to be used. If the customer says that he intends to use it on the river, he is sold a boat that is suitable for that purpose. A boat without an outboard well is satisfactory for use at Noosa or on The Broadwater and similar places. However, if the owner starts to poke out into Moreton Bay, perhaps to the Four Beacons, and then comes home with a following sea, he can end up in trouble, particularly if his motor breaks down and he does not have the gear necessary to fix it. So it is important to do something not only about shoddy dealers but also about the seaworthiness of the boats themselves. Perhaps something along those lines can be introduced when the Act is next amended or even by way of regulation.

I am always interested in reading through the Bills that are put before us, because one usually finds some strange alterations. For instance, in clause 5 (f) the definition of "wages" is omitted and the term "water-skiing" is inserted. I cannot understand why the term "wages" would be removed and the term "water-skiing" would be substituted. Surely when the House is debating a Bill it ought to have some explanation——

Mr Simpson: It sounds as if wages are on the slide.

Mr BURNS: It sounds as if they are.

The Bill again gives the Marine Board the power to organise and authorise racing and speed trials. I again raise the question of safety. There must be some way in which the board can check on whether fishing clubs and other local organisations intend to use the area in which the trials take place. I know that at Easter every year there is a race from Brisbane to Caloundra. At that time of the year, half a dozen fishing clubs

fish the Bribie passage. There are probably eight or 10 fishing boats, each containing three or four people. Those people should be afforded some protection from boats that travel at great speed up the narrow confines of the passage itself. The only way those fishermen can find out that that speed trial has been authorised is by reading the Public Notices section of "The Courier Mail" or the notice to seamen that is filed at the Marine Board. The average person does not know.

The fact that racing and speed trials of that sort are permitted should be given greater exposure, particularly if they are to be conducted along the coastline or in the limited confines of the Bribie passage, The Broadwater and similar waterways. There should be consultation between the Marine Board and various other bodies in the area in which the trial is to be held. There should be some requirement to advertise the intention to permit a trial. That would afford fishing clubs the opportunity to object or to at least apply to have the hours altered so that the peaceful enjoyment of the waterways by other people is not interfered with.

I support what has been said by the honourable member for Mourilyan. I am pleased that the Act is being amended and that the problems that were created by the original Act will now be overcome.

Hon. J. P. GOLEBY (Redlands—Minister for Water Resources and Maritime Services) (12.58 a.m.), in reply: I thank honourable members for their comments. In my second-reading speech, I did acknowledge that the problem raised by the honourable member for Mourilyan (Mr Eaton) had worked out exactly as he said it would. I acknowledge that, and that is why it has been included in this Bill.

The honourable member for Mount Coot-tha (Mr Lickiss) referred to pilot companies being formed. He made a very good point. It is a legal point which the Government will pursue and which the companies will have to pursue. It is very much a grey area. I believe that he will acknowledge that this Bill will go a long way towards meeting the requirements of the pilots. The provision is what they have been looking for for quite some time.

I acknowledge the honourable member for Lytton's knowledge of the water and the enjoyment that he derives from it. He referred to safety matters and to the suitability of boats for certain areas. As boating becomes more popular, particularly along the waterways to which he referred, the matters he raised will need more investigation. I will take on board the points that he raised.

Motion (Mr Goleby) agreed to.

Committee

Mr Booth (Warwick) in the chair; Hon. J. P. Goleby (Redlands—Minister for Water Resources and Maritime Services) in charge of the Bill.

Clauses 1 to 15, as read, agreed to.

Clause 16—Amendment of s. 182; Immunity of Crown, pilots, etc.—

Mr LICKISS (1 a.m.): I thank the Minister for his comments on the immunity of pilots and pilot companies. The very nature of the wording of the clause clearly covers a pilot company, which obviously includes pilots. The relevant portion of the clause reads—

> "No pilot company shall be liable in pecuniary damages for any damage or loss occasioned by any act or omission of a pilot while acting as such on behalf of the company and under the authority of this Part."

I agree entirely with what the Minister said and the fact that he intends to investigate the matter. The provision gives an undertaking that pilots are not liable. I therefore have to ask the Minister whether the State Government will stand behind a pilot who believes that that provision gives him immunity but who, owing to a legal technicality

because he is in the Commonwealth jurisdiction or on the high seas in international waters, is not covered by the legislation? Because the provision says with certainty that he is immune from damages, will the Queensland Government give an assurance that a pilot holding a licence under the Act has immunity as is purported to be given to him by section 182?

Mr GOLEBY: The Government can go only so far as the State jurisdiction and law allow. If any other indemnity is required, it will have to be sought from the Commonwealth.

Mr LICKISS: I can understand the Minister saying that Queensland can go only so far as its laws permit, but this deals with the licensing of pilots. The pilots, in the terms of their licences, when they contract to pilot ships in accordance with the laws of Queensland, conduct ships from Thursday Island through territorial and international waters. If the Minister can say only that no pilot "shall be liable in pecuniary damages for any damage or loss occasioned by any act or omission of the pilot while acting as such on behalf of the company and under the authority of this Part", or while acting under his own licence, in the case of a person not incorporated prior to this legislation being passed, the Government should indicate to pilots that, at this point in time, they can only have certainty on this matter in relation to the piloting of ships while they are under the jurisdiction of this legislation in Queensland. If it does not give that indication they could be under a false sense of security in the belief that they are totally immune, by virtue of this legislation, in terms of the licence granted to them.

Mr GOLEBY: I am sure that this matter can be freely discussed by the pilots. Obviously they will study the legalities of the matter. New ground is being broken in this area. That question can be pursued with my department. If necessary, either the pilots or the department, or both parties, can take it up with the Commonwealth department.

Clause 16, as read, agreed to.

Clauses 17 to 55, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until Tuesday, 19 March 1985."

Motion agreed to.

The House adjourned at 1.6 a.m. (Friday).