

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 21 MARCH 1985**

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

**PARLIAMENTARY HANDBOOK**

Mr SPEAKER: Order! I draw the attention of all honourable members to the arrangements that have been made to enable members to be photographed for the next edition of the Parliamentary Handbook. Photographs will be taken in the media room on Level 5 of the Parliamentary Annexe between 9.30 a.m. and 4.30 p.m. on Tuesday, 26 March next. The co-operation of all honourable members in this matter will be appreciated.

**AUDITOR-GENERAL'S SUPPLEMENTARY REPORT****Miscellaneous Departmental Accounts and the Accounts of Statutory Bodies and Local Authorities**

Mr SPEAKER announced the receipt from the Auditor-General of his supplementary report upon the audits of miscellaneous departmental accounts and the accounts of statutory bodies and local authorities for 1983-84.

Ordered to be printed.

**ADMITTANCE OF VISITORS TO PARLIAMENT HOUSE****Statement by Mr Speaker**

Mr SPEAKER: Order! On 20 March 1985, the honourable member for Kurilpa took a point of order and raised a matter of privilege that concerned the admittance of persons to Parliament House.

I draw the honourable member's attention to Standing Orders No. 328 and No. 329, which indicate, inter alia, that Mr Speaker only shall have the privilege of admitting strangers to the galleries of the House, and that the Speaker or the Chairman may order the withdrawal of strangers from any part of the House whenever he thinks fit.

As Speaker, I would normally allow visitors to enter the gallery as far as circumstances will allow, and this is done on almost all occasions. As Speaker, I have responsibilities under the Criminal Code relating to the disturbance of the House while the House is sitting.

A disturbance in the gallery on 19 March indicated that it may be necessary to take firmer action to regulate entry to the gallery. I have taken whatever action is necessary under the circumstances, assuming that all honourable members would want the proceedings of their Parliament to proceed undisturbed by strangers.

**QUESTIONS UPON NOTICE**

Questions submitted on notice were answered as follows—

**1. Stamp Duty Exemptions and Concessions**

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

(1) How many applications have been received for stamp duty exemptions and concessions under the Stamp Act Amendment Act rushed through this Parliament late in 1984 allowing for stamp duty relief for the transfer of rural properties from parents to children, from grandparents to grandchildren, and for certain small business ventures?

(2) How many applications have been approved?

(3) What is the amount of stamp duty revenue that the Queensland Government has forgone as a result of the introduction of these exemptions and concessions?

*Answer—*

(1) The Stamp Duties Office is a revenue collection agency and not an office of record. Consequently, records of collections are not arranged in a format that would enable the information sought by the honourable member to be extracted.

(2 & 3) See (1).

## 2. **Development Leases**

Mr CAMPBELL asked the Minister for Lands, Forestry and Police—

(1) Were public tenders called by the Government for the development of Crown land in development leases and, if so, for which development leases were public tenders called to determine the lessee?

(2) With reference to Development Lease No. 1 with T. M. Burke Estates Pty Ltd as lessee (a) what is the total commission paid to the Government to date and the percentage of commission paid and (b) what is the future expected commission to be received by the Government?

(3) With reference to Development Lease No. 2 with Kawana Estates Pty Ltd as lessee (a) what is the total commission paid to the Government to date and the percentage of commission paid and (b) what is the future expected commission to be received by the Government?

(4) With reference to Development Lease No. 9 with Civic Projects (Raby Bay) Pty Ltd as lessee (a) what is the total commission paid to the Government to date and the percentage of commission paid and (b) what is the future expected commission to be received by the Government?

(5) How many leases have been granted by the State Government under Part 9 of the Land Act, which includes development leases?

*Answer—*

(1) Public applications were invited for development leases under the Crown Land Development Act of 1959, or the subsequent part 9 of the Land Act of 1962 to 1984, in the following cases—

Development lease No. 1—

Lessee: T. M. Burke Pty Ltd.

Development lease No. 2—

Lessee: Caloundra-Mooloolaba Development Corporation Pty Ltd—now Kawana Estates Pty Ltd.

Development lease No. 3—

Lessee: Suncoast Development Pty Ltd.

Development lease No. 4—

Lessee: Industrial Estates (Qld) Pty Ltd—not now in existence.

Development lease No. 5—

Lessee: Yarrawonga Pty Ltd—expired and new lease to issue.

Development lease No. 8—

Lessee: Noosa Island Estate Pty Ltd—development and sale completed.

Development lease No. 9—

Lessee: Civic Projects (Raby Bay) Pty Ltd.

Development lease No. 6 did not issue.

Development leases No. 7 (Goondoo Pty Ltd) and No. 10 (Lower Cost Homes Pty Ltd) were granted without public advertisement, after negotiations.

Three further development leases are now being issued, after negotiation, but without public advertisement being invited. Surrenders of mining leases were involved.

(2) Development lease No. 1—T. M. Burke Estates Pty Ltd—

(a) At 33½ per cent—\$30,186.39

At 20 per cent—\$142,260.70

Crown percentage was reduced to 20 per cent as from 19 January 1965.

(b) Unable to be estimated at this stage.

It is to be noted that T. M. Burke Estates Pty Ltd also holds a special lease for urban development, with a percentage payable to the Crown.

(3) Development lease No. 2—Kawana Estates Pty Ltd—

(a) Part at 10 per cent—\$5,844,295.40

Part at 20 per cent—\$347,466.00

(b) Unable to be estimated accurately at this time, but present Crown commission approximates \$40,000 per month. 2.5 per cent of contract price is payable to Landsborough Shire Council, amounting to \$1,547,937.85 to date, in consideration of council freehold land included in the lease. This amount is included in above figures.

(4) Development lease No. 9—Civic Projects (Raby Bay) Pty Ltd—

(a) In all 10.5 per cent (gross—6 per cent initially)—\$316,320.00

(b) Unable to be estimated at this time, until lots are sold.

(5) None issued; with further three now being issued.

In addition, numerous special leases under part 8 of the Land Act have been granted, usually over smaller areas subject to specific conditions for urban development purposes and with specified payments to be made to the Crown. A fairly large proportion would have been issued without public applications being invited. It would be a mammoth task to identify these special leases.

## QUESTIONS WITHOUT NOTICE

### 24-hour Trading, Gold Coast

**Mr WARBURTON:** In directing a question to the Minister for Employment and Industrial Affairs, I refer to his efforts to introduce 24-hour trading on the Gold Coast and to the fact that that move has limited support from the National Party parliamentarians from that area and, in particular, from the owner of Pacific Fair. I now ask: Is the Minister aware that last Monday's meeting of Southport retailers, which was organised by the Chamber of Commerce, voted 95 to 2 against deregulation of trading hours and that last night's meeting of 83 Pacific Fair tenants voted 73 to 10 against extended trading hours and demanded that the Minister and the Government leave the matter where it should be—in the hands of the State Industrial Conciliation and Arbitration Commission? In view of the overwhelming evidence of rejection by the small-business community, will the Minister now agree to forgo the ill-conceived trial plan?

**Mr LESTER:** I make it very clear to the Leader of the Opposition that he was incorrect in stating that the Government is trying to introduce 24-hour trading. A trial is being conducted to ascertain the true situation once and for all. The trial will go ahead and it will be up to the individual to decide for how long he or she wishes to trade. The traders at Southport, Pacific Fair or anywhere else do not have to trade for

24 hours a day unless they wish to. Trading hours have always been a problem in Australia. One State Labor Government intends to impose a fine of \$250,000 on a person who breaches the law. The Queensland Government is democratic. A fair trial will be conducted.

#### **Queensland Milk Board Chairman; Appointment of Mr S. Doumany**

**Mr WARBURTON:** In directing a question to the Minister for Primary Industries, I refer to this morning's report concerning the appointment of Mr Sam Doumany as the new chairman of the Queensland Milk Board. I understand that the Minister did not recommend Mr Doumany's appointment and that, in fact, he was overridden by the Premier and other Cabinet Ministers. To put the record straight, and in the interests of the milk industry in Queensland, will the Minister advise whether the appointment of Mr Doumany, who is now a member of the National Party, has his unqualified support?

**Mr TURNER:** I congratulate the Leader of the Opposition on his audacity in asking such a question. If he had any knowledge of the operations of government, he would realise that before any appointment or announcement is made the matter goes to Cabinet and then to Executive Council. The Executive Council meeting will not be held until noon today, so no appointment has been finalised in any shape or form. Cabinet decisions are made on a unanimous basis.

I would say that, if Mr Doumany is appointed to the position, he is a highly competent man who has tremendous expertise in agricultural matters. He holds a degree in agricultural science. He was a highly competent Minister.

A decision will not be made until the Executive Council meeting is held, so the Leader of the Opposition is premature in asking his question.

#### **Gold Coast Entertainment and Arts Centre Tenders**

**Mr BORBIDGE:** In directing a question to the Deputy Premier and Minister Assisting the Treasurer, I refer to ill-informed reports criticising the role played by Treasury in the tendering for the Gold Coast Entertainment and Arts Centre, and ask: Can he explain the Treasury role and the reasons for Treasury intervention?

**Mr GUNN:** The honourable member has missed the point that the community centre will be built using loan funds and, therefore, will be guaranteed by the State Government. It will also be subsidised by the State Government. If my memory serves me correctly, two tenders were received. The first was from Jennings Construction Ltd for \$9,999,000; the second was from a firm named Hutchinson for \$10,154,000. There was a problem with the Jennings Construction Ltd tender in that a clause 4, a rise and fall clause, was included, as was a site allowance. At that time, the Gold Coast City Council had discussions with Jennings Construction Ltd with a view to having that particular clause removed, because that company's tender was the lowest and the council wanted to save rate-payers' money. Those negotiations were unsuccessful.

The matter was referred to the Treasury Department, which asked the Works Department, acting as Treasury's agent, to communicate with Jennings Construction Ltd. That was duly done, and the clause was removed.

The Gold Coast City Council was able to secure the construction of that building by Jennings Construction Ltd and save rate-payers \$150,000. The Government will not apologise for saving Gold Coast rate-payers \$150,000.

#### **Neighbourhood Watch Scheme**

**Mr BORBIDGE:** I ask the Minister for Lands, Forestry and Police: Is consideration being given to the introduction of the neighbourhood watch scheme in Queensland? If so, when is it likely that a decision will be made in regard to the matter? Does the Minister support the concept of a neighbourhood watch?

**Mr GLASSON:** I am well aware, as are my Cabinet colleagues, of the concern of the honourable member for Surfers Paradise and the honourable member for Southport in this regard.

Two weeks ago, an interview was held with both honourable members in an effort to establish what the position was. Recently, a senior police officer travelled overseas and during his trip he viewed the operation of neighbourhood watch schemes in other countries, particularly the United States of America. That officer has informed me that he was very impressed with the involvement of the community and assistance given to the police in areas in which neighbourhood watch is employed. In such an area, the community takes some responsibility by playing a part in watching over the neighbourhood. Many members of the community are at work and are away from home.

That officer is in the process of compiling a report for the Commissioner of Police. The recommendations contained in his report will be considered. The basic consideration is finance.

The neighbourhood watch scheme is well worth while, and it most certainly has my support. However, a test run needs to be carried out. I am told that a pilot scheme has been introduced on the Gold Coast, which has had an explosion of breaking and entering crimes, and I am aware that the honourable member for Surfers Paradise has already had discussions with the Deputy Premier and Minister Assisting the Treasurer in an endeavour to obtain funds to implement a neighbourhood watch scheme. I sincerely hope that such a scheme will be in force in the not-too-distant future. I note the concern of the honourable member for Surfers Paradise and the honourable member for Southport in this regard.

#### **Babinda Bypass**

**Mr De LACY:** In directing a question to the Minister for Local Government, Main Roads and Racing, I refer to the proposal to construct a main road bypass around or through the town of Babinda—I am certain that all honourable members have heard about it—and to the Minister's commitment to allow public participation, as expressed in the brochure disseminated to residents of Babinda, a brochure which contains a nice photograph of the Minister. The brochure says—

“The National Highway options are only proposals at this stage and no final decision will be made until the views of the people of Babinda as expressed at the public meeting to be held on Friday, February 8, 1985 have been considered.”

Firstly, I ask: In view of the overwhelming opposition to the so-called western route as expressed at that meeting, will the Minister honour his commitment to allow public participation and proceed with the central route and not the western route? Secondly, I ask: Was a response received by way of the tear-off response sheet and, if so, how did the people vote?

**Mr HINZE:** The issue of the Babinda bypass has been around for a long time. Because a bridge in that area has become dangerous to traffic, a decision must at last be made. The honourable member for Mulgrave's predecessor, Mr Roy Armstrong, indicated to me that he believed that the route that the Government has decided on, that is, the western route, is the logical route. Over the years, representations have been received from practically every organisation and group in the area. The present member (Mr Menzel) fought the last State election on the issue.

**Mr De Lacy:** He got 25 per cent of the vote.

**Mr SPEAKER:** Order! I will not tolerate persistent interjections.

**Mr HINZE:** I will put it this way: if he received only 25 per cent of the vote there, he must have received a very large percentage in other areas. To be realistic, it must be understood that the honourable member for Mulgrave, who is a member of the National

Party, was returned to the Parliament after the election, at which the Babinda bypass was one of the main arguments used against him.

**Mr Burns:** He didn't get the vote in Babinda.

**Mr HINZE:** He won the seat.

**Mr Burns:** He didn't get the vote for the road, though.

**Mr HINZE:** He won the seat. He is back here. The member for Lytton knows as well as I do that it is the numbers that count. If he did not know beforehand, he should have found that out yesterday. If an election were held in Mulgrave today and the honourable member for Mulgrave declared that the bypass should follow the western route, he would still be returned to the House. That is the democratic way.

The honourable member for Cairns (Mr De Lacy) referred to the ballot that was taken. Of course, colleagues of his stood outside and, as usual, intimidated the people who went into the hall as to how they should vote.

**Opposition Members interjected.**

**Mr HINZE:** Opposition members can laugh, but they know as well as I do exactly what happened. Everybody who was following it closely knows it. Friends of the member for Cairns were there days before, walking up and down the street, threatening people about the way in which they should vote and urging them to make sure that they went to the public meeting to convince the State member and the Minister that the ALP was right. I fell into the trap. I agreed with the Federal Minister (Mr Morris)—perhaps I did so foolishly—to have a public meeting. The Federal and State Ministers are still awaiting the joint recommendation from the Federal and State departments. When I receive the joint recommendation I will inform the House.

I feel that I have taken the right steps. I have been in the area. I have held meetings. I have walked up one street and down the next. It is extremely hard for a Minister in my position to have to resume properties. I do not force resumptions just because I want to. I do it in the common interest, for the common good. Anybody who knows the area would appreciate that it is almost impossible to construct a new road through Babinda unless it is done in the way in which my department has strongly recommended to me that it should be done. When I receive the final decision, I will make it known to the House.

### **Capital Gains Tax; Death Duties**

**Mr JENNINGS:** I ask the Deputy Premier and Minister Assisting the Premier: Is he aware that, during the last Federal election campaign, the Prime Minister denied the people their democratic right to know what a Federal Labor Government would do about capital gains tax and death duties? The Prime Minister simply refused to admit to the Australian public that he was considering a capital gains tax or death duties. As the Prime Minister has now done a political somersault by talking about capital gains tax and death duties, how can the Australian public trust him and how can Australian business, both big and small, make important investment decisions when one of the greatest incentives, capital gain, is to be denied them by the Federal Government, which seems to have overlooked that it is vital to encourage more investment in Australia to create jobs than to frighten more and more investment capital overseas?

**Mr GUNN:** The honourable member is quite correct. The people of Australia do not trust the Prime Minister. He now has the record of being the Prime Minister who has broken most promises. Labor, of course, is in a dilemma, with Keating and the right versus the left wing and the ACTU on the matter of tax. It is interesting to read a

statement made by the Prime Minister prior to the election, as reported by "The Sydney Morning Herald"—

"The Prime Minister, Mr Hawke, yesterday gave the business community an unqualified guarantee that there would be no overall increase in taxation during the next term of a Labor government."

The No. 1 promise has been broken.

The following report appeared in yesterday's edition of "The Sydney Morning Herald"—

"Serious opposition to major tax reforms continued to grow among unions, business and sections of the Labor Party yesterday—and the Prime Minister, in response, stressed he was not committed to any specific tax measures."

The reason for that is that the Prime Minister does not know which way to go. The honourable member for Southport was right when he stated the damage that would be done by the implementation of a capital gains tax.

Where do the various factions of the Labor Party stand on the issue of a capital gains tax? The Federal Treasurer is undecided. The Australian Labor Party Right has said, "No." The ALP Centre-left has said, "Yes," and the ALP Left has said, "Yes." The Australian Council of Trade Unions has said, "Yes." There are no prizes for guessing that a capital gains tax will be introduced—no prizes at all. However, that is not all: more tax burdens than a capital gains tax will be introduced.

The Prime Minister will take Australians back to the Dark Ages by the introduction of death duties. The Queensland Government abolished death duties years ago, yet the Federal Government will reintroduce that form of taxation. The Prime Minister is also examining the introduction of a consumer tax. Naturally enough, the left-wing faction would not want that, because such a tax would adversely affect people on lower incomes. It is obvious that the Prime Minister has no alternative but to exercise his right to introduce whatever tax he wants to—and has to—introduce. That is a crucial point, and I think that in the very near future honourable members will see the triumvirate varied. A large package of new taxes, including a capital gains tax, will be introduced in this country.

### **Employment Categories of Teachers**

**Mr JENNINGS:** In directing a question to the Minister for Education, I refer to newspaper reports of statements that have been dreamed up by the president of the Queensland Teachers Union (Mr Lyle Schuntner) to the effect that the Government will somehow provoke, influence and inflame the teaching fraternity by the use of contract labour. As these misleading statements are obviously designed to cause trouble where trouble does not now exist, I ask: Will the Minister advise the House of the correct situation?

**Mr POWELL:** I thank the honourable member for Southport for his question. I am delighted to have an opportunity of clearing up the confusion that the Queensland Teachers Union is attempting to propagate within the teaching fraternity.

Currently, several ways exist in which teachers can be employed in Queensland. Firstly, the vast majority of teachers—something like 98 per cent—are employed full-time on the permanent staff. There is no plan to change that. Secondly, teachers are employed under a category that used to be known as the supply A teachers. These teachers are now known as relief scheme staff, and constitute a pool of teachers in the community who are called in to fill vacancies as they occur from time to time because of, for instance, sickness.

It is interesting to note that the Queensland Teachers Union has issued a directive to principals that all of the people who are supply A teachers must be members of the Queensland Teachers Union. I point out that that is not and will never be a requirement of the employing authority. The Queensland Teachers Union has no authority at all to

issue that kind of instruction to principals of schools. It is hoped that principals will ignore such an instruction because of what it is worth.

The third category of staff is a small number of people who are referred to as supply B teachers and are employed on a subject basis. Such teachers go into a school for a short time to teach only a particular subject. The fourth category covers temporary teachers. They are employed to cover the absences of class-room teachers who have taken long-service leave, unpaid travel leave or sick leave, or are absent for a lengthy period owing to some other cause.

I assure the House and every teacher in Queensland that the Government has no intention of changing any of the categories of employment of teachers in this State. The Government believes that the system that operates at the moment is good because it works very well for the children of Queensland. That is what education is all about.

### **Racing Industry**

**Mr VEIVERS:** In asking the Minister for Local Government, Main Roads and Racing a question, I point out to him that the racing industry in Queensland at present may be referred to as a can of worms, with problems besetting it relative to doping, the poisoning of horses, the Fine Cotton ring-in scandal and the fact that the Minister's trotting driver, Mr Darrell Alexander, has been charged and fined by stewards. I refer the Minister also to an article published in today's issue in "The Bulletin" under the heading, "Racing scandal may spell the end for Hinze"

I now ask the Minister whether he still stands by his proposal to hold a royal commission into aspects of the racing industry? Is it a fact that Sir Edward Stratton Williams, KCMG, lobbied Cabinet Ministers, and is it true, as reported in "The Bulletin", that, "When Hinze put it to Cabinet, he lost badly."? Is the Minister in a position to confirm or deny the report that he is threatening to get Ned Williams? Will the Minister confirm or deny the report in "The Bulletin" that he is leaving politics and is having trouble setting himself up as a gambling supremo for the State?

**Mr HINZE:** The member for Ashgrove (Tommy Veivers) always amuses me. At one time, he came to me and said, "I would like to stand for a seat around Beenleigh." I said, "Yes, Tommy. OK, we will get you in and look after you as we usually do with our friends and colleagues." He asked me, "Am I certain to win?" I said, "No, you are not certain. Nothing is certain in politics." He then said, "Well, I can't stand for your party." He then went to the ALP and said, "If I stand for Ashgrove, can you make sure that I win?" That is how he got into the House. Poor old Bob, his old man, had to milk the cows while Tommy was playing cricket, didn't he, Tom? He was not a bad old bloke.

To cut out the jousting, I ask the honourable member whether Reinhardt wrote that muck for him—that question? That commo—Reinhardt—I do not know whether he is in the press gallery or not—sometimes crawls around this place.

**A Government Member:** He is right above you.

**Mr HINZE:** If that is so, I had better watch out for the splash.

**Mr SPEAKER:** Order!

**Mr HINZE:** If he is up there tipping the bucket, I will have to watch out for the splash. The only way in which that commo Reinhardt can get any notoriety as a washed out journo—and there is nothing much worse than that—is to write an article for today's issue of "The Bulletin" and describe me as a has-been or something like that. I have a fairly good idea of where the story came from, but that does not matter. I do not mind about Reinhardt; he does not count. He is nothing but a washed out journo. However, I want to answer the honourable member's question about the racing industry, because it is serious.

The racing industry earns \$46m a year for this State. That amount goes into consolidated revenue. I am proud of that, and every honourable member, whether he or she sits on this side of the House or on the other side of the House, should be proud of it, too. It will not do the honourable member any good, or me any harm, for him to criticise the present position of the racing industry. In the last few weeks, I have studied the problem to try to find the source of the attack that is being made on the industry. I think I am getting close to a solution. The very top people are working on the problem. I had discussions with them yesterday, and I will be introducing legislation this session to tighten up any weaknesses that there may be in the industry.

As to the total racing industry—the honourable member for Ashgrove knows as well as I do that the rest of Australia was jealous of Queensland's position until the Fine Cotton affair. The Fine Cotton affair was born in Sydney. The horses came from New South Wales, and everybody associated with that affair came from New South Wales. The honourable member knows that as well as I do. The New South Wales involvement was so great that the top book-makers in the nation were warned off every race-track in the world. They are New South Wales book-makers, not Queensland book-makers. Four people are soon to be charged in Queensland for ringing in a horse. There was nothing clever about it. They did not get away with it. The stewards picked it up and declared it a no-race, and the honourable member knows that as well as I do.

As to the administration of racing in Queensland—the honourable member cannot be critical of the Queensland Turf Club, the stewards or any part of the administration of racing in this State. This problem has broken out, and we will certainly be able to control it.

If the honourable member has sufficient nous, he should be able to get to his feet and ask a question without reading somebody else's rubbish. He will have an opportunity to debate the question when the legislation comes before this Chamber in two weeks' time.

### Australia Games

**Mr VEIVERS:** In directing a question to the Minister for Tourism, National Parks, Sport and The Arts, I refer to his press statement of 4 February last in which he stated that opinion Australia-wide was that the recent inaugural Australia Games in Melbourne had not been a success. I refer him also to comments made by the highly respected sports journalist Lawrie Kavanagh, who said in an open letter to the Minister in "The Courier-Mail" on Wednesday, 6 February, that the Minister was talking "bull", and that as he did not attend the Games himself, either he had been badly advised or he had an ulterior motive.

I ask: In view of the fact that the Games have generally been regarded as being an outstanding success, what were the Minister's motives for knocking the inaugural Games? In view of his lack of enthusiasm for the Games, is it true that the Commonwealth Government is now reconsidering its offer to Brisbane to stage the 1987 Australia Games, and that his attitude may prejudice Brisbane's chance of obtaining the 1992 Olympic Games?

**Mr McKECHNIE:** I welcome the question, particularly the reference to the comments of Lawrie Kavanagh. I wrote to him and answered that fully, but he did not have the decency to print it. So much for that article in "The Courier-Mail"!

As for the Australia Games—it is well-known that the Games were born because of a pending Victorian election. That is where politics and sport come into the matter. The concept of the Australia Games is good; there is no doubt about that, and I have said that. However, the pity is that the planning of the Games was rushed because an election was to be held in Victoria.

There is no doubt that many athletes gained a lot of good experience from the Games. It was stated at the Sports Ministers' conference that the future of the Australia

Games and whether any State would be in a position to host them would depend very much on the success of the inaugural Games. That is the pity of it. That is where the members of the Australia Labor Party should be ashamed of themselves. Had they given a little more time and planned and run the Games properly, the Games would have been great for this country.

As to whether Queensland hosts the next Australia Games—it is well-known that the State is interested in hosting the Games. It is equally well-known—and I have a duty to speak up—that the Commonwealth Government and the Victorian Government used the Australia Games for political purposes. It ill-behoves a member of the Labor Party to stand up in this Chamber and criticise me for bringing that matter to the attention of the Australian people.

Many other people besides Lawrie Kavanagh have said that the Australia Games were a flop. That has been said by very respected sports journalists in Melbourne. As a matter of fact, the newspapers in Melbourne were worried that Victoria's reputation was at stake and they had to make a special plea to the Melbourne people to get them to attend the Games. The people of Melbourne responded and attended the Games; but the media had to go to great lengths to get them to attend. Lawrie Kavanagh said this and that and did not publish my reply; but many other journalists disagree with him.

#### **Load-shedding During Electricity Dispute**

**Mr FITZGERALD:** In directing a question to the Minister for Mines and Energy, I draw his attention to an article that appeared on the front page of this morning's "Courier-Mail" regarding the possibility of having no controlled load-shedding of electricity during power disputes. I ask: Can the Minister assure the people of Queensland that power supplies to essential services such as hospitals will be maintained if at all possible?

**Mr I. J. GIBBS:** I assure the honourable member that this Government and the Queensland Electricity Commission will endeavour to keep such supplies going as long as possible in any dispute, as we have in the past. The main problem would arise if there was a complete walk-out of all operators at every power station in the State. In that event, the Queensland Electricity Commission would use whatever power supplies were available for essential services. However, the onus would be on the operators. I assure the House that, if power supplies are available, load-shedding will apply.

#### **Peace Education**

**Mr LITTLEPROUD:** I ask the Minister for Education: Is he aware that in the latest edition of the "Queensland Teachers Journal" a report appears about a vote taken at the Balmoral State High School? I have a copy of that report, which I will table. Is the Minister aware that the question of teaching peace education in that school was carried by a vote of 33 to 6? Will the communist-inspired peace education syllabus be introduced into that school?

*Whereupon the honourable member laid the document on the table.*

**Mr POWELL:** The answer is a blunt "no"; it will not be taught. The House should be made aware of the tactics used by the union movement regarding this vote. Only 39 teachers, or 57 per cent of total staff, at the Balmoral State High School were involved in the vote. The school has a staff of 68 teachers. Only 33 teachers, or 48 per cent of the staff, voted in favour of the motion to introduce peace education. The Queensland Teachers Union has claimed that as a majority.

I hope that the mathematics teachers who are teaching the children of Queensland are a little more accurate than that.

The policy of the Government is that peace education will not be taught in Queensland State schools. What happens in non-Government schools is a matter for their employing authorities. As the employing authority for Queensland State schools, I can assure the people of Queensland that the communist-inspired syllabus on peace

education will not be introduced, that history will be taught as history and that young people will be given a true and balanced view of the conflicts that have taken place.

### **Liver Transplant Unit**

**Mr LITTLEPROUD:** In asking a question of the Minister for Health, I refer to the fact that the Queensland liver transplant unit has continued to function. I ask: Is there now national co-operation on the transfer of donor organs and is it anticipated that the Queensland unit will continue to function?

**Mr AUSTIN:** At the outset I must say that I believe the House would totally support me in congratulating the liver transplant teams at both the Princess Alexandra Hospital and the Royal Children's Hospital on the splendid work that they have carried out over recent days. That work was carried out as a result of a request from the medical profession. A team at the Princess Alexandra Hospital prepared a report suggesting to the Government that it had the capability to carry out transplant procedures at both of those hospitals. To that end, the Government supported the doctors in their endeavours to carry out these programs.

After the announcement that Queensland was to set up its own transplant unit, honourable members will recall that I made a call on the Federal Government to supply funding for that unit. That request was denied and the Federal Minister for Health (Dr Blewett) suggested that a committee be set up to determine where a national unit ought to be established. The decision was made to establish the unit in Sydney.

**Mr Fouras:** Tell us something we don't know.

**Mr AUSTIN:** If the honourable member for South Brisbane is not interested in liver transplants, that is his business.

Honourable members will also recall that, at one stage, when the profession in Queensland was looking for a suitable donor, I made allegations through the media that the Victorian Government was simply not co-operating with the Queensland Government in relation to that transplant program. At that stage the Royal Children's Hospital had received a letter from the Victorian authorities, part of which reads—

“After discussions with the Chairman of the Health Commission of Victoria, I have to advise that this hospital has no authority to enter into co-operative agreements with your program without approval from the Health Commission of Victoria or Government of Victoria.”

Quite clearly, there has been some political influence. At the time that I made that announcement, I can recall that some members of the Opposition alleged that I was turning the issue into a political football.

**Mr Goss:** Cheap headlines.

**Mr AUSTIN:** The honourable member for Salisbury should let me finish. I am glad that he has said that it was a cheap headline, because he is just about to get a little bit of his own back.

For some time I had tried to establish whether that was true, but I had to take the letter at face value. The March edition of a journal called “Medical Practice”, which was published yesterday, and which is a journal distributed throughout the medical profession, contains some interesting comments from Victorian doctors in relation to that decision of the Victorian Government. It reads—

“On the day of Mr Austin's announcement, the medical director of Melbourne RCH, Dr Geoffrey Westwood, said: ‘When we received the request from Peter Grant,—’”

for those who do not know, I state that Peter Grant is the medical superintendent of the Royal Children's Hospital—

“we approached the State Health Commission and Dr Catchlove received advice from the Chairman, who let him believe he had advice from the Minister, Mr Tom Roper, that there's no agreement.”

Dr Westwood was asked if medical staff had done any soul searching over the decision not to co-operate. ‘They did, but as we have been specifically given that instruction from the Health Minister, it is his responsibility,’ he said.”

Now what does the honourable member for Salisbury have to say?

**Mr Goss:** There wasn't a liver available.

**Mr AUSTIN:** Whether or not it was a political stunt, it is without question that the Victorian Government deliberately tried to inhibit the transplant program.

**Mr SPEAKER:** Order! The member for Salisbury.

**Mr Goss:** He asked me what I had to say.

**Mr SPEAKER:** Order! I have recorded that the Minister accepted your interjection.

**Mr AUSTIN:** There are still some larrikins on the other side of the House, even after the shenanigans over the last two days. I am sure that the people who read “Hansard” will note that very little dignity and decorum is shown by the honourable member for Salisbury in relation to this particularly sensitive matter.

It is pleasing to note that co-operation has been forthcoming from the New South Wales health authorities. Mr Speaker, you will recall the tremendous co-operation between the hospitals in relation to the shipment of a heart from a Queensland hospital to a Sydney hospital, where a transplant was carried out. Recently there was also tremendous co-operation between the hospital authorities in Sydney and in Brisbane when a transplant was carried out. The Government jet was able to be sent to Sydney. There was great co-operation from the New South Wales police in the form of a police escort. I am duty bound to say that there is co-operation between the New South Wales Government and the Queensland Government in the transplant program.

I have received no official recognition from the Victorian health authorities. It is interesting to note that the front page of “The Courier-Mail” carries a photograph of a little girl who had come to Queensland from Victoria, the State that has offered no co-operation, for a transplant.

**Mr Fouras:** That is a cheap comment.

**Mr AUSTIN:** It is a shame that the honourable member for South Brisbane also does not display some dignity and decorum in this Chamber. I am referring to the sensitive issue of liver transplants.

**Mr Fouras:** That is cheap, political point-scoring.

**Mr AUSTIN:** The decision made by the Victorian Government and the Victorian Health Minister was a blatantly political decision, and the Labor Party must wear that. The Victorian Government and the Victorian Health Minister could not give a damn about the health of this nation as a whole.

#### **Compulsory Unionism in Building Industry, Central Queensland**

**Mr COOPER:** I ask the Minister for Employment and Industrial Affairs: Has his attention been drawn to reports that Rockhampton businessmen will protest to Federal and State Governments about what they claim is compulsory unionism being forced on the building industry in central Queensland?

**Mr LESTER:** The Queensland Government is aware of the matter referred to by the honourable member. It must be made clear that subcontractors have had to take risks to commence business. By doing so, people are employed. Subcontractors have had to invest substantial capital in their businesses to commence operations. It is criminal that unions should blackmail employers to join a union. Unfortunately, Australia is becoming used to that type of industrial thuggery. It is union action of that nature that forces Governments to take a stronger stand against the tactics of the unions to help the individuals in this State to have at least the right to say what they think and do what they want to do.

#### **Walk-out from Chamber by Opposition Members**

**Mr COOPER:** I ask the Minister for Employment and Industrial Affairs: Is he aware that the media was advised by the ALP Opposition three hours before its walk-out from this Chamber on Tuesday, 19 March, that they should "hang round; something might happen"? Is the Minister also aware that the public gallery was stacked and that the whole farce was stage-managed from start to finish? Would the Minister agree that the ALP walk-out was, in effect, a strike by ALP members of Parliament and was a slap in the face for their constituents who contribute towards their not insubstantial salaries to represent them in the Parliament and not outside on strike?

**Mr LESTER:** It is a fact that the members of the Australian Labor Party gave prior notice to the media and others of what they intended to do. I find their actions very difficult to understand. Last year, legislation was brought before the Parliament. That legislation was amended two weeks ago. However, for some reason or another the ALP found it distasteful. Opposition members are unable to accept the umpire's decision. Their behaviour is the most disgraceful of any political party in Australia this year. They treated the Parliament like a football ground, with organised, rowdy supporters.

I remind members of the Opposition that debates are not won by evacuation, that obstacles are not overcome by retreat, and that battles are not won by surrender.

#### **Housing Commission Pensioner Accommodation**

**Mr SHAW:** In directing a question to the Minister for Works and Housing, I refer to a statement made by the Minister on 21 February indicating that the Queensland Housing Commission wait-list for pensioner housing in the metropolitan area has been reduced by more than 28 per cent in the past year. Does that mean that pensioners who have been awaiting allocation of a house for two years or more will have one immediately available to them? If not, how long can pensioners expect to wait for accommodation?

**Mr WHARTON:** It is true that wait-lists for pensioner housing are being reduced. That means, of course, that more people are being housed. It is ridiculous to expect that pensioners will get a house tomorrow. That is not the case. The honourable member is well aware that pensioners usually have to wait approximately 12 months for accommodation. However, the wait-list is shrinking. The Queensland Housing Commission is providing more houses. In the vicinity of 5 000 houses each year are being provided. Some of them are sold and some of them are provided on a rental basis.

The building program for pensioner housing has been boosted by 300 per cent. Certainly a need exists for more housing, but the position is improving daily. The honourable member cited a figure of 28 per cent. That shows that there has obviously been progress.

#### **Commonwealth Inquiry into Local Government Financing**

**Mr NEWTON:** In directing a question to the Minister for Local Government, Main Roads and Racing, I refer to the Commonwealth Government inquiry, by Professor Self and his committee, into local government financing. Is it a fact that the Commonwealth Department of Finance and the Commonwealth Department of the Treasury have made submissions to the inquiry questioning the effectiveness of the direct Federal funding of local authorities?

**Mr HINZE:** The honourable member asked a very intelligent question, and it will be answered accordingly.

Last year the Commonwealth Government did set up an inquiry chaired by Professor Self, as the honourable member says. It is certainly true that the two Commonwealth Government departments referred to by the honourable member have questioned the effectiveness of direct Federal funding of local authorities. No less an authority than the Commonwealth Minister for Local Government and Administrative Services, the Honourable Tom Uren, delivered a speech on 15 March last to the annual meeting of the north-west New South Wales group of local government clerks, engineers and health surveyors in Armidale, during which he said—

“I am aware that the Commonwealth Departments of Finance and Treasury question the effectiveness of Federal funding of Local Government through general revenue assistance. They suggest that such funding should be put in the hands of the States.”

I could not agree more with that general sentiment and I am very pleased that these two powerful Commonwealth Government departments have such a refreshingly realistic view of how best to help local government.

However, in that address, Mr Uren went on to say—

“But they are not speaking for the Government and this is not ALP policy.

The Government as a whole has not yet considered the issues involved and it may well take a different view to those Departments upon receipt of the committee's report.”

That important inquiry is the first Commonwealth Government inquiry of any real magnitude into local government financing since the introduction of the previous Commonwealth Government's Local Government (Personal Income Tax Sharing) Act in 1976, and its report is expected in about September. I am very concerned that the expert view of the Federal Departments of Finance and the Treasury will be flatly rejected because of the socialist commitment to bypassing, downgrading and ignoring the States wherever and whenever possible.

All States have an established machinery which could quickly, fairly and cheaply disburse any additional funds which might be made available by the Commonwealth.

#### **Writ Issued by Rockhampton Mayor Against Political Opponent**

**Mr NEWTON:** My second question also is directed to the Minister for Local Government, Main Roads and Racing. I ask: Has his attention been drawn to a front-page story in yesterday's Rockhampton “Morning Bulletin” headed “Lunchtime writ for Finlayson”, which gave details of a writ served on the Rockhampton Civic Independent Group candidate for mayor, Mr Bob Finlayson, by the Labor Party mayor of Rockhampton, Alderman Jim Webber? Will the Minister investigate allegations that Alderman Webber has abused his position as mayor for personal gain in a land deal in Rockhampton?

**Mr HINZE:** I preface my answer by saying that I know Jim Webber to be a very responsible, capable mayor. I do not intend using this Chamber to tip any tins on Jim Webber. However, over the past few days members of the Opposition have made allegations about a number of local government councillors and aldermen, including the chairman of Redland shire, the chairman of Moreton shire and the mayor of Toowoomba.

I informed the House on Tuesday night during the debate on a local government Bill that I would fully investigate any allegations about elected members of local authorities abusing their office for personal gain. These are very serious allegations and, if I am provided with appropriate details, I will make thorough investigations. I can only assume that the Labor Party did not raise Alderman Webber's name, because he is a member

of that party and the allegations about his dealings must be gravely embarrassing for the Labor Party.

**Mr YEWDALD:** I rise to a point of order. I seek your clarification, Mr Speaker, about the comments being made by the Minister. As I understood the question, it indicated that a writ had been issued. I ask for your ruling on the Minister's commenting on the matter in the House.

**Mr SPEAKER:** Order! Again I remind honourable members that the Chair may make no ruling on how a Minister may reply to a question, so I ask the Minister to proceed.

**Mr YEWDALD:** I rise to a further point of order——

**Mr HINZE:** There is no need to. I take the honourable member's point and I will go no further.

**Mr YEWDALD:** I rise to a further point of order. Mr Speaker, you have indicated that you have no control over what a Minister says in the House. I am suggesting that, as a writ has been issued, the matter ought to be ruled sub judice. That has been your ruling in the past.

**Mr SPEAKER:** Order! I have given my direction on it. I will say it again. I will read it out to the honourable member, if necessary. Once again, I remind honourable members that the manner in which a question is answered or not answered is, as I have previously brought to the attention of honourable members, the prerogative of the Minister responding and cannot be dictated to by the questioner; nor, as I have said on several occasions before, has the Chair control over the contents of an answer by a Minister. How a Minister answers or does not answer is his prerogative. There is no point of order.

**Mr HINZE:** I need not proceed any further. I was making the point that on Tuesday night our colleagues on the Opposition benches took the time of the House in the debate on the Local Government Act and Another Act Amendment Bill to savagely attack a number of leaders of local government in this State. I believe that I have made my point, so I will take the matter no further.

#### **Electricity Tariff Concession for Age Pensioners**

**Mr HARTWIG:** I ask the Premier and Treasurer: As in most other States a concession on electricity accounts is made to age pensioners and in view of the ever-increasing tariffs and bills for electricity in this State, in the next Budget will he consider introducing concessions on electricity tariffs for age pensioners?

**Sir JOH BJELKE-PETERSEN:** Considerable support is given to pensioners. For instance, the Government gives assistance to shire councils in respect of pensioners' rates. Pensioners are assisted in numerous other ways. The Government assists in various forms, such as in registration fees for vehicles.

**Mr Lane:** Rail travel round Australia.

**Sir JOH BJELKE-PETERSEN:** Yes, travel by rail round Australia. There are a number of other angles. No doubt, the honourable member asks his question for political purposes. The Budget has to be framed taking everything into account. I cannot give an assurance that anything like that will happen.

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

#### **NOTICES OF MOTION—DISALLOWANCE OF PROCLAMATION AND ORDERS IN COUNCIL**

**Mr SPEAKER:** Ordinarily, the first business of the day would be the disallowance motions listed in the Business Paper in the names of Messrs Warburton, McLean, Vaughan, Yewdale, Davis and Underwood. However, the proclamation and Orders in

Council referred to have now ceased to have effect, and, in consequence of accepted practice and precedents of this Parliament, I advise that no discussion should now take place, as it is out of order to discuss the disallowance of orders that are no longer in force.

## ELECTRICITY AUTHORITIES INDUSTRIAL CAUSES BILL

### Suspension of Standing Orders

**Hon. I. J. GIBBS** (Albert—Minister for Mines and Energy), by leave, without notice: I move—

“That so much of the Standing Orders be suspended as would otherwise prevent the immediate presentation to the House of a Bill to provide in respect of industrial causes affecting the electricity supply industry and for related purposes; the passing of such Bill through all its stages this day; and that the following times be allotted for the remaining stages of the Bill unless those stages be concluded sooner on this day’s sitting—(a) conclusion of second-reading debate by 4.45 p.m.; (b) report from the Committee and third reading by 5.45 p.m. If the debate on any stage of the Bill be not concluded by the time so specified, Mr Speaker, or the Chairman, as the case may be, shall forthwith put the remaining questions on that Bill without any further amendment or debate.”

Question put; and the House divided—

AYES, 47		NOES, 28	
Ahern	Lee	Braddy	Yewdale
Alison	Lester	Burns	
Austin	Lickiss	Campbell	
Bailey	Lingard	Casey	
Bjelke-Petersen	Littleproud	Comben	
Booth	McPhie	D’Arcy	
Borbidge	Menzel	De Lacy	
Cahill	Miller	Eaton	
Chapman	Muntz	Fouras	
Cooper	Newton	Goss	
Elliott	Powell	Kruger	
FitzGerald	Randell	Mackenroth	
Gibbs, I. J.	Row	McElligott	
Glasson	Simpson	McLean	
Gygar	Stephan	Milliner	
Harper	Stoneman	Palaszczuk	
Hartwig	Tenni	Price	
Harvey	Turner	Scott	
Henderson	Wharton	Shaw	
Hinze	White	Smith	
Innes		Underwood	
Jennings		Vaughan	
Katter	<i>Tellers</i>	Veivers	<i>Tellers</i>
Knox	Kaus	Warburton	Davis
Lane	Neal	Warner, A. M.	Prest

Resolved in the affirmative.

### First Reading

Bill presented and, on motion of Mr I. J. Gibbs, read a first time.

### Second Reading

**Hon. I. J. GIBBS** (Albert—Minister for Mines and Energy) (12.15 p.m.): I move—

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

This Bill proposes the substantive legislation that the Government indicated would follow the passing by this Parliament the week before last of the Electricity (Continuity of Supply) Bill.

It has four main purposes—

- (a) to make it clear that strikes or similar industrial action in the electricity supply industry are illegal;
- (b) to abolish compulsory unionism for electricity industry employees;
- (c) to set up a separate tribunal to hear disputes in this essential industry; and
- (d) to provide for summary dismissal or suspension in a case where employees disobey the no-strike provisions.

Part I of the Bill (clauses 1 to 4) contains the necessary definitions and preliminary provisions, and also provides that the main provisions of the proposed Act shall come into effect on a date to be set by proclamation.

Part II (clauses 5 to 9) establishes the Electricity Authorities Industrial Causes Tribunal, and provides—

- (a) that there may be one or more members appointed to the tribunal;
- (b) that the term of office of a member of the tribunal shall be for a term not exceeding seven years and that his appointment may be renewed for a further term not exceeding seven years. The Bill does not preclude the appointment of a judge of the Supreme Court or District Courts;
- (c) for temporary appointments to the tribunal when this is considered necessary; and
- (d) for the appointment of a registrar and the setting up of a registry. Until this is done, the Industrial Registrar is appointed to be the registrar of the tribunal and his office the registry.

Part III (clauses 10 to 21) sets out the jurisdiction and practice of the tribunal. I shall go through this part clause by clause.

Clauses 10 and 11 provide that the Industrial Commission's jurisdiction is superseded by the jurisdiction of this tribunal as far as electricity authorities and their employees are concerned, except in the case of matters affecting apprentices.

Clauses 12 and 19 set out that the tribunal is to exercise all the powers of the Industrial Commission, but that, when exercising these, it is also to have regard to effects of its decisions on the economy, electricity consumers generally and other sections of industry in Queensland. The previous situation, in which an industrial commissioner could make arbitrated decisions with respect to matters which are purely the right of management, will no longer apply.

Clause 13 requires an employer to give notice to the tribunal of any dispute or situation that is likely to give rise to an industrial dispute. It also gives any employee or industrial union the right to do so. The Minister is also empowered to give such notice.

Clause 14 sets out that the practices and procedures of the tribunal shall be those of the Industrial Commission.

Clause 15 gives the Crown the right to intervene in any proceedings before the tribunal.

Clause 16 allows all parties to be represented by an agent. However, it does not allow legal representation unless all the parties consent.

Clause 17 allows the tribunal to seek the assistance of an advisory panel of four persons nominated by the parties to the dispute to assist in the disposal of any proceeding. However, these advisers are there only to offer expert assistance. The decision of the tribunal must always be that of the member constituting it.

Clauses 18 and 21 remove the right of appeal to the Industrial Court on points of law. The effect of this is that the decisions of the tribunal are non-appealable but may

be questioned, only on grounds of jurisdiction, in the Supreme Court, by proceedings instituted to invoke the granting of one of the prerogative writs.

Clause 20 is a machinery provision to provide for access to the Industrial Commission's records.

Part IV (clauses 22 to 32) provides for new conditions of employment in the electricity industry.

Clause 22 negates preference to members of industrial unions.

Clause 23 spells out that participating in or inciting, counselling or abetting a strike is an illegal act.

Clause 24 makes it clear that an employee who engages in any strike has committed a fundamental breach of his conditions of employment.

Clause 25 provides that taking part in a strike deprives the employee concerned of the benefit of any award or agreement made under the Industrial Conciliation and Arbitration Act.

Clause 26 provides for an automatic penalty of forfeiture of the whole of his pay for the day or shift in which an employee engages in strike action.

Clause 27 provides that an employee who engages in strike action may be summarily dismissed or suspended.

Clauses 28 and 29 give an employee who claims that he has not taken part in a strike the right to have his case reviewed and provide for the reviewing authority to put matters right if the employee established his case. The review will be undertaken by the Minister if the employee works for the Queensland Electricity Commission or by the Electricity Commissioner if he works for an electricity board. The decision made is final.

Clause 30 provides that neither the tribunal nor an employer can take any action that would avoid the imposition of or remit a penalty imposed unless the remission by the employer is made pursuant to clause 27.

Clause 31 makes it obligatory upon the employer to bring the provisions of this Bill to the notice of employees.

Part V (clauses 32 and 33) contains certain machinery provisions and the power to make regulations.

My remarks so far set out the framework and explain the mechanics of the legislation that the Government feels is essential to meet the present situation. It is good legislation.

It is the Government's stated intention to overcome divisions that have caused great unrest and problems in the electricity supply industry. It does not want a return to the situation in which strikes occur over matters such as car-parking facilities, shorter working hours and the legitimate use of contract labour, which have deprived consumers of electricity in the past.

The people of Queensland have made it very clear that they are no longer prepared to suffer the inconveniences of interruptions to their electricity supply.

In response to this, the Government has seen it as its duty to take strong measures to enforce what I believe is the will of the community. I am sure that it has the overwhelming support of the majority of the employees in the electricity supply industry and of the public at large.

The unions must accept that it is not only the desire but also the demand of the public that strikes in the electricity supply industry be outlawed. The unions and the administrators of the electricity supply industry must now work together to build in this industry a new structure that will ensure a reliable and continuous electricity supply.

I commend the Bill to the House.

**Mr VAUGHAN (Nudgee) (12.24 p.m.):** This is the third time in the last two weeks of the sitting of this Parliament that the House has witnessed the introduction of this type of legislation into this Chamber by the fascist Government of this State, aided and abetted by many other people working behind the scenes. It is the third time that it has witnessed legislation of this nature, which is designed to bring the trade union movement—in this case, employees of the electricity industry—to its knees. It is also the third time that legislation has been introduced at such short notice, and it is the third time that the time for debate has been restricted.

I place on record that the Bill, which contains 33 clauses, has only just been placed before me and I am now asked to debate what is very, very serious and important legislation. That does not matter to me; I will do the best I possibly can. However, what does matter to the Parliament and to the people of this State and of Australia, particularly the working people, is what the Government is all about.

As I said in the debate on the Electricity (Continuity of Supply) Bill, which was introduced into the House in the same manner on Tuesday, 5 March 1985, the Government is attacking the trade union movement. Its attacks will not be successful, as has already been shown by the rallying of support for the trade union movement by unions throughout the length and breadth of Australia. Irrespective of what the Minister and the Government say about the feeling in the community, the fact of life is that the community can be hoodwinked for just so long. This legislation smacks of the same thinking behind legislation that Adolf Hitler introduced into Germany many, many years ago. I am on record as saying that Hitler will never be dead while the Premier and Treasurer of this State is alive. That will be proven, because he will go down in history as being the most fascist Premier the State has ever seen.

On Tuesday, the House debated amendments to the Industrial Conciliation and Arbitration Act. This morning, the Minister for Employment and Industrial Affairs (Mr Lester)—that shadow of a Minister who was very, very conspicuous by his silence throughout the entire electricity industry dispute—tried to have the House believe that the legislation he introduced last Tuesday was introduced last year. Of course, part of it was introduced last year and it was laid on the table, which is the normal procedure in this Parliament. According to the Standing Orders, a Bill should be introduced and be laid on the table. It should remain there for a period so that the Opposition and the community can consider and make constructive comments on the legislation that the Government wants to make law for the people of Queensland. In this case, it is law for the workers in the electricity industry of this State.

I have been the Opposition spokesman for the electricity industry since I entered this place in November 1977. That position has not presented me with a great deal of difficulty, notwithstanding my having to deal with three Ministers—Mr Camm, Mr Sullivan, and now the member for Albert (Mr I. J. Gibbs). I have never had a great deal of difficulty in handling the legislation that they have introduced, notwithstanding their never having extended to me the courtesy of informing me when legislation would be introduced, as is done by some Ministers. I admit that, on very infrequent occasions, the present Minister has informed me of legislation a half an hour before he has introduced it. Some Ministers pay Opposition spokesmen the courtesy of informing them when legislation is to be introduced, and even give them a copy of the prepared second-reading speech. However, I do not ask for any favours and I certainly will not give any. That will be the case. Those ground rules have been laid and, if that is the way the Government wants to play it, I am quite happy.

The situation in the electricity industry in this State is far from good. At present, it is practically disastrous. A problem has developed because of some very minor industrial disputes that commenced in July 1984 in SEQEB. The matter was being handled by the Industrial Conciliation and Arbitration Commission for four to five months. The commission is set up under the provisions of the Industrial Conciliation and Arbitration Act, which is a very comprehensive piece of legislation. The commission

has been in operation for almost as long as Queensland has been in existence. It was set up by a Government many years ago. It has handled industrial problems in all industries, except those that operate under federal awards.

The Government has seized upon an opportunity. I believe that it has planned its course of action. The Premier and Treasurer is wholly responsible for the situation in which the State now finds itself. For a number of years he has made it well known that he is out to crush trade-unionism in this State. In fact, he would like to crush trade-unionism in Australia. If he had his way, he would crush trade-unionism throughout the world. However, he will not have his way. No matter how hard he tries to crush trade-unionism in this State, he will only build up barriers and create more division, and that could lead to very serious consequences.

People in many countries, like the Premier and Treasurer of this State (Sir Johannes Bjelke-Petersen), set themselves up as virtual gods and dictators and tried to crush all opposition to their regimes.

**Mr FitzGerald:** Who are the dictators in Queensland? Some of your mates are trying to dictate to everyone else.

**Mr VAUGHAN:** It is only a matter of time before the National Party Government—or should I say the Nazi Party, because that is what it is showing itself to be——

**Mr McPHIE:** I rise to a point of order. I object to that reference. I am not a Nazi and I never have been. The honourable member's statement is libellous. I demand that it be withdrawn.

**Mr DEPUTY SPEAKER (Mr Booth):** Order! There has been no personal reflection on the honourable member exclusively.

**Mr VAUGHAN:** The honourable member is just one of the Nazis on the other side of the Chamber.

**Mr McPHIE:** I rise to a further point of order. The honourable member has now reflected personally upon me. I ask that the statement be withdrawn.

**Mr DEPUTY SPEAKER:** Order! I think that the last remark should be withdrawn. The honourable member is trying to be unduly provocative in a way that is quite foolish. I ask the honourable member for Nudgee to withdraw the remark.

**Mr VAUGHAN:** I withdraw the remark.

It is only a matter of time before the Government changes the Maltese cross on the Queensland flag and replaces it with a swastika. That is the way that the Government is heading.

The Minister says that he is doing what the people of Queensland want him to do, that he is going to control completely the power industry in this State. One needs only to look at the result of the Rockhampton by-election. By his actions and attitude, particularly since 7 February when the Industrial Commission issued orders on SEQEB employees who were in dispute, the Minister is about to turn a small grass fire in the SEQEB into a major bush fire. That was the fourth order that was issued by the State Industrial Commission. The three previous orders had all been honoured by the SEQEB employees. On 7 February, the Minister saw that the situation was getting out of control and, with the Premier and the other 16 members of Cabinet, he decided that some action had to be taken to ensure that the disputation in SEQEB was spread throughout Queensland. That was the Government's preconceived plan. The Minister cannot deny that. History records what took place subsequent to that date.

As I indicated in this Chamber on Tuesday, the Industrial Commission issued an order on the SEQEB employees on 7 February. Cabinet met before the contents of that order could be reported to the rank and file members of SEQEB, as is required by the provisions of the Industrial Conciliation and Arbitration Act.

I point out that that order was issued by the Industrial Commission at 4 p.m. on Thursday, 7 February. That very night, Cabinet met and, before the provisions of that order could be conveyed to the rank-and-file employees of SEQEB, the Governor was instructed to proclaim a state of emergency throughout this State.

It is well known that on Friday, 8 February, the Government took the matter further and had Orders in Council issued by the Governor in Council. Those Orders in Council were to the effect that if SEQEB employees did not return to work on Monday, 11 February, they would be dismissed.

On Tuesday I pointed out that the Government did not adopt the provisions of section 98 of the Industrial Conciliation and Arbitration Act and conduct a secret ballot. The Government chose not to do that. Everybody knows why. There were two reasons. Firstly, for its own political purposes and for the purposes of this legislation, the Government wanted to ensure that the dispute extended throughout the State. Secondly, the Government had its eyes on the Rockhampton by-election.

Queenslanders know that, of a total of 82 seats in this House, the Government has 43 seats. It needed more than 41 seats, which is half the number of seats in the House. The Government now has 43 seats as a result of two Liberals jumping the fence after the last State election. They were paid to rat on the Liberal Party and go across and join the National Party. It desperately needed another seat, because it had too fine a margin. The Government's political advisers said that the best way to win that by-election was by way of industrial disputation. They said, "Judging by past performances, you can be assured that industrial disputation in this State will be a political plus for your party."

**Mr Davis:** They did the same thing in Maryborough in 1971.

**Mr VAUGHAN:** History reveals the number of times that this Government has purposely encouraged and initiated industrial disputation for its own political gain. The Government's political advisers know what it is all about.

The Government did not want the industrial disputation in existence after 7 February to be resolved. On Sunday, 10 February, it knocked back a recommendation of the Industrial Commission. During a debate with Simon Crean, representing the Australian Council of Trade Unions, the Minister for Employment and Industrial Affairs, the most incompetent Minister to hold that portfolio since I became a member—and also before that, from what I know about previous Ministers—said, "Oh, no, the Industrial Commission never made a recommendation to the parties—including SEQEB and the Government." Of course, it could have been taken that the commission's statement was not a recommendation. However, ultimately, in an earnest endeavour to resolve the dispute, the Industrial Commission made a recommendation to all parties. In this House, the Leader of the Opposition read out word for word the recommendation that went to SEQEB and the recommendation that went to Cabinet. Of course, the Government did not want a resolution of the dispute; it wanted to ensure that on Monday, 11 February the dispute continued.

What is the best way of ensuring that a dispute isolated to south-east Queensland spreads throughout the State and particularly to a place that is having a by-election? The best way is to sack people—sack a shop steward, a union delegate or a mass of workers. On this occasion what did the Government do? It decided to sack 1 500 SEQEB employees. That was a great way of ensuring that the dispute spread throughout the State.

What happened then? Not only did the Government sack 1 500 SEQEB employees; it also spent over half a million dollars of tax-payers' money on advertising in "The Courier-Mail", the "Daily Sun" and on television. On that occasion, the Government gave some business to "The Courier-Mail" Advertisements were broadcast on radio and television. Advertisements were placed throughout the length and breadth of the State, costing over half a million dollars and probably more.

The Premier and Treasurer virtually pleaded with people throughout Queensland to support the National Party. During the Rockhampton by-election campaign he made statements to the press, radio and television seeking support for the National Party. What was the result? The by-election was a disaster for the Government. Paul Braddy increased the Labor vote by 2.5 per cent. That was a real kick in the pants for the Government.

**Mr Davis:** The Premier also cut the electricity down at south Rockhampton.

**Mr VAUGHAN:** They tried all sorts of dirty tricks; nothing is beyond the Premier and Treasurer or the Minister. They will resort to any tricks to achieve their political ends.

This legislation will bring about their political demise. The people of Queensland will see through this legislation. I recall saying in this place in 1979, when the Essential Services Act was introduced, "If you apply this sort of legislation, it will be to your political disadvantage." The fact of life is that the Government has never applied that legislation. It has realised that such action would be to its political disadvantage. Again I say to the Minister, on the introduction of this legislation, "It will be to your political disadvantage. You can drive people only for so long." On previous occasions I have referred to what has happened in countries overseas. Sooner or later the people turn. Sooner or later they will say, "Enough is enough."

The Government can attempt to set up a dictatorship in this State as much as it likes, but the people will not cop it—no matter how much the National Party thinks it has the people of this State brainwashed. There is no denying that they are brainwashed. The extent of the Government's propaganda machine is without question. The extent to which the Government will use propaganda is shown by advertisements placed in the press.

Recently, I was shown an advertisement for a minor position, such as administrative officer for the North Queensland Electricity Board, at the head of which was the statement, "This is a Queensland Government initiative. We believe in employment." Fair enough; it may be part of the Government's propaganda machine, but the Government never ceases trying to penetrate the minds of the people. It has been very successful, but it is going too far.

It went too far with the Electricity (Continuity of Supply) Act, which gives to the Queensland Electricity Commissioner, who is sitting in the lobby, the right to direct persons in whatever way he wishes. That legislation contains no provision for appeal. The Electricity Commissioner has the right to dismiss or fine employees of the Queensland Electricity Commission or any electricity authority. There is no reference to people outside those organisations.

I will be interested to study the contents of the Bill during the luncheon recess to ascertain what skulduggery is in it. I heard the Minister's second-reading speech. That seemed to indicate that the Bill contains some obnoxious provisions.

I ask those people who will have the extremely onerous task of applying the legislation, "Do you know what you are doing to yourselves? Do you know how you will be regarded by the people in the community to whom the legislation will be applied? Sooner or later you gentlemen will regret having been associated with legislation such as this." I feel sorry for those people. They are being used. They are being used in the same way as the Minister has already used a number of people. Without any qualification I say that, when I become the Minister for Mines and Energy in this State, all of that legislation will be repealed. And that time is not very far away. A few of the people who have been associated with it will be "repealed" also.

What does the Bill contain? Should I say. "What does the Minister say it contains?" He says that it has four main purposes, the first of which is—

"to make it clear that strikes or similar industrial action in the electricity supply industry are illegal"

The Government is saying that, irrespective of the circumstances, strikes in the electricity supply industry will be illegal. As an honourable member said to me the other day, in a country in which a person has not the right to withdraw labour, there is no freedom. Certainly, no freedom will exist in this State if and when the legislation presently before the House is implemented.

Under the provisions of the legislation, strikes and similar industrial action will be illegal. I will be interested to see how the proposed tribunal will operate, although I realise that the Government has previously mentioned the establishment of an electricity industry tribunal. It was not so long ago that the Government announced an intention to appoint a particular commissioner of the State Industrial Commission to hear disputes in the electricity industry. As far as I am aware, that has been taken up and it has been working quite well, except that the Government has failed to appreciate—and I believe this to be the true position—that it takes two parties to participate in a dispute. Besides unions, the electricity authorities are the other party in this State, and the industrial relations record of Queensland electricity authorities is abysmal. I repeat—it is abysmal. If any Government members do not believe me or want to research the record, they will discover that that is true.

On 26 August 1981, I moved a motion in the House proposing that an investigation be held into the way in which electricity authorities conducted industrial relations. That motion remained on the Business Paper for three years and was not debated. The Government is not interested in improving industrial relations.

All it wants to do is use a big sledge-hammer to crack a nut. That is the reality of what the Government is doing in bringing forward this legislation, the Electricity (Continuity of Supply) Bill and the Industrial Conciliation and Arbitration Act Amendment Bill.

I repeat—the way in which industrial relations have been handled in the electricity industry is abysmal, and it has been abysmal not only since the industry was reorganised in July 1977 or over the past few years, but also for many, many years before that. I was associated with the industry for 13 years, and I understand the problems that can occur. I can give instances of the way in which the electricity authorities have used or abused the State Industrial Commission and the provisions of the Industrial Conciliation and Arbitration Act.

I will be watching very carefully to see how the Government honours the provisions of even this legislation, and how the electricity authorities will implement the provisions when the legislation is given assent. Of course, the legislation will be passed because the Government has the numbers. The Government holds 43 seats, including two formerly held by the Liberal Party, as I have previously said. However, I stress that, irrespective of how harsh a Government makes legislation, both parties must appear to have some degree of control or participation in the way in which industrial relations are to be conducted. The old saying is that justice must not only be done, it must be seen to be done. Regardless of how harsh the legislation is, justice must appear to be done; otherwise, the legislation will back-fire in the face of the Government. The Government can write in as many restrictions as it wishes but, unless the electricity authorities are capable of appearing to do the right thing, the provisions of the legislation will blow up in the face of the Government.

Several years ago in the electricity industry in Queensland, employees throughout the length and breadth of the State who were employed by the various electricity boards—such as regional boards, the Southern Electric Authority of Queensland and the Brisbane City Council—were required to be on stand-by. This example will provide honourable members with an instance of the way in which industrial relations have been handled unsatisfactorily and will demonstrate that electricity authorities have much to learn. The example does not apply to the Brisbane City Council, which has distribution system operators rather than depots.

It has been reported in the press that groups classified as distribution system operators have virtually been decimated, and it is well known that, when the State Government took over the department of electricity of the Brisbane City Council, which was the most efficient electricity distribution authority in Queensland, its basic methods of operation were implemented and continued to apply in the South East Queensland Electricity Board.

A man who was treated as somewhat of a hero during the recent load-shedding problems—Robin Russell—recently said that the Government was behind what is happening in SEQEB although it has a man in there doing the hatchet work for it. He said that the Government was deliberately disembowelling a very efficient distribution system, which is manned by the operators who go out in all sorts of weather to restore supply. They are the experts in the SEQEB distribution system in the south-east corner of Queensland. Anybody who wants to know what is happening has only to read what was said by Robin Russell, one of the top SEQEB engineers.

Throughout Queensland, and in country areas in particular, men were on stand-by. I have in mind the depots at Gympie, Kenilworth, Gatton, Esk, Southport, Coolangatta, Biloela, Collinsville, Charters Towers, Mareeba and Atherton, all of which are very well known to me. The man who was on stand-by was paid the princely sum of \$3.50 a week to answer the telephone. His name appeared in the telephone directory, and he answered every telephone call from consumers in his area on Saturday, Sunday and any night of the week. Problems arose when he received a call notifying a failure of supply because many of the men on stand-by were electrical fitters, mechanics and linesmen. When the man on stand-by got into his truck with a tradesman's assistant to go out to restore supply, who answered the telephoned? His wife, who did not receive a cent for doing it. And on occasions she might be up all night answering the telephone.

I was responsible for the carriage of that dispute. It took two and a half years to resolve it with the electricity authorities. If anyone challenges that statement, I ask him to produce records, because for two and a half years we in the union movement tried to get the electricity authorities to change the system—to relieve the wives of stand-by workers or give them compensation.

We were finally successful, but not before the whole industrial committee of the electricity industry was taken before Commissioner Pont, who finally realised that the electricity authorities were stonewalling. He forced the then electricity commissioner (Mr Murray) to appear before the Industrial Commission. Mr Pont was very indignant about the way the electricity authorities had been stonewalling. Finally, after two and a half years, the electricity authorities introduced a better stand-by system under which other employees were placed on stand-by. That relieved the wives of the onerous task of virtually being the electricity authority at the depots. When the union complained in writing to an electricity authority, it did not receive a reply. Even when the union wrote a second letter, it did not receive a reply. Finally, the electricity authority would write to intimate that, because the industry as a whole would be affected, the matter had to be taken to the industrial committee. The electricity authority was interested only in stonewalling. As Christmas-time approached, with its storms, the electricity authorities became harder to deal with. At that time of year the call-out and stand-by work increases. Imagine a wife in a blacked-out country area with all the consumers ringing in; how much sleep would she get? Did the electricity authorities have sympathy for her? There is no way in the world that they did! They allowed that system to continue for two and a half years.

The approach adopted by the electricity authorities to stand-bys was adopted with regular monotony to most issues, because they knew that they were administering an essential service industry. They knew that if a dispute arose they could stonewall, as they have done in the present SEQEB dispute over the use of contractors. They let a dispute roll on for a period until there is the right climate or a by-election is pending. All the time, they know very well that, because it is an essential service industry, finally they will go to the Industrial Commission and apply for an order under the provisions

of the Industrial Conciliation and Arbitration Act. Of course, on many occasions they do not have to apply for orders, because the industrial commissioners already have the orders written out and, at a compulsory conference, they produce them out of their pocket and say, "Well, it is an essential service industry and we are ordering the men to go back to work."

Sooner or later men can get pushed too far and they see that they are being made to look like fools. That is what the electricity industry does; it makes fools of the employees. As I said earlier, the Minister can do that for so long, but then there is a rebellion. On this occasion he is doing it to the men employed by SEQEB. Now, through this legislation, the Minister is spreading these obnoxious provisions away from SEQEB and throughout the whole electricity industry in this State. He is introducing those obnoxious provisions into every electricity authority throughout the State. He did the same thing through the Electricity (Continuity of Supply) Bill.

A dispute arose in one depot of SEQEB. I understand that it was the Gatton depot and that it arose over the installation of underground wiring in a suburban estate outside Gatton, which is a country area.

**Mr FitzGerald:** I will tell you all about it.

**Mr VAUGHAN:** Gatton is in the honourable member's electorate. A dispute arose with SEQEB employees in the honourable member's area, and in this dispute he has deserted those men. He, as much as the Government, is responsible for the position in which the men in his area now find themselves as a result of the action and attitude of the Government. The honourable member should hang his head in shame.

The Government took a very minor dispute in one depot of SEQEB and broadened it in the hope that it could win the Rockhampton by-election. Then it broadened the dispute again and said, "We are going to introduce legislation that will be all powerful." It has successfully extended that small dispute throughout Queensland. I must point out that the people involved in that dispute had been involved in only one other industrial dispute in their working lives.

**Mr Warburton:** In fact, some of them fought in two wars.

**Mr VAUGHAN:** Yes, they fought in two wars. They are returned servicemen. As we are talking about returned servicemen, I shall put this on the record because I feel very strongly about it: when war broke out in 1939, the Premier and Treasurer, who is behind this legislation, went to the Lutherans in the Kingaroy area and said, "Don't join up and fight for your country, because Adolf Hitler will win this war and he'll look after us." If he wants to deny that, let him do so. That is a fact of life.

**Mr DEPUTY SPEAKER (Mr Booth):** Order! I point out to the honourable member for Nudgee that the fact that the Premier and Treasurer is not here should be sufficient reason for him not to make allegations in his absence.

**Mr VAUGHAN:** Bring him into the Chamber and I will say it.

**Mr DEPUTY SPEAKER:** Order! I am ruling that the remark is a personal reflection, and I am asking the honourable member to withdraw it.

**Mr WARBURTON:** I rise to a point of order. Mr Deputy Speaker, with respect, it is not your place to protect the Premier and Treasurer in his absence. If he was interested enough in the legislation for which he and his Government are responsible, he would be in here today. Mr Deputy Speaker, I put it to you that you cannot ask for a withdrawal when the member concerned is not present in the House.

**Mr WHARTON:** Speaking to the point of order, I point out that the Premier and Treasurer is busily engaged on other matters of extreme importance.

**Mr DEPUTY SPEAKER:** Order! I have asked the honourable member for Nudgee to make a withdrawal because I felt his remarks contained an extreme personal reflection. I ask him to withdraw them.

**Sir JOH BJELKE-PETERSEN:** I rise to a point of order. Mr Deputy Speaker, are you still referring to this matter?

**Mr DEPUTY SPEAKER:** Yes.

**Mr Warburton:** You were not even in here.

**Sir JOH BJELKE-PETERSEN:** I have been meeting a group of sugar-farmers. The honourable member cannot get much lower. He has told an untruth.

**Mr WARBURTON:** I rise to a point of order. The Premier and Treasurer has just entered the Chamber. He was not present when the words were spoken. He has not taken a point of order, and he has no right to rise to his feet when the honourable member for Nudgee is speaking.

**Mr DEPUTY SPEAKER:** Order! The Leader of the Opposition knows that closed-circuit television operates throughout the building.

**An Opposition Member:** He wouldn't have been watching.

**Mr DEPUTY SPEAKER:** The honourable member will listen to me while I am on my feet. The Premier would have been able to hear the words that were used. I have ordered the honourable member for Nudgee to withdraw those words, and I ask him to do so now.

**Mr VAUGHAN:** Mr Deputy Speaker, in accordance with your wishes, I withdraw that remark.

**Mr DEPUTY SPEAKER:** I accept the honourable member's withdrawal.

*Sitting suspended from 1.1 to 2.15 p.m.*

**Mr VAUGHAN:** Before the luncheon recess, I made some statements about the Premier, who subsequently entered the Chamber. I wish that he was present now, because I would like to debate those comments with him. I sincerely believe that what I said is true, and I would have liked to hear the Premier's——

**Mr I. J. GIBBS:** I rise to a point of order. The comments by the Opposition spokesman have nothing to do with the Bill.

**Mr DEPUTY SPEAKER (Mr Row):** Order! I was not in the Chamber before the luncheon recess, but the information that I have received leads me to believe that the Deputy Speaker who was in the chair at the time dealt with the matter. If the honourable member for Nudgee makes any statements that I consider to be inappropriate, I will deal with them. Personal reflections cast upon any member of the House will be dealt with by me. I will let the matter rest there.

**Mr VAUGHAN:** Mr Deputy Speaker, I would expect you to take such action because that is your duty; you are in charge of the debate.

As I said at the outset, this is the type of legislation that would be introduced in a fascist society. The Government, the Premier and Treasurer, the Minister for Mines and Energy and everyone associated with the Bill are party to introducing a piece of fascist-style legislation that is designed to suppress the people in this so-called free society. In Queensland, that freedom is being lost. From time to time in this Chamber, the Premier and Treasurer refers to communist countries and communist societies. This legislation is worse than the laws that are introduced in communist countries. It puts communist countries in the kindergarten class.

This is the third Bill in a series. Under the Electricity (Continuity of Supply) Bill, the Premier gave the Queensland Electricity Commissioner power to direct any person to do any work. The commissioner also has power to dismiss any employee of the Queensland Electricity Commission or other electricity authority in the State, and employees may be fined amounts up to \$1,000 without right of appeal. Any person who does not believe that that is fascist-style legislation has a lot to learn.

The Minister for Mines and Energy rose in his place a few moments ago and complained that my remarks did not relate to the Bill. I will now deal with the provisions in the Bill; indeed, I am happy to do so. I trust that, when Government members speak to the Bill, they will actually refer to its provisions. On Tuesday, they did not speak to the provisions of the Industrial Conciliation and Arbitration Act Amendment Bill, but they got away with it.

Before the luncheon recess, I referred to the Minister's second-reading speech, in which he said that the Bill has four main purposes. The first is to make clear that strikes or similar industrial action in the electricity supply industry are illegal. Part IV of the Bill sets out the conditions of employment in electricity callings. The Bill virtually provides that no employee in the electricity industry can object in any way to anything that his bosses in the electricity industry do.

Clause 23 reads—

“Illegality of strike in electricity calling. Participating in or inciting, counselling or abetting a strike by persons engaged in an electricity calling is an illegal act.”

Irrespective of how much an employer incites an employee—a supervisor or the management can now really screw an employee in the electricity industry—he has to cop it. If he does not cop it, he is engaging in an illegal act and is therefore liable to all of the penalties outlined in the Bill, including instant dismissal. No right of appeal exists. Unless an employee can prove that he was not involved in the dispute, he is instantly dismissed.

The Bill provides that an employee may appeal to the “prescribed authority” The Bill also provides that a “prescribed authority” means—

“(a) in relation to an application made or to be made under section 28 by an employee of the Queensland Electricity Commission, the Minister;

and

(b) in relation to an application made or to be made under section 28 by an employee of any other Electricity Authority, the Electricity Commissioner

..”

So the right of appeal is really from Caesar unto Caesar. If an employee of an electricity authority participates in any action that results from his employer's action, he is deemed to be guilty and is dismissed or suspended without any right of appeal. If he attempts to prove that he did not participate in such action, the onus of proof is on him.

The Bill will abolish compulsory unionism. As I said in the recent debate on the Industrial Conciliation and Arbitration Act Amendment Bill, the industrial system is based on the fundamental premise that employees under State awards—I will deal with Federal awards a little later, if I have the opportunity—are members of their respective unions and that employers are members of their respective employer organisations. The Bill sets out the wishes of the Premier and the Government. They do not want people to belong to unions. The Premier does not want organised labour. He wants the system that existed in Nazi Germany prior to 1939, the system that Adolf Hitler tried to perpetuate. In his endeavour to get such a system, the Premier is aided and abetted by the Minister for Mines and Energy and the other Cabinet Ministers. The members of the Government have said that they do not want compulsory unionism. In fact, as a result of a 1966 decision of the Industrial Court in a case involving the Miscellaneous Workers Union and preference of employment, which is virtually compulsory unionism, compulsory unionism in this State ceased to exist. That decision related to preference

clauses that were inserted into all State awards. It virtually abolished compulsory unionism.

However, until now, the employees of the electricity industry in this State have been encouraged to be members of their respective unions. That has been advantageous to the electricity industry. It remains to be seen how it will operate under the tribunal when it is established finally. What does one do with a group of employees who are not members of one of the unions covered by the provisions of the Industrial Conciliation and Arbitration Act?

**Mr I. J. Gibbs:** They don't have to be members of the union. I hope most of them won't be.

**Mr VAUGHAN:** The Minister should not show his ignorance of industrial relations. I have already stated how bad industrial relations are in the power industry. The Minister knows little or nothing about the power industry in this State, let alone the industrial laws of this State. As I said recently in this Chamber, the Minister knows how to avoid stamp duty.

**Mr I. J. Gibbs** interjected.

**Mr VAUGHAN:** Last year, the Minister tried to avoid paying \$396 in stamp duty, and he was forced to pay it.

**Mr DEPUTY SPEAKER (Mr Row):** Order! I do not consider that that matter has any relevance to the Bill. The honourable member will return to the Bill.

**Mr VAUGHAN:** The Minister provoked me.

**Mr DEPUTY SPEAKER:** Order! As I said earlier, personal reflections will not be tolerated. The honourable member will return to the matter under discussion.

**Mr I. J. GIBBS:** I rise to a point of order. I ask that the honourable member withdraw those remarks as I find them offensive. As well, they are incorrect.

**Mr DEPUTY SPEAKER:** Order! I agree with the Minister that the remarks could be offensive to him. I ask the honourable member for Nudgee to withdraw his remarks on the basis that they have nothing to do with the Bill.

**Mr VAUGHAN:** I will withdraw those remarks. We will see how the Minister performs next Tuesday in relation to that particular matter.

**Mr I. J. GIBBS:** I rise to a further point of order. I take offence at the honourable member's remarks. The matter about which the honourable member is speaking is a stamp duty issue that relates to my deceased son's estate. I do not believe that the honourable member has any right to raise this matter in the House. I will not discuss the matter with him. I wish to put the matter in its proper perspective. The honourable member can take me on at any level he likes and he will come off second best.

**Mr DEPUTY SPEAKER:** Order! I suggest that the debate on this matter cease forthwith. I inform the honourable member for Nudgee that I do not want to hear any more about it.

**Mr VAUGHAN:** Mr Deputy Speaker, I——

**Mr I. J. Gibbs:** I hope you don't finish up with any of your family in that position. If they are the sort of grub-stakes the honourable member wants to play in this place, he can get out.

**Mr DEPUTY SPEAKER:** Order! I asked for the matter to be closed, and I expect the matter to be closed.

**Mr VAUGHAN:** Certainly the matter is closed——

**Mr DEPUTY SPEAKER:** Do not refer to it again.

**Mr VAUGHAN:** For today.

**Mr DEPUTY SPEAKER:** Order! I asked the honourable member not to refer to the matter again.

**Mr VAUGHAN:** I did not refer to it.

**Mr DEPUTY SPEAKER:** I do not want to hear any innuendo about some other day.

**Mr Fouras:** Why not?

**Mr DEPUTY SPEAKER:** Because I do not want it in this Chamber.

**Mr VAUGHAN:** Mr Deputy Speaker, returning to the subject——

**Mr Fouras** interjected.

**Mr DEPUTY SPEAKER:** Order! I warn the member for Brisbane Central under Standing Order No. 123A for disputing a decision of the Chair.

**Mr Mackenroth:** The member for Brisbane Central is not here. The same thing happened yesterday.

**Mr DEPUTY SPEAKER:** Order! The honourable member for South Brisbane has disputed a decision that I have made. That will not be tolerated. I warn him under Standing Order No. 123A. Honourable members will return to the Bill.

**Mr VAUGHAN:** Because of the nature of this legislation, tempers and circumstances are rather heated. In the history of this State, legislation of this nature has never been seen. It is in the interests of the electricity industry for employees to be members of a union, in the same way as it is in the interests of industry generally for employers to be members of their respective organisations.

The Queensland Confederation of Industry and the Metal Trades Industry Association represent employers. It is only right that employers who are in the industries covered by those associations should be members of those associations. The Electrical Contractors Association covers electrical contractors in this and other States. One of its complaints is that not all electrical contractors are members of the association. The Electrical Contractors Association argues that all electrical contractors benefit from the services provided by it. All electrical contractors put out their hands and welcome the assistance provided by the association. Although all contractors do not join the association, they should be made to join it.

**Mr Simpson:** No, they shouldn't.

**Mr VAUGHAN:** Of course they should!

**Mr Warburton:** It is a bit like fishermen. They are forced by this Government to join the Commercial Fishermen's Organisation.

**Mr VAUGHAN:** That is right. Are cane-growers not required to pay a certain amount on their tonnage produced?

**Mr I. J. Gibbs:** Not by the Government.

**Mr VAUGHAN:** They are. What about dairymen—all compulsory levies!

**Mr Mackenroth:** Hasn't every tenderer in Queensland got to join the National Party?

**Mr VAUGHAN:** That is right. The National Party goes round to small-businessmen saying, "We'll help you, but first you have to pay \$300 to join the National Party."

As I was saying before I was rudely interrupted by the Minister, what will happen to the electricity industry if a group of employees who are not members of any union have a grievance and decide to take industrial action? What will the electricity industry do then? It will do what has been done for years and years. The Industrial Commission, upon receiving notification under section 36 of the Industrial Conciliation and Arbitration Act, will contact the union and inform it that there is a dispute at such and such a place. The Industrial Commission does not and will not know whether people are union members or not. It will not have a clue, and it will not bother to find out. The union will be told, "A compulsory conference is being held at such and such a time. You are required to attend. If you do not front up, you will be in breach of the Industrial Conciliation and Arbitration Act."

The electricity authorities are now saying, "We are going to encourage people not to belong to unions. We are going to encourage industrial anarchy on the job." What would happen if all the workers at Gladstone Power Station decided that they would not belong to a union and decided to take industrial action? Would the Government trot 1 000 of them—every one of them—down to the Industrial Commission? How would the Government handle that? In future, those workers will probably be trotted off to this tribunal.

I repeat that it is in the interests of all parties involved in industrial relations that employees be financial members of their respective organisations and that employers also be financial members of their respective organisations. I do not know whether the Queensland Electricity Commission or the various electricity distribution boards throughout the State are affiliated with the Metal Trades Industry Association or the Queensland Confederation of Industry. I do know that they have used the services of those organisations. Perhaps they pay an associate fee.

It is a fact of life that the whole industrial system is based on people being members of the respective organisations. Under this new law that will sweep this previously free State, the Government will say, "There will be no compulsory unionism." Let us see what happens.

The Minister said—

" to set up a separate tribunal to hear disputes in this essential industry."

The Minister said that one or more persons may be appointed to the tribunal. Of course, the Government will decide who is appointed to the tribunal. It could appoint three or four people.

**Mr Shaw:** Carefully selected.

**Mr VAUGHAN:** The Government would not carefully select people for appointment to this tribunal to suppress the workers of this State—not much! Of course, that could happen if a judge of the Supreme or District Courts was not appointed. Referring to Part II (sections 5-9) of the Bill, which deals with the establishment of the tribunal, the Minister said—

" The term of office of a member of the tribunal shall be for a term not exceeding 7 years and that his appointment may be renewed for a further term not exceeding 7 years . . . "

That is in line with the system that applies in relation to the Industrial Commission—

**Sir WILLIAM KNOX:** Mr Deputy Speaker, I rise to a point of order. I draw your attention to the state of the House.

*Quorum formed.*

**Mr VAUGHAN:** It is significant that the member for Nundah would call for a quorum. It is the first time that he has been in the House all day. He is usually conspicuous by his absence. After 6 o'clock tonight, all of the Liberals will be absent from the Chamber. They do not stay here after 6 o'clock on a Thursday night when Parliament is sitting. They go home.

**Mr DEPUTY SPEAKER (Mr Row):** Order! I advise the honourable member for Nudgee that any member is entitled to draw the attention of the Chair to the state of the House. The bells have been rung and a quorum has been formed. I shall not allow the argument to be prosecuted any further. I ask the member to return to the principles of the Bill.

**Mr INNES:** I rise to a point of order. The comment made by the member for Nudgee about the attendance in Parliament of the Liberal Party is a lie. I find it offensive and ask that it be withdrawn.

**Mr DEPUTY SPEAKER:** Order! I have asked the member for Nudgee to return to the matter under debate. I think that that is sufficient to satisfy the position.

**Mr VAUGHAN:** As I was saying before——

**Mr INNES:** I rise to a point of order. This is regarded by the Parliament as being a serious matter. I found the comment offensive and I ask for a withdrawal.

**Mr VAUGHAN:** On page 2 of the Minister's second-reading speech——

**Mr DEPUTY SPEAKER:** Order! I ask the member for Nudgee to resume his seat when I am on my feet.

**Mr VAUGHAN:** You were not on your feet.

**Mr DEPUTY SPEAKER:** Order! What I have to determine is whether there is any personal reflection on the member for Sherwood. He considers that there was a personal reflection and, on that basis, I ask the member for Nudgee to withdraw his comment.

**Mr VAUGHAN:** I do so, but I also ask for a withdrawal of the statement by the member for Sherwood that I told a lie. It is an unparliamentary word, as I understand it. Is it still? It is offensive to me.

**Mr DEPUTY SPEAKER:** Order! As I understand it, if there is a direct implication that a person is called a liar, it is an unparliamentary term. On many occasions an inference may be drawn in the general context and is overlooked by the Chair. Raised in this context, I have to rule that it is an implication of a person being a liar. As such, it is unparliamentary and should be withdrawn.

**Mr INNES:** I defer to your ruling. I withdraw the word "lie" and replace it with the words "gross misrepresentation"

**Mr VAUGHAN:** We all know what the member for Sherwood is made of.

The tribunal will certainly have some teeth and would appear to be a bona fide body if a judge of the District Courts or of the Supreme Court is appointed as its head. However, as I said earlier, the legislation provides, to quote the Minister's second-reading speech, that "there may be one or more members appointed to the tribunal". The Minister further said——

"The Bill does not preclude the appointment of a judge of the Supreme Court or District Courts."

The Minister has not said that there will in fact be a judge. The Bill will also provide for temporary appointments to the tribunal.

In his second-reading speech, the Minister said—

“Clauses 10 and 11 provide that the Industrial Commission’s jurisdiction is superseded by the jurisdiction of this tribunal ”

We have seen what the Government is about. During the SEQEB dispute, which has continued for four or five months, the jurisdiction of the Industrial Commission was superseded on the night of 7 February 1985; so this Bill does not constitute the first occasion on which “the Industrial Commission’s jurisdiction is superseded”. The Minister for Mines and Energy, in collusion with the Premier and Treasurer and his other 16 cohorts, set about using the laws contained in the State Transport Act to supersede the jurisdiction of the Industrial Commission. What a shocking state of affairs! A dispute was before this State’s industrial tribunal and was being handled by it, or perhaps the Minister would rather say that it was being mishandled. Is that what he would rather say? Does he not have any confidence in the State Industrial Commission? Does he not have any confidence in the provisions of the Industrial Conciliation and Arbitration Act? Either he does not, or he would choose to avoid the provisions of the Act, as he did on 7 February.

On that occasion, the Minister did not order a strike ballot to be conducted and would not allow the provisions of the order to be communicated to the rank-and-file members of the union. The Minister set about to introduce a state of emergency that evening, and subsequent events have shown the way in which the Government, the Premier and Treasurer, and the Minister for Mines and Energy regard the Industrial Conciliation and Arbitration Commission of Queensland.

On “The National” last night, a statement was made by the Minister for Employment and Industrial Affairs (Mr Lester) that there was never any direction or recommendation issued by the Industrial Commission, but merely a suggestion. What rot! If ever anyone was not telling the truth, it was that Minister last night. The fact is that a recommendation was made, and it was spelt out in great detail by the Industrial Commission.

The legislation contains some of the most obnoxious provisions that have ever been brought forward in legislation. Clauses 12 to 19 inclusive set out the way in which the tribunal will exercise all of the powers that are presently exercised by the Industrial Commission, but with the proviso that the tribunal will have regard also to the effects of its decisions on the economy, electricity consumers generally and other sections of industry in Queensland.

I refer to the fact that in those clauses, mention is made of electricity consumers, and I point out that the last person who has had any consideration for consumers in this State has been the Minister for Mines and Energy (Mr I. J. Gibbs). One only has to refer to the way in which domestic electricity tariffs have increased since the reorganisation of the industry in July 1977. The Minister speaks about showing consideration for electricity consumers generally. What rubbish! The ordinary electricity consumer now is paying 165 per cent more for electricity than he was paying in 1977. It should also be realised that from June this year, tariffs will increase by approximately 13 to 15 per cent for domestic consumers in south-east Queensland and by a lesser amount for electricity consumers throughout the remainder of the State. Yet the Minister has the gall to enter the Chamber and say that the Government is concerned about electricity consumers.

Reference is also made in the Bill to the economy. The Government proposes to set up a tribunal to deal with disputes that occur in the electricity industry. The Government has taken that role away from the Industrial Commission. Apparently the experienced commissioners are not good enough, and the Government wants a tribunal that it can control. The Government wants a puppet tribunal. Unless the Government appoints a Supreme Court judge or a District Courts judge to import some respect into the tribunal, I would be suspicious of anyone who is appointed.

**Mr Warburton:** Surely a Supreme Court judge would not have the gall to sit and preside at hearings of this tribunal.

**Mr VAUGHAN:** The President of the Industrial Court has expressed his attitude to the way in which the Government has acted towards the Industrial Commission. That is also an indication of the way in which the Government has emasculated the Industrial Commission.

In his second-reading speech, the Minister also said that the new tribunal would have regard to the effects of its decisions on the economy. That means that a tribunal which is supposed to be established to settle disputes between employees and the Queensland Electricity Commission will give consideration to the state of the economy, irrespective of the merits of arguments that may be advanced by parties to the dispute. The Bill also provides in clause 15 for the Crown to intervene in any proceedings that are taking place before the tribunal. One can imagine the hearing of a dispute that has occurred in the electricity industry—that is, if disagreement occurs ever again over what employers do under this legislation. The Crown will have the right to intervene and the tribunal will be required also to have regard to the effects of its decisions on the economy.

What will the tribunal decide? If the Government intervenes when a logical argument is advanced by people with a grievance and says that the economy of the State may be affected—that would be drawing the longbow, but it has happened many times in the Industrial Commission, which, of course, adopts an impartial approach—this specially appointed tribunal could well adopt a vastly different approach from that of the Industrial Commission.

The provisions relative to conditions of employment that give complete control and dictatorial power over employees of electricity authorities are extremely obnoxious. It remains to be seen how they will be implemented, but I am certain that they will never be accepted by employees in the electricity industry throughout Queensland. The Government is making a rod for its own back.

If the Government of Queensland, the Queensland Electricity Commissioner, the managers of boards, foremen or supervisors try to implement the legislation as it is written, they will not succeed. I expect a complete reaction against the legislation.

I am on record as saying in this Chamber that I and Opposition members object to the way in which over the years the Government has set out to set Queenslanders against Queenslanders. It has set city people against country people and the people of Queensland against those of southern States. Not so long ago, the Government was setting Queenslanders against New Zealanders. So far the Government has survived on the principle of divide and conquer. I hope that the Minister is proud of what he is trying to do, but I assure him that it will react against him.

Much remains to be said about the provisions in the Bill, and many explanations are required. I reserve further comment until the Committee stage.

**Mr LITTLEPROUD (Condamine) (2.47 p.m.):** I express total support for the Minister in bringing the legislation before the House. The Minister pointed out that the electricity consumers in Queensland, industry in Queensland and even union members in Queensland desired—even demanded—that the electricity industry be strike-free to maintain a continuous supply of electricity.

The legislation is complementary to that introduced by the Minister himself and by the Minister for Employment and Industrial Affairs in recent weeks. The honourable member for Nudgee and other Opposition members have voiced strong criticism of the legislation. They claim that it is aimed at smashing all unions. That is not correct. The legislation is not aimed at all unions; it is targeted solely at the power industry. The Government works well with many responsible unions. It is supported by many unionists throughout the State. It is in response to the approach by many unionists, people in industry and the public in general that the Government has brought this legislation forward.

If Opposition members listened to the public, they would realise that the Government has strong public support and that the irresponsible leadership of some unions is losing the day.

It is well to consider the role of trade unions. The charter of trade-unionism is to improve the wages and conditions of union members. I have no argument against that. It should be noted, however, that unions have no responsibility to consider the viability of the employer, no responsibility to consider the economy of the nation and no responsibility to consider the effects of their actions on the public as a whole. Consequently, over the last decade, the militant actions of some union leaders have meant great gains in wages and conditions for union members, with a corresponding decline in the viability of business and in the economic performance of Australia—so much so, that present performance is woeful.

To go back a number of years to when I first joined the work-force as a member of the Queensland Teachers Union working for the Education Department, I remember that my salary was set by the appropriate body, based on the basic wage plus a margin for skill.

From time to time a basic wage hearing was held. At it, a basket of the essentials of life was considered, and a determination was made on whether the basic wage should be increased. Separate hearings were held to determine how much extra should go into a pay-packet for a person's extra skill over and above the basic skills of society. That system seemed to work very well.

Since 1960, many changes to the system have occurred. Probably one that has had more bearing on this legislation than any other was the change to the awarding of percentage increases on the total wage. A 2 per cent or 5 per cent increase was added to the total wage. Of course, the problem with that is that an increase of 5 per cent on a big salary was much greater than an increase of 5 per cent on the basic wage.

Another change in industrial relations over those years has been the growth in militancy. It has been might, not right, that has won the day. The situation has progressed gradually to the stage at which those unions that can hold the economy to ransom do so until such time as the Industrial Commission or an industry gives in. For years, people have been saying, "The unions are running this country and we have to do something about it." I will be a bit more specific. Some union leaderships have been ruining this country, and many of their own members have been disadvantaged. The stage has been reached at which the Government has to do something about the matter.

Some of the union leaderships that have held this country to ransom to the disadvantage of the whole nation are involved in the petroleum industry, the power industry and the airline industry, and I include the Builders Labourers Federation.

As the member for Condamine, I deem it my responsibility to speak on some of the matters that affect the electorate of Condamine and to say why so many people in my area have asked me to speak strongly in support of this legislation. Support comes from right across the board. People are demanding an uninterrupted supply of electricity. They have pointed out that in other countries, such as the United Kingdom, Canada, the United States of America and even China and Russia, the supply of electricity is guaranteed. They think that they also are entitled to be guaranteed a supply of electricity.

It is interesting to note that not one person who telephoned me, wrote to me or talked to me in the street supported the leadership of the Electrical Trades Union or the power house operators.

**Sir William Knox:** They don't even support themselves in their own union.

**Mr LITTLEPROUD:** That might be right.

I received hundreds of calls supporting the Government. When I return to my electorate at week-ends, people are still keen to point out that the Government should

not stop, that it should continue to introduce legislation that will provide total cover so that the supply of electricity can be guaranteed.

I refer now to some sections of industry and to the reason why the people in those sections feel the way they do. The last power strike occurred at harvesting-time for sorghum. A modern harvester takes off between 100 and 200 tonnes of grain a day. That grain must be stored somewhere. Because of the power strike, it was impossible for Bulk Grains of Queensland to accept grain at terminals and silos. A farmer had to make one of two choices: he could let his crop remain in the paddock, with the threat of rain or of lodging—the crop just falls on the ground because it is too dry—or he could take the grain off and try to store it on his farm. The cost of storing grain is about \$70 to \$80 a tonne. Most farmers have some storage facilities on their farm, but they cannot continue to harvest 100 to 200 tonnes of grain a day and store it. That is beyond their capabilities. At present, they receive about \$100 a tonne for their grain. It is quite uneconomic for them to pay \$70 to \$80 a tonne to store grain, if they are able to store it. It is no wonder that the farming community was completely against the power strike, and called for action by the Government.

The people working in the storages of Bulk Grains in western Queensland also suffered badly. They are members of a union. They are local men who work in well with the rest of the community. Because Bulk Grains could not operate its hoppers or augers, it had to stand those men down. They were the type of blokes who would meet in hotels and approach me at local shows and in the street and urge me to ensure that the Premier and Treasurer would not give in. They said to me, "Don't let Joh give in; keep on going because these fellows are hurting us badly."

The cotton industry is in a delicate state. It costs almost \$600 per acre to grow a crop of cotton. At the time of the power strike, the cotton crops were desperately in need of water, which is usually provided by irrigation. If the cotton is not watered at the critical time when the boll is forming and opening, most of the crop is lost, and most of the farmers were faced with that situation.

**Mr FitzGerald:** Twelve months' income.

**Mr LITTLEPROUD:** Yes, they would have lost 12 months' income. The average farmer has 500 acres. At \$600 per acre for the crops, \$300,000 was at stake. Is it any wonder that those people are calling for action?

I turn now to the towns of Dalby and Chinchilla. Both areas are recovering from severe drought. Both towns have metal manufacturers making agricultural and other implements. Without power, they could not fill their orders. The only company that could get by was Napier Grassland Pty Ltd, which, at great expense, installed a diesel-powered generator. That company should not have had to meet that expense.

The shop-keepers in my electorate also came to me. Grocers were worried about their cold storage, and butchers had every reason to be worried about losing carcasses of beasts that had been killed before the strike. Bakers operated under great difficulty to keep a supply of bread coming through to the people. It is no wonder that these people in the retailing sector came to me to urge me to support the Government in its moves.

On a wider spectrum, it can be seen that those groups that traditionally supported the Electrical Trades Union and the power house operators tired of the dispute. The Mount Isa workers refused to go out on strike and would not contribute to the strike fund. Telecom employees stayed out for a while, but realised that it was a useless exercise and went back to work. The coal-miners in central Queensland, after receiving some good advice from their local member (the Honourable Vince Lester), decided that it was a futile exercise to stay on strike. The ETU members in my electorate, most of whom work for the South West Queensland Electricity Board, did not go out on strike. They did not support it.

**Mr Davis:** They are still looking for Lester in central Queensland.

**Mr LITTLEPROUD:** The honourable member for Brisbane Central should not worry. The Minister for Employment and Industrial Affairs (Mr Lester) was in central Queensland last week-end.

Jobs within SWQEB are sought after. I have been asked on many occasions to write references for young men applying for vacancies in that electricity authority. It is not unusual for 40 or 50 young men to apply for one job. Opposition members should not think for one moment that people in my area will support the union so strongly that they will not apply for jobs in the power industry. Many men realise that the electricity authorities provide good jobs. They would be prepared to be employed under these conditions because they realise that it is a vital community service, and that supply must be continuous.

**Mr McPhie:** They would be workers, too.

**Mr LITTLEPROUD:** There are lots of workers in the power industry. The problem is irresponsible union leadership.

Members opposite have stated that it is only the Queensland Government that is taking this action. That is not so. An article by Paul Molloy, which appeared in "The Australian" on 19 March, reads as follows—

"Radical proposal to restructure industrial system

The NSW Government is considering a radical restructuring of its industrial-relations system involving the abolition of the State's Industrial Commission and the creation of two new tribunals."

**Mr FitzGerald:** Where is that?

**Mr LITTLEPROUD:** This report is about New South Wales, which has a Labor Government.

The article continues—

"Under the council's proposal, which is aimed at removing 'legislation' from the industrial-relations processes, the existing commission would be replaced . . ."

It is not unique to Queensland; it is happening right across Australia. I suspect that other Governments are looking at the success that the Queensland Government is enjoying. I would say that those States are considering moving quickly and in the same way as Queensland and New South Wales. The public is starting to realise that the militancy of the unions has won the unions great advantages to the disadvantage of the nation.

The honourable member for Nudgee referred to various clauses and spoke particularly about the role of the tribunal in considering the needs of society. Not too long ago I had a talk with a legal man who informed me that the existing Industrial Commission has a charter to settle industrial disputes. To do that, the parties involved are asked to compromise; it is not a case of right or wrong.

**Mr Vaughan:** It is called conciliation.

**Mr LITTLEPROUD:** But people give ground; they compromise.

The Industrial Commission is not a court of law and none of the decisions consider the economy of the nation, the economy of the State or the viability of the employer. On the other hand, the new tribunal is charged with the responsibility of making a decision that will bring about peace between the employer and the employees and considering the effect of that decision on the total economy of the State. Over the years, that has been desperately missing from the Industrial Commission.

The member for Nudgee mentioned that the legislation provides no right of appeal. I point out to him that no right of appeal exists from decisions of the police, coal, and pilots tribunals. I hasten to point out that the legislation provides for a right of review,

which is to be undertaken either by the Minister or the commissioner. The Minister will review cases involving employees of the Queensland Electricity Commission and the commissioner will review cases involving employees of electricity boards.

The legislation is the result of a strong demand from the public. If workers do not desire to do so, they do not have to gain employment in that industry. For the good of the whole society, the Government must implement this legislation. It will ensure the prosperity of this society and the continuity of its electricity supply.

**Mr WARBURTON** (Sandgate—Leader of the Opposition) (3.1 p.m.): The comments of the honourable member for Condamine (Mr Littleproud) displayed a complete and utter misunderstanding of the meaning of industrial relations. In that respect, he joins with the other members of the Government. That is why the State is in its present position.

The basic difference between the way in which the Government proceeded with the Industrial Conciliation and Arbitration Act Amendment Act and this Bill is that no members of this Parliament, except National Party members, had an opportunity to see the contents of the Bill. The parliamentary Labor Party and, I would assume, the members of the Liberal Party have not had an opportunity to see the contents of the Bill. That leads me to wonder why, once again, the Liberal Party voted with the National Party Government this morning to allow the Government to railroad legislation through Parliament and, more importantly on this occasion, to force the Opposition to debate this very important, but absolutely obnoxious, legislation without having the opportunity to see it. In other words, the Minister for Mines and Energy did not have the decency at any time to give an indication as to what this obnoxious piece of legislation would contain. I suppose that members of the Government think that that is smart. It is not smart at all. It is not part of the democratic parliamentary processes and should not be suffered in this day and age.

In introducing the Bill with great fanfare and fire, the Minister said that it is good legislation and commended it to the House. I will take the House back a short time to when there was some genuine effort on the part of a number of people to conciliate in the very important dispute that involved Electrical Trades Union members. The House can then consider the contribution of the Minister. At that time it would have seemed that he was taking an interest in the settlement of the dispute. Perhaps he might like to tell members just what happened during the period of the dispute before the Industrial Commission recommended the reinstatement of the sacked SEQEB workers. Let him tell the House of the part that he played, together with the parts played by the Electricity Commissioner (Mr Galwey) and the infamous Mr Gilbert who, before Commissioner Birch and certain people who acted as intermediaries—that is to their credit and to the credit of the Minister on this occasion—brought about circumstances in which those people who represented the Government and the electricity authorities devised a parcel which was put to, and accepted by, the unions.

Honourable members have not heard about this before. One wonders exactly what the Minister's response will be, because he knows that I am telling the truth. He knows that he played a vital role in resolving a problem at that time. He and two other persons came up with a proposal that could have resolved the dispute weeks ago. When the matter was put to the union, it was accepted. When the Minister and the other persons returned to the Premier of this State with the proposal, it was rejected out of hand. Honourable members can now see where the blame lies.

Perhaps honourable members on the Government back benches should pry more deeply and ask why on earth the Minister and others in the electricity industry saw fit at one stage to conciliate in an attempt to resolve the problem. In fact, an agreement was reached as to how that could occur.

That arrangement was put to the union and accepted by it. What happened then? The Government's esteemed leader, the el supremo of this State, decided that his earlier—

**Mr Littleproud:** Our Cabinet decided.

**Mr WARBURTON:** It was not the Cabinet. Honourable members have seen yet another clear example of how the National Party back-benchers are kept in the dark. I am telling them that it was the el supremo of this State, the person who controls the faceless men in Cabinet, who made the decision. If those back-benchers asked the Minister about it, he would inform them that I am telling the truth.

A quick reading of the legislation shows that, amongst other things, every decision of the proposed tribunal is final and non-appealable. When the Governor puts his name to the relevant document, Queensland will have a clear case of civil conscription. That is the only way in which the legislation can be described.

I shudder to think about the reaction by Queensland workers to this legislation. I also shudder to think how electrical workers in other distribution boards throughout the State who have not been involved in any industrial action will view the new conditions of employment that are about to be imposed forcefully upon them.

What makes me so concerned about the legislation is that each and every member of the National Party who forms the present Government in Queensland believes that what has occurred today and during recent weeks will result in a docile, robot-like workforce, which, having been deprived of its rights and freedoms expected in a democracy, will be subservient to every whim of the employer irrespective of the rights or wrongs of the employer's actions. That is evidently what National Party members believe will happen. Whether it is what they want is another thing.

What the Opposition spokesman (Mr Vaughan) said was true; no working person in this day and age will be prepared to accept, nor should he be expected to accept, eighteenth century working conditions. The reaction to this vile piece of legislation will eventually be massive in the long term, even though economic or other circumstances at present cause people to react only to the short-term effects.

The Bill contains a number of very disturbing features. The Government is moving deliberately to curtail the jurisdiction of the Industrial Conciliation and Arbitration Commission.

I will read the Government's own words as contained in the Bill—

“The Electricity Authorities Industrial Causes Tribunal is hereby invested with the jurisdiction which is denied to the Industrial Commission. . . .”

Slowly but surely the wheels are turning. The jurisdiction of the Industrial Commission, which has held this State, its working people and employers in such good stead for such a long period, is being chopped away. It is being diminished.

The Bill provides that only one party need seek arbitration. That provision immediately dispenses with any possibility of conciliation. Opposition members realise how employers will respond—I believe, in all cases—to the right that they will now be given. Employers will no longer be interested in conciliation. They will have the right to seek immediate arbitration before this civil conscription tribunal and get it. That is the object of the whole exercise. Every decision of the tribunal will be final and not subject to any appeal.

The Bill contains conditions of employment, in electricity callings, that, quite frankly, I thought I would never again see written into any award, industrial agreement or legislation. The Bill gives an employer the right to suspend an employee for such period as the employer thinks fit. Honourable members should think about that. This legislation gives an employer a right for the first time to say, “I am going to take action against you as an employee. I am going to determine the type of action. It is going to be ” Employers do have rights; that is accepted. However, in this day and age the

Government cannot justify giving employers the power to impose such penalties upon their employees as they think fit. Again, I thought that that power disappeared with the master/servant concept of the seventeenth and eighteenth centuries.

**Mr Stephan:** Have you looked at the American legislation?

**Mr WARBURTON:** Yes, I know all about the right-to-work legislation. I discussed it the other day. The attitude of the honourable member for Gympie epitomises what I am talking about. Never before in Queensland have the divisions between National Party thinking and Labor Party thinking been so obvious. The National Party is synonymous with right-wing fascism, as is amply demonstrated by this legislation. The Labor Party supports the fundamental rights of working people. That is the clear division between the National Party and the Labor Party.

I have seen the American legislation. As the honourable member for Nudgee (Mr Vaughan) said, everyone can recall what happened in the pre-war days in Germany leading up to 1938. This type of legislation is typical of the manner in which Adolf Hitler brought pressure to bear on the people of Nazi Germany in the period up to 1938. If the honourable member for Gympie knew anything about history, he would realise that what I am saying is correct.

Now that honourable members have witnessed the vindictive attitudes of the Gilberts and others in managerial roles within the electricity industry, can they imagine the nature of those penalties that I referred to? The type of penalty is not specified. The Government is giving an employer carte blanche to say, "This will be the penalty." He can pull it from anywhere on the shelf and vary it any time he chooses. Is that what Government members would like to see happen if they were employees? Of course not! Government members would not tolerate it. They have no understanding of what employers will do if they gain that sort of power. Most people have seen what happens. That is why there must be a system that is fair, reasonable and compassionate.

It would seem that the Government is looking for a judge of the Supreme Court or a judge of the District Courts to chair the tribunal. The Bill, on my reading of it, does not say that the chairman will be a judge of the Supreme Court. The implication is that the Government is directing its mind in that way. However, my understanding is that it is having extreme difficulty in converting that desire into reality. As I said in an interjection to the member for Nudgee (Mr Vaughan), one sincerely hopes that no member of the Queensland judiciary would ever consider taking his place on a tribunal that, under this legislation, will preside over civil conscription of a type not seen in Queensland for at least half a century.

In conclusion, I take this opportunity to make the following comments. Over recent weeks, tensions have run extremely high. The Premier and Treasurer says that the position is irretrievable. During the initial stages of the electricity supply industry dispute, he gave a clear indication that his intention was to make people suffer. All sorts of statements were made on all sides. Surely, before we enter this stage of industrial war—and, with this legislation, that is exactly where we are headed—somebody must realise that it is now time, after the suffering that has been meted out, particularly to the sacked SEQEB workers, for people to sit round the table in an endeavour to resolve the issue. It is still my belief that the sacking of those 1 000 men is the centre-piece of the whole dispute.

**Mr Newton:** They did themselves out of a job.

**Mr WARBURTON:** Comments such as that are what the State of Queensland has to put up with. That sort of thinking will get us nowhere.

**Mr Newton:** They were asked to go back to work.

**Mr WARBURTON:** They were sacked. However, I do not wish to prosecute the argument any longer.

I was about to say that the facts of the dispute could be argued about ad infinitum. The merits or demerits could be argued for evermore. However, that does not alter the fact that 1 000 men and their families are suffering. Government members might interject, "It serves them right. They made a rod for their own backs." That is probably the National Party's attitude towards dispute. As days go by, however, tensions rise and the suffering of those men and their families increases—all because a decision was made some weeks ago that the position was irretrievable.

Finally, I make an urgent plea to the Government, irrespective of the rights or wrongs of the dispute, to reconsider its attitude towards the sacked SEQEB workers. I sincerely believe that, if it did, the problem could be solved. There ought to be some understanding of and compassion for those men, many of whom, as the member for Nudgee rightly said, have never before participated in a dispute. Many of those men—again, I am very sincere in my remarks—fought in World War II. I make that point to show that they are humans, not people to be pushed aside. Their feelings ought to be considered. I know some of the men personally. A number of them fought in the Vietnam War. They fought for their country and for what they really believed in. After having worked in the electricity industry faithfully for, in some cases, 30 or 35 years, they are now very late in their working lives.

Having said all that, I stress that I am prepared to accept, for the sake of reconsideration being given by the Government, that the Government has won. If that is what the Government wants, I am prepared to accept that, and it is not an easy acceptance for me. However, notwithstanding that acceptance, I believe that the central issue of the dispute remains. If that issue could be resolved satisfactorily, the other part of the dispute, which has produced a reaction against what I believe is abhorrent legislation, will not result in industrial action that will disrupt industry and business in Queensland to any great extent. That is my sincere belief. On the other hand, if people do not apply themselves to the very important problem arising from men being sacked and being directed to do all sorts of things, I fear—truly fear—for the future of the economy of Queensland, and I fear the type of industrial action that is being discussed at the present time.

In conclusion, I say that the Premier and Treasurer and the Government should seriously consider reopening discussions about the dismissal of those sacked workers. That is all I ask.

**Hon. Sir WILLIAM KNOX** (Nundah) (3.22 p.m.): The legislation presently before the House is interesting, and perhaps slightly disappointing for the Opposition.

**Mr Davis:** Have you read the cartoon?

**Sir WILLIAM KNOX:** I will put up with those remarks and cartoons by certain elements in the media, and also with attempts by the Opposition to put me down—an Opposition that tries to pretend that the Liberal Party does not exist.

As it happens, the Liberal Party is supporting the Government, and it has supported the Government consistently throughout the whole dispute. In the Opposition's view, because the Liberal Party supports the Government, the Liberal Party is spineless, gutless and deserving of all the other derogatory remarks that have been made about it. However, in this instance, the Government is correct, and the way in which it has handled the dispute is also correct. Although people might criticise the style of the Premier and Treasurer or denigrate Ministers because of their refusal to comment, the fact is that decisions made by the Government in relation to the electricity industry have been correct. In the interests of the public, Liberal Party members support the decisions of the Government. Because of that, it appears that the Opposition is upset with the stand the Liberal Party has taken. Obviously, the Opposition has a problem.

In statements made in the media over the last two months, I have made the position of the Liberal Party clear. I reiterate that the Liberal Party will consistently—

**Mr Mackenroth** interjected.

**Sir WILLIAM KNOX:** I do not care how many rude words members of the Opposition use to describe the Premier and Treasurer or myself, because the Australian Labor Party in Queensland has been wrong-footed on this issue. The members of the Opposition are making goats of themselves, and there was evidence of that this afternoon.

The Opposition made a great fuss about the legislation and protested about application of the gag, but I point out that the legislation is urgent. Because of legislation that was enacted earlier in the session, no tribunal now has control over disputes that arise in the electricity industry. There is an urgent need to close the hiatus that has been created.

The Liberal Party supports the legislation, and I will tell honourable members why. I was expecting draconian or terrible legislation. Opposition members have been weeping crocodile tears and claiming that it is different. I have compared this legislation with the present Act.

**An Honourable Member:** You are surprised.

**Sir WILLIAM KNOX:** Yes, I am surprised, because the provisions are identical with those in the Industrial Conciliation and Arbitration Act. Opposition members are disappointed. They were looking for niggers in the woodpile, but it is identical. The Government is only transferring the jurisdiction of the Industrial Commission to a new tribunal, and transferring the appeals system from the Industrial Court to the Supreme Court. The rest of the legislation is lifted from the Industrial Conciliation and Arbitration Act.

**Mr Mackenroth:** Where does it say in that Act that the employer can sack people?

**Sir WILLIAM KNOX:** That is in the Bill that went through the House the other day.

Is it any wonder that Opposition members are very disappointed? The public galleries are empty today. Unlike the other day, when they all walked out and deserted their posts, they have no-one in the gallery to play to.

**Mr FOURAS:** I rise to a point of order. I inform the leader of the Liberal Party that the Industrial Conciliation and Arbitration Act has a right of appeal on matters of law. There is no right of appeal on matters of law in this legislation.

**Sir WILLIAM KNOX:** Of course there are rights of appeal.

**Mr DEPUTY SPEAKER (Mr Row):** Order! The honourable member for South Brisbane turned his back on the Chair when he was taking his point of order. I could not hear what he said. Would he kindly repeat what he said so that I may determine whether or not he has a point of order?

**Mr FOURAS:** I wanted to bring to the attention of the leader of the Liberal Party that rights of appeal on matters of law are contained in the Industrial Conciliation and Arbitration Act and that there are no rights of appeal in this legislation. The honourable member for Nundah was misleading the House completely.

**Mr DEPUTY SPEAKER:** Order! There is no point of order. No personal reflection was made. I cannot allow the honourable member to take a point of order, but he may interject if he wishes.

**Sir WILLIAM KNOX:** Mr Deputy Speaker, I think you should give me credit for the time that was used by the member for South Brisbane.

The rights of appeal under this legislation are identical with the rights in the Industrial Conciliation and Arbitration Act. Rights of appeal are available on jurisdiction and points of law, and that is all that is available in the Industrial Commission.

Members of the ALP have said that this Bill is terrible and that they intend to oppose it, but the substance, philosophy and history of the Bill is entrenched in existing legislation. It is merely taking these employees away from the jurisdiction of the Industrial Commission and placing them under a new tribunal. That is not a new process. It has been done in Australia for the coal industry, through the Coal Industry Tribunal. That tribunal exists because of an agreement between the Government of New South Wales and the Government of the Commonwealth of Australia—and it covers the coal industry of Queensland! Industrial disputes in the coal industry in Queensland are determined by an industrial tribunal over which this Parliament has no jurisdiction. Under the Constitution, Queensland cannot even interfere or legislate in that area.

**An Opposition Member:** What is wrong with that?

**Sir WILLIAM KNOX:** I am pointing out that separate tribunals exist for certain industries.

For years, a public service tribunal existed in the Commonwealth area. Recently its activities were taken over by the Australian Industrial Conciliation and Arbitration Commission. For years a tribunal looked after waterfront matters. Until recently a tribunal existed for employees in the Australian airlines industry.

The New South Wales Labor Government has established over 400 tribunals based on industries to look after disputes in a whole range of industries in that State.

Victoria has heaps of wages boards to look after some of the industrial matters in that State. No problem arises in creating a special tribunal to look after the industrial problems in a special industry. A special reason exists in this instance because it is an essential industry—one in which there should not be any strikes. It is an industry in which there should not be a right to strike, and I hope that the Government will maintain its stand in that regard. That industry provides for the necessities of life—electricity for hospitals, for pumping water and sewerage and for emergency services. The provision of electricity for the necessities of life should not be subject to the capricious withdrawal of labour. If I am accused of being lily-livered or weak-kneed for supporting that policy, I reply by saying that I am proud to support it, because that is the policy of the Liberal Party, and it has been its policy for years.

Of course, there is room for industrial disputes. It is inevitable that industrial disputes will occur in the electricity industry and in other industries, but it is not inevitable that strikes should take place in those industries. In fact, if strikes are made illegal in essential industries, all the better.

Because it is inevitable that industrial disputes will occur, machinery should be provided to examine the issues in those disputes and to conciliate and arbitrate on them. In fact, that is what this tribunal will do.

**Mr Vaughan:** Did you say “conciliate”?

**Sir WILLIAM KNOX:** Yes. As I say, that is what this tribunal will do.

**Mr Vaughan:** Fiddlesticks.

**Sir WILLIAM KNOX:** The honourable member had better look at the Industrial Conciliation and Arbitration Act. The clauses in this Bill follow the wording in that Act. Large hunks of this Bill have been taken from the Industrial Conciliation and Arbitration Act. That Act has to be read in conjunction with this Bill. It is very much larger than it appears from the few pages in it. If the honourable member for Nudgee cares to look at it, he will see that.

The Liberal Party also supports the right of people to join or not to join a union. I do not know the view of the Australian Labor Party on that question, but the view of the Liberal Party is that people have the right to join or not to join a union. If that is being weak, it is being weak, but I am proud of the Liberal Party policy on that issue.

That policy is in line with the policy of the Government. I am disappointed that, in this legislation, the Government has not adopted a harder line on that issue.

Members of the ALP want to invoke International Labour Organisation conventions to hit the Queensland Parliament or the Queensland Government. An ILO convention provides for the right of people to join or not to join a union. It provides that people should have the right to make that choice, yet the ALP opposes it.

**Mr Davis:** I agree.

**Sir WILLIAM KNOX:** The honourable member for Brisbane Central agrees with me.

**Mr Davis:** At the same time, what about the free-loaders? Free-loaders should not get the benefits obtained by unions.

**Sir WILLIAM KNOX:** Does the honourable member say that, if a person is not a member of a union and if a wage increase is given by way of an agreement with the employer or a decision of the Industrial Commission, that person should not get the benefit? Is that what he is saying? We might as well have it on record. Let us get a clear explanation.

**Mr Davis:** The union does the work to get the award and the benefit, and the parasites and bludgers should not get it.

**Sir WILLIAM KNOX:** Let us get that on the record. In case Hansard did not hear it, the member for Brisbane Central said—he can correct me if I am wrong—that if a person is not a member of a union, and if a union appears before an industrial tribunal or negotiates with an employer to get an agreement, that person should not receive that benefit, and that he is a parasite and a bludger. I am sorry to have to use that unparliamentary expression, but that is the official opinion of the ALP. Such a person is a parasite and a bludger and is not entitled to the benefit of the provisions of an award or agreement.

**An Honourable Member:** That confirms what the member for Windsor said.

**Sir WILLIAM KNOX:** The honourable member for Windsor agrees with me. I am pleased that this will be on the record. The public might as well know.

**Mr Vaughan:** Those award provisions do not apply to non-union members. It went to the Coal Industry Tribunal a while back. Unless a person is a member of one of the respective unions party to the Coal Industry Tribunal awards, he does not receive the benefits of those awards.

**Sir WILLIAM KNOX:** That is all right. The member for Brisbane Central said that people who are employed in the industry but who do not belong to the union are bludgers and parasites. Is that correct? I will haunt the honourable member with that statement for the rest of his political days, and I will be here for a hell of a long time. The honourable member should prepare for that.

**Mr Littleproud:** Unions have always fought for the person who does the least amount of work. They have looked after bludgers for years; now it has a different connotation.

**Sir WILLIAM KNOX:** That is why the honourable member for Brisbane Central retired as an organiser for his union. Doubts were expressed about how much work he was doing for his bosses, so he went into private enterprise and promptly sabotaged service station operators by taking away their livelihood.

Civil conscription does not arise under this Bill. In the Electricity (Continuity of Supply) Bill that was put through the House on Tuesday, 5 March, civil conscription

applies. The Liberal Party objected to the provision that permits the Electricity Commissioner to direct workers who are not in his employ. The Liberal Party tried to move an amendment, but the Opposition gagged the debate on the clauses and prevented us from moving the amendment. By doing so, the Opposition also prevented itself from moving amendments.

A number of other tribunals that look after special problems in individual industries exist in Australia. This Bill, which establishes a tribunal for the electricity industry, is not unique. However, because Queensland does not have any special tribunals for industries, the Bill is unique in this State. Queensland should have a special tribunal to look after industrial problems in the coal-mining industry. It has been my view for many years that the joint coal tribunal does not look after Queensland's interests adequately. It looks after the interests of New South Wales to the detriment of the coal industry and coal industry employees in this State. Room exists for special tribunals to look after special industry problems.

The legislation does contain a number of deficiencies. A serious one relates to the employees of contractors within the power industry, who are not covered by the Bill. Those employees are covered by the Industrial Conciliation and Arbitration Act. Contractors will employ Electrical Trades Union members under awards determined by the Industrial Commission, who will work side by side with ETU members who are employees of the South East Queensland Electricity Board and who will work under awards created by the Electricity Authorities Industrial Causes Tribunal. In other words, two tribunals will determine the conditions of the same union members who work for different employers. That is an anomaly, and an amendment should be moved to correct it. Sooner or later, the electricity authorities and the union will have to decide whether they wish to have their employees and members working under this tribunal or under the Industrial Commission. The Minister and his advisers should pay attention to that dichotomy. Sooner or later conflict will arise. New awards must be written, and that will take time.

The House should note that one of the problems created by the legislation is the setting up of a new industrial relations department for the electricity industry. Under the Minister for Employment and Industrial Affairs, the State already has an extremely competent Department of Employment and Labour Relations. The officers of that department work very hard and are very informative.

**Mr Fouras:** Lester is competent?

**Sir WILLIAM KNOX:** The administration of the industrial relations section of that department is very competent. That is a very competent group of people who do a tremendous amount of work in the industrial tribunal of this State and also represent Queensland's interests in the national industrial tribunals in such things as wages hearings. In fact, those officers are continually involved in that work. That department contains a vast body of expertise. The Premier's Department also has an industrial relations section that looks after the public service interests extremely well. That, too, is a competent body of people with a great deal of expertise that is exercised in a specialised area.

**Mr Fouras:** But totally ignored by the Premier, and you know it. Tell us about that now while you are crawling to them.

**Sir WILLIAM KNOX:** The honourable member for South Brisbane has no evidence of that.

**Mr Fouras:** Oh, come on!

**Sir WILLIAM KNOX:** These people are professionally competent and represent the Government at sittings of the Industrial Commission throughout the State and also in tribunals outside the State that are administered by the Commonwealth.

I hope that the Minister does not create another industrial relations department. The Liberal Party does not agree that the Government needs more people to look after this area of responsibility. One would hope that the Minister would be able to harness the existing services in both the Department of Employment and Industrial Affairs and the Premier's Department to ensure that those human resources and expertise are available to his advocates who will have to appear before this tribunal and also to administer the tribunal, which will require support. These tribunals cannot be created without resources such as computer services, cataloguing, cross-reference access and history. All of that material has to be collated. That sort of work is done by the Department of Employment and Industrial Affairs. Because of the vast knowledge that already exists, there is no need for a new industrial relations department to be set up under this portfolio.

The Bill has another deficiency. Very largely, the electricity industry concerns people. As they realised a few weeks ago, consumers know all about that. All members of the House are concerned about that interest that people have in getting their supply of electricity. However, as set out in the Bill, the tribunal's charter makes no reference to taking into account the public interest. I think that it should.

**Mr Innes:** Other than the cost to the community.

**Sir WILLIAM KNOX:** Yes, and that can be done by experts.

Quite apart from the community at large, several community interest groups have good reason to be taken into consideration. It would do no harm at all for the charter of this tribunal to have added to its articles a concern for the public and community interest. The Liberal Party intends to move an amendment along those lines so that the Bill will contain that provision. The Liberal Party will do that because an essential industry such as this has a very big community input, which has to be taken into account, as distinct from some other industries, which, although ultimately affecting the community in some ways, are somewhat remote from the community. Nevertheless, members of the community do not know very much about the front line of those industries, but they certainly know a great deal about electricity supply and are concerned about its reliability, its costs, its method of distribution and the circumstances under which it is administered. For those reasons, public interest should be taken into account and should form part of the charter of this tribunal.

There is nothing draconian about this legislation. If the media depict the view of the Leader of the Opposition and his chief spokesman that this is draconian, anti-democratic legislation, they will be misrepresenting the facts. If anything, this legislation has probably been disappointing to the Opposition. They were looking for something that did not exist. A tribunal to look after special circumstances in a special industry, in which there should not be any strikes, in which there should be a guarantee of supply of electricity to the community at large, in which there is recognition——

**Mr Miller:** It is in this afternoon's "Telegraph" It states, "Tough new power laws"

**Sir WILLIAM KNOX:** There is nothing tough about these laws. They are no more tough or less tough than the industrial laws that exist in this State.

**Mr Miller:** They are not new.

**Sir WILLIAM KNOX:** They are not new. A new name has been placed on a new structure.

**Mr Innes:** The fear of the unions will make them obey this one.

**Sir WILLIAM KNOX:** It will.

The media ought to have a good look at the legislation and obtain some proper advice instead of listening to the propagandists and manipulators in the Opposition.

**Mr GOSS (Salisbury)** (3.46 p.m.): I support the comments made by the Opposition spokesman, the member for Nudgee (Mr Vaughan), and the Leader of the Opposition (Mr Warburton). I support fully not only their statements today but also the statements made by the Opposition spokesman on employment and industrial affairs matters throughout this issue. A number of pieces of legislation have come before the House. They all follow the same tenor and the same direction as this legislation.

I think that all Queenslanders, particularly Queensland workers, must be very wary about what has happened today and in recent times. A clear danger exists not only for ordinary working people but also for all the standards of this society and all the institutions that are designed to protect the public and those standards.

I think that the statement by Martin Niemoller is most appropriate to what is happening in Queensland today. He said—

“In Germany, the Nazis came for the Communists and I didn’t speak up because I was not a Communist. Then they came for the Jews and I didn’t speak up because I was not a Jew. Then they came for the trade unionists and I didn’t speak up because I was not a trade unionist. Then they came for the Catholics and I was a Protestant so I didn’t speak up. Then they came for me. By that time there was no one to speak up for anyone.”

That is what Queenslanders, particularly Queensland workers, must watch out for.

The Labor Party, including me as a member of the Labor Party, is proud of the long-standing association between the party and various Australian unions and working people.

**Mr Miller:** What about the train-drivers and doctors in New South Wales?

**Mr GOSS:** I have only just commenced. If the honourable member for Ithaca would listen instead of making token sycophantic interjections in his desperate pursuit of the chair, he would have heard that I said that I am proud of my association with the working movement, and that the Labor Party is proud of that movement. At least we are loyal to some group, which is more than the member for Ithaca is. Through his actions, he has shown that he has no concept of loyalty or solidarity; he has only a self-seeking pursuit of the chair on the dais.

Having been gagged on the last two pieces of legislation on this subject, I am pleased to at least have an opportunity to speak today. Now that I have finally been given an opportunity to speak, it is important for me to register again my own personal protests about the application of the gag, which reflects the attitude of the Government to the institutions and conventions that have been established over hundreds of years. The Government’s attitude to Parliament, the courts and arbitration tribunals is one of contempt and cynical manipulation.

Mr Justice Matthews indicated clearly his thoughts about the Premier and Treasurer and the Queensland Government. Mr Justice Matthews is a man of integrity. He has served the community and the law long and hard from an independent, reasoned and competent point of view. He was genuinely, reasonably and understandably upset by the Premier’s cynical manipulation of the Industrial Commission and the arbitration system. What was the response? It was typified by the remarks of the honourable member for Mulgrave (Mr Menzel). When reference was made to the comments of Mr Justice Matthews, the member for Mulgrave said, “We’ll sack him, too.” Does not the member for Mulgrave typify the attitude, the values and the competence of the Queensland Government? The Government has sacked the Industrial Commission and introduced this power industry tribunal.

All fair-minded and decent Queenslanders should be outraged at this legislation and the conduct of this Government. However, many people are not outraged. Why is that? It is because it has been done to them time and time again. People’s senses have, understandably, been somewhat numbed. A long period of unresponsive and arrogant

rule, such as Queensland has suffered from this Government, can numb the mind and deaden the heart. The Government has numbed the minds and deadened the hearts of Queenslanders. However, activation of community consciousness has now started.

**Mr Miller** interjected.

**Mr GOSS:** The honourable member for Ithaca should not interject when honourable members are talking about consciousness. He only stirs himself once in a while to make an inane interjection in his sycophantic pursuit of a larger chair.

Although the minds of many Queenslanders have been numbed and their hearts deadened, the process of activating their consciousness has started. It will and must continue if Queenslanders are to discard not only this shabby and deceitful Government but also this and other legislation introduced in this field. This legislation must be considered with other legislation. It is important not to consider it in isolation. The whole legislative framework must be examined. It is far-reaching, radical legislation. It is not correct to say that it contains nothing new. It is not correct to say that it is not tough. It overturns important principles in the relationship between employer and employee. It overturns important legal principles. It is of particular importance that the common law principles of evidence have been overturned. It is radical in many other respects.

The Government introduces far-reaching, radical legislation and expects the Opposition spokesman, whoever he may be, to stand up and respond without having had an opportunity to read the legislation, let alone study it or consult with the union movement or other community groups. The Opposition spokesman does not even get a chance to read the legislation. Honourable members who follow him, such as me, do get an opportunity to read it. I have read it quickly, but I did not have an opportunity to consult my colleagues, the union movement or other people who are entitled to be consulted and have a say.

Both the Opposition and the community are denied an opportunity to make a contribution in relation to this legislation. The attitude of the Government is one of contemptuous disdain not just for the Opposition—we can accept it because we are used to it—but also for the community. Neither Opposition members nor members of the community are afforded the opportunity of meaningful participation in the democratic process of introducing, debating and passing legislation. The participation is token. This Parliament is a token. It is not a Parliament; it is a perversion of parliamentary democracy. The reason that Government members tolerate it is not because they have any respect for the institution of Parliament but because they want that token legitimacy. Government members want token respectability for this legislation. The idea of today's debate is not to allow a debate but to legitimise this disgraceful charade. This is the third time in two weeks that it has happened. Government members—each and every one of them—ought to be ashamed of themselves,

What is the motivation for the Bill? It is the desperate need on the part of the Government to escape the decision of the umpire. The Government is appointing its own umpire. In the electricity industry dispute, the Government has sought to escape the decision-making role of the Industrial Commission. In the proper discharge of its jurisdiction, the Industrial Conciliation and Arbitration Commission was proposing a just settlement, which included not only extracting a number of substantial concessions from the union movement but also incorporating the reinstatement of the linesmen—a just part of any settlement of this dispute. If it is ever to be resolved justly, that must be part of it. However, for cynical public relations reasons, the Government was desperate to escape the decision of the Arbitration Commission, which would have been to reinstate the men.

The Arbitration Commission felt that it was constrained by the operation of the Government's annual state of emergency. What a joke the state of emergency is. Every year it is dusted off and dragged out for cynical political purposes. The Arbitration

Commission felt—and there has been some argument on this—that it was so constrained by the state of emergency that it could not make a binding order on all the parties, and in particular that it could not make a binding order on the Government. The Premier and Treasurer, who professes respect for the decision-making role of the umpire, ignored a call from the Leader of the Opposition to exempt the Arbitration Commission.

**Mr Miller** interjected.

**Mr GOSS:** If the member for Ithaca would stop his sycophantic interjections, I will answer that in a moment. He cannot get another trip to the Isle of Wight in the near future, so he should behave himself.

**Mr Miller:** The Isle of Man.

**Mr GOSS:** It would not have made any difference, for all the contribution he makes.

The Premier and Treasurer refused to accept the challenge by the Leader of the Opposition to exempt the Arbitration Commission from his state of emergency declaration. If he truly respected the Arbitration Commission, he would have exempted it from those aspects of the state of emergency that prevented the commission from making a decision binding on all parties. He refused to do that because he knew that a just and independent decision by the commission would have resulted in reinstatement and a slap in the face for him.

In the end, the Premier came up with his so-called peace plan, which, as each and every one of those babbling back-benchers knows, was available to him days beforehand. He did not take it up until the Thursday—and only then because of the swinging tide of public opinion and the dissension in his own ranks, not only from four of his Ministers but also from city back-benchers who had been subjected to a wave of protests by the community. Those members of the National Party and the community could see the cruel and destructive nature of his approach to the linesmen and their families. Many of those men had been involved in only one previous industrial dispute. Their security and the security of their families—their livelihood—rested on those jobs.

**Mr Newton:** They were asked to go back to work.

**Mr GOSS:** Certainly they were asked to go back to work. They were to meet on the Tuesday—

**Government Members** interjected.

**Mr DEPUTY SPEAKER (Mr Row):** Order! There is too much shouting and noise in the Chamber. I ask the Chamber to come to order.

**Mr GOSS:** The linesmen were to meet on the Tuesday to receive a report on the Arbitration Commission order and to make a decision on it, but the Government rushed in to thwart that move and to prolong, provoke and exacerbate the dispute in its own cynical interest.

Some of the linesmen live in my electorate. They are decent, hard-working family men who have good work records in the industrial sense and who have set high safety standards in the interests of the work-force, the whole of the electricity supply industry and the community. Already we see those standards declining. How long will it be before members of the community suffer injury or damage to property as a result of those declining safety standards, which are being overlooked and ignored by the Government and the Minister in pursuit of a public relations victory?

The legitimacy and reasonableness of the Government position can be judged by a consideration of its legislation. If the Government's track record was reasonable and legitimate, it could have coped with the position by reasonable and moderate legislation. But no; it has had to enact a framework of extreme and excessive legislation, which

reflects the true position of the Government in this issue and its attitude to the union movement and the working people in Queensland generally. The Government has brought forward extreme, one-sided legislation that removes the fundamental rights of many citizens.

As I have said, this legislative response follows upon a cruel and excessive reaction to the linesmen and their families. As the Leader of the Opposition has said, many of the linesmen have fought in wars, including the World Wars and the Vietnam War, to protect and safeguard the institutions, the courts and the rights that make Queensland and Australia a decent place—a great country—in which to live. These men fought for such rights, which is more than can be said about some of the Government members. Instead of acting with motives for personal profit, the linesmen fought for those rights. Now those rights are being snatched away by people who have not fought to uphold them.

I turn now to examine the legislation in the context of the whole legislative framework. Firstly, the legislation provides for the establishment of a tribunal. What does the tribunal displace? It displaces an independent and qualified body. Let me review the role of the Industrial Commission—that independent and qualified body.

The new tribunal will be constituted by whom? The Bill provides that it will be constituted by such persons as the Government chooses to appoint. I point out that the Government appointed all of the present arbitration commissioners. Does that not reasonably raise the question: If the Government cannot get the decision it wants from the independent application of the minds of the Government's own present appointees, what is the Government after? The Government has not been able to get the decision it wanted from its own appointees, so it will appoint people who will deliver decisions that it does want. That is what establishment of the tribunal is about, and that is what the legislation is about.

**Mr McPhie:** You have a typically socialist mind. You read something bad into everything you see.

**Mr GOSS:** When one is dealing with the State Government, it is absolutely necessary to read the worst into whatever legislation is passed, because the worst is usually what the Government is up to.

The Leader of the Opposition stated that the Government is having difficulty appointing a judge to the tribunal. Why does the Government want a judge? I suggest that it is for the same reason as the Government tolerates Parliament; that is, that it is not a real Parliament but merely a token. The Government wants a judge to provide apparent respectability for the decisions that will be made by the tribunal and legitimacy for the results that the Government hopes will be achieved through the enactment of the legislation. However, as I said previously, this legislation, combined with legislation that was previously introduced, is one-sided. It is part of a loaded legislative framework, and that is unfair.

The legislation overturns rules and principles of evidence. It will enable newspaper reports to be so-called substantive evidence of something that has been said. Newspaper reports will be conclusive evidence—not prima facie evidence, but conclusive evidence—that something was said. That is one instance of the fundamental overturning of basic rights and the basic principles upon which our courts, and all courts that function within the English justice system, have operated on for many years.

I turn now to canvass some of the matters mentioned in the speech made by the Minister. On the first page, the Minister describes measures that will result in the abolition of basic rights because, by the provisions of this legislation, strikes or similar action in the electricity industry will be illegal. Compulsory unionism will be abolished. I suggest that it is in the interests of the stability of the industry and of the workers who work in that industry to have unionism, as is presently the case. On the same page

appear provisions for summary dismissal and suspension in cases in which employees disobey the no-strike provisions.

The Bill also provides that the jurisdiction of the Industrial Commission will be superseded by the jurisdiction of the new tribunal. As I have said previously, the only crime committed by the Industrial Commission was its determination in conducting the proceedings in an independent manner and according to the long-standing principles which have operated in the commission.

Previous legal provisions that empowered an industrial commissioner to arbitrate in respect of matters that were solely the right of management will no longer apply. Yet statements have been made by members of the Liberal Party that the law remains the same. However it is clearly different. That is obvious after listening to the Minister's speech and reading the Bill.

Clause 18 provides—

“It is not legally competent to the Industrial Court to exercise the jurisdiction had by it under the Industrial Conciliation and Arbitration Act 1961-1985 in respect of—

- (a) industrial causes to the extent that those causes affect Electricity Authorities (or any of them) or their employees (or any of them) or both such authorities and employees;

and any order made or act or thing done by the Industrial Court purporting to act in exercise of that jurisdiction shall, to the extent referred to in this subsection, be of no force or effect.”

Reference to clauses 18 and 21 shows quite clearly an alteration in the right of appeal, because section 34 of the Industrial Conciliation and Arbitration Act provides—

“(1) An appeal shall lie to the Court from every decision of the Commission or of the registrar at the instance of the Crown or of any person aggrieved thereby on the ground that such decision is erroneous in point of law or in excess of jurisdiction but upon no other ground.

(2) Upon the hearing of such appeal the court may make such order as may be just and in particular may—

- (a) remit the subject matter of the appeal to the Commission or the registrar for further hearing and determination according to law;
- (b) quash, discharge, modify or set aside the decision appealed from;
- (c) make such order as to costs as it shall think fit.”

If honourable members compare that part of the Industrial Conciliation and Arbitration Act with the Minister's speech and the Bill before us, they will see that decisions of the tribunal are to be non-appealable. The decisions may be questioned by proceedings instituted in the Supreme Court to invoke the granting of one of the prerogative writs, only on the very narrow grounds of jurisdiction. That is a clear change. Looking at it in the context of the whole legislative framework, it is a dramatic erosion and overturning of basic principles in the relationship between employers and employees.

The Minister said that participating in or inciting, counselling or abetting a strike is an illegal act. Once again, if reference is made to clause 14 of the recent Industrial Conciliation and Arbitration Act Amendment Bill, it will be seen that this tribunal is nothing more than a rubber-stamp tribunal, with presumption after presumption in the legislation tying the hands of workers and unionists when it comes to a fair contest before the tribunal. The principles embodied in that section are contrary to common law and all the laws of evidence. Provision is made in that legislation whereby the substance of a speech contained in a wide variety of media outlets and newspapers is conclusive evidence. It is indeed rough-and-ready justice when such provisions relate to

a tribunal. It is unthinkable that a judge could preside over such a one-sided, loaded mechanism.

The whole nature of a legal or judicial tribunal is such that it should be precise and accurate in its determinations. It should not make decisions that affect legitimate rights or the expectations or livelihood of people without clear certainty about the actions of those persons and clear certainty that they warrant the penalties and the consequences to be imposed on them. This legislation provides rough-and-ready justice because, with the tribunal and the recent legislation, the gun is very much loaded against the unions, the unionists and the employees.

The Minister said that clause 24 makes it clear that an employee who engages in any strike has committed a fundamental breach of his conditions of employment. What about the employer provocation in the power industry dispute? Surely planned, deliberate and contrived provocation to bring about the dispute is a fundamental breach of the relationship between the employer and employee.

**Mr FitzGerald:** That's bunkum. You have no proof of that.

**Mr GOSS:** Whether or not the Government accepts that, what does it say about the principle that an employer can quite clearly and conceivably be guilty of provocation that amounts to a fundamental breach of good faith—a fundamental breach of the relationship between an employer and an employee? What about the consequences that should flow to an employer for his fundamental breach of that relationship? No, that is not provided for. Once again, one-sided legislation is provided by the Government.

The Premier and Treasurer has talked in his usual convoluted way about dead horses, scrambled eggs, bumpy roads, up creeks, and so on. He has trotted out the sacred cows and has talked about democracy and the right to work when he does not believe in any of those matters. He refers to the sacred cows when he does not place one unit of value on those important principles that are the foundation of our society and the sorts of values for which linesmen have fought. The Premier and Treasurer does not place one scrap of importance on those matters. It is a cynical and contrived manipulation of the situation to the detriment of not only the workers but the whole community.

In relation to his convoluted metaphors, I wish to say in language that only he will understand: it is only a matter of time before those sacred cows come home to roost with a vengeance.

**Mr COOPER (Roma) (4.11 p.m.):** All I can say about the speech of the honourable member for Salisbury (Mr Goss) is that it was one of the greatest examples of hypocrisy that I have heard. He gives meaning to the word "hypocrisy" I do not believe that I need say anything more about his speech.

The honourable member for Nundah (Sir William Knox) made an extremely important contribution to the debate. It is perfectly obvious that he and his party believe in this legislation. They have even gone so far as to say that they do not believe that it is hard enough. I commend the honourable member on his speech. Obviously, he has a tremendous grasp of the situation.

What did amaze me was the speech of the Leader of the Opposition (Mr Warburton), who made one of the most ineffective speeches that I have ever heard on legislation that is said to be of such vital importance. He made several assertions. One was that the Government intends to make the unions more docile and subservient. That is not so. The Government is trying to curtail the excesses of avaricious and irresponsible union leadership in order to allow their members to go to work and earn some money to feed and clothe their families.

I am sick and tired of the assertion that unions have the right to operate unfettered, unchecked and in a lawless manner, as they have been doing so much in the past. The Government is concerned about the rights of the consumer and people at large, and it is addressing itself to that question.

The Leader of the Opposition mentioned also that the centre of the dispute was the fact that the workers were sacked. They sacked themselves, and everyone knows that. Although they disobeyed three orders of the Industrial Commission and six recommendations, the jobs were still there, and they are still there if they sign the agreement. There is no need for them to be out. In fact, the unions made a miscalculation. They thought that they could bludgeon society into submission. Unfortunately, they have to suffer the consequences.

I welcome the move to set up a tribunal in the electricity industry. In the past, the Industrial Conciliation and Arbitration Commission has not been effective, and I am told that that is no fault of the commission. In the past, disputes have not been solved effectively. In the main, they have been papered over and have led to more unrest and the creation of more greed.

There is a real need to overhaul and reconstitute both the State Industrial Conciliation and Arbitration Commission and the Australian Conciliation and Arbitration Commission to make the dispute-settling mechanism much more responsive to economic conditions. To me, the commissions have been demonstrably weak and even naive. I heard an honourable member say that wage rises do not lead to unemployment. If I ever hear anything more naive, I will hop to Bourke. I and many other people in my area have found that the higher wages go, the more expenditure on employment is curtailed. I used to employ up to three people. Because of continuing wage rises, I have had to put off two of them.

Under present circumstances, one law has become mandatory for the employer: He either accepts the decision or goes broke. If the union does not want to accept the umpire's decision, it goes on strike. The honourable member for Salisbury (Mr Goss) referred to that. The recent Commonwealth Public Service dispute, which has cost the nation millions of dollars, was a good example.

This legislation, which sets up a tribunal, will be a watershed for the electricity industry. It may well serve as a model for other industries in this State and elsewhere.

It is interesting to recall that 10 years ago a certain gentleman by the name of Gough Whitlam was asked by a journalist what was the biggest problem facing his Government. His response was that it was the trade unions because they are so greedy.

The recent strike concerned the greed of the Electrical Trades Union, which attempted to prevent other workers from getting jobs on a contract basis. ETU members already received top wages for a 36¼-hour week. That should never have been allowed, but it was as a result of the weak and unauthorised actions of a previous Government. The ETU received a 2½ per cent loading with a non-strike clause and worked a nine-day fortnight. Even the union could not believe its good fortune.

By not obeying the order of the Industrial Commission to return to work, that union wrought havoc on the community and on the wives and families of its members. Without considering personal tragedies, it can be said that the strike caused damage amounting to \$1 billion. That cost has been compounded by industrial disputes over the past year that have resulted in the loss of 1 600 000 working days.

This legislation is necessary to ensure that unions do not continue to wreck the State's economy. In the year 1983-84, the value of Queensland's exports surpassed that of all other States. Queensland's figure of \$5.4 billion compares with New South Wales, \$5.2 billion; Western Australia, \$5 billion; and Victoria, \$4.7 billion. Queensland produces 23 per cent of the value of Australia's exports but has only 16 per cent of the nation's population. Approximately 25 per cent of the State's work-force is dependent directly or indirectly on exports. That is vital to Queensland's economy. Indeed, Australia's vital export trade and jobs are being threatened by union action.

This legislation will destroy the greedy appetite of the ETU and will provide opportunities for those ETU members who want to work; and plenty of them can be

found. If the ALP is sincere about helping these men keep their jobs, it should support the legislation.

It could be said that the ALP is the big loser in this dispute. Public opinion polls indicate that, as will the next election. It is clear that the ALP, even though it has men such as the Leader of the Opposition (Mr Warburton) and the shadow Minister for Mines and Energy (Mr Vaughan), who have intimate experience of the power industry, was powerless in the recent dispute.

I suggest that the ETU, the Trades and Labor Council and the Labor Party, which are bucking about the establishment of a separate tribunal, which is necessary and required by the people to ensure security of electricity supply, consider the actions of Labor Prime Minister Ben Chifley during the great coal strike of 1949. He introduced the National Emergency (Coal Strike) Act of 1949. He told an ALP branch meeting—

“I would rather be relegated to private life than bend my knee to the display of brute force now being made. It will be boots and all as far as the Government is concerned if the leaders of the mining union continue to wage unnecessary and callous war on the community.”

That is exactly what has happened in the recent dispute.

**Mrs Chapman:** Was that from a Labor man?

**Mr COOPER:** Yes, a Labor Prime Minister.

It is a well-known fact that Chifley sent the troops into the mines to ensure coal supplies. As a result, the miners, albeit grudgingly, went back to work. Without doubt, his was a victory for the people. This Government's move to establish a tribunal will also be a victory.

A poll has revealed that 60 per cent of Queenslanders, who are fed up with the disruptive behaviour of unions in the power industry, backed the Government. The Labor Party may wonder whether its stand was right or wrong, and I will read from a 23 February report in “The Canberra Times” which is reputed to be an independent and impartial observer, as follows—

“This newspaper believes that the Queensland Government should try to hold out for its own settlement terms—eventual re-employment, with no-strike clauses—which has become the basis of the settlement.”

The newspaper article commented that the Bjelke-Petersen Government is the elected Government and that Queenslanders should recognise that it is fighting for the democratic process and the rule of law and back it to the limit of their endurance. It concluded that all Australians should back the Government.

This legislation is a continuation of that process and the Government intends to see it through. It is a pity that the Labor Party does not back it and recognise that what is being fought for is the democratic process and the rule of law.

An article in “The Courier-Mail” of 2 March stated that Australia was a country that was apparently afraid to speak up against the minority groups, which exercised power and influence for an excess of their rightful due. Because they are too afraid that they will lose preselection, Labor members are too afraid to speak up against union leaders. Another reason that members of the Opposition are too afraid to speak up is that, if they spent time looking at anything other than their internal faction fights, they would be knocked out in the faction feuding.

The Bill clearly shows that the Queensland Government is not wishy-washy and is determined to put the industry on a stable footing. There is no doubt that sometimes conciliation and compromise are preferable to confrontation, but there comes a time when the consequences of appeasement are simply too expensive. For years the Builders Labourers Federation was bought off, but that did not bring lasting peace; it brought only further aggression over a long period. It is only now that Governments are trying

to come to grips with that union. In fact, State Labor Governments and the Commonwealth Government are finding that they have their hands full in this regard. At least those Governments recognise that something has to be done.

Over the years the Electrical Trades Union has also become more aggressive, despite the excellent working conditions, awards and benefits of its members. The recent strike action by the ETU took it over the brink, and now its members have to start again. The ETU made a mistake in its interpretation of the word "No". Thankfully, the Queensland Government said "No" to the ETU but, because nobody has ever before stood up to that union, it did not know what it meant. I wish all Governments would stand and be counted and learn to say "No".

A fairly obvious fact is that the unions affiliated with the Trades and Labor Council were not impressed with the inept handling of the dispute by the ETU. I am sure that a number of them are hoping that the Government wins. At least that might mean that their jobs are secure. Obviously the more moderate union members want militant union leaders brought to heel.

I will briefly outline the horrific cost of that dispute to the State—about \$1 billion, including \$600m in initial losses to business, \$100m to the coal industry and \$25m to the Government. For the Government not to react to such wilful and wanton destruction would be irresponsible.

The action to establish a tribunal for the electricity industry is long overdue. The appeasement and weakness of the past have proven to be costly to the point of being an unaffordable extravagance. Weakness has never proved to be a sound basis for settlement. For that reason, things have to change. When other people are weak, the unions will take a little more and a little more. What is widely known throughout the State is that the people are fed up and are demanding, and expecting, action. The Government intends to see that they get it.

It has been written and read in all other countries of the world that militant left-wing unionism is dead and that it caused too many problems over a long period. Finally, that is very much coming to an end. The members of the Opposition should recognise that.

I support the concept of the tribunal, just as I have supported previous legislation and will support future legislation, to stabilise the electricity industry and to put it on an essential service, non-strike basis. The Minister and the Government should be commended for their actions and must continue the process. The vast majority of Queenslanders expect them to.

**Mr DEPUTY SPEAKER (Mr Row):** Order! I call the Minister for Mines and Energy.

**Mr PREST:** Mr Deputy Speaker, I move—

“That the member for Port Curtis be heard.”

**Mr DEPUTY SPEAKER:** Order! I have given the call to the Minister.

**Mr PREST:** I move—

“That the member for Port Curtis be heard.”

Question put; and the House divided—

AYES, 28		NOES, 46	
Braddy	Warner, A. M.	Ahern	Lee
Burns	Yewdale	Alison	Lester
Casey		Austin	Lickiss
Comben		Bailey	Lingard
D'Arcy		Bjelke-Petersen	Littleproud
De Lacy		Booth	McKechnie
Eaton		Borbidge	McPhie
Fouras		Cahill	Menzel
Goss		Chapman	Miller
Kruger		Cooper	Muntz
Mackenroth		Elliott	Newton
McElligott		FitzGerald	Powell
McLean		Gibbs, I. J.	Randell
Milliner		Glasson	Simpson
Palaszczuk		Goleby	Stephan
Prest		Gygar	Stoneman
Price		Harper	Tenni
Scott		Harvey	Turner
Shaw		Henderson	Wharton
Smith		Innes	White
Underwood		Jennings	
Vaughan	<i>Tellers</i>	Katter	<i>Tellers</i>
Veivers	Davis	Knox	Kaus
Warburton	Campbell	Lane	Neal

Resolved in the negative.

**Hon. I. J. GIBBS** (Albert—Minister for Mines and Energy) (4.30 p.m.), in reply: I thank honourable members for their contributions to the debate. The contributions of some honourable members were positive; the contributions of other honourable members were negative. Of course, the performance of Opposition members was as expected; their contributions were not positive. Opposition members claimed that the Government is attacking working people, attacking trade unions and trying to hoodwink the people of Queensland. The Government is looking after the 2.5 million Queenslanders who depend on electricity. The honourable member for Nundah (Sir William Knox) adequately summed up the situation. Queenslanders want action. They want a secure, continuous electricity supply, not strikes. This legislation will achieve that aim.

The honourable member for Nudgee (Mr Vaughan) said that the electricity industry dispute was convenient for the Government because of the Rockhampton by-election. What a load of rubbish! If the honourable member for Nudgee wants to say that the outcome of the Rockhampton by-election was an embarrassment to the Government he is entitled to do so. At the last general election, the Government reduced by 7½ per cent the vote of the then Leader of the Opposition (Mr Wright). The new member for Rockhampton (Mr Braddy) only managed to get back 2½ per cent of that 7½ per cent at the recent by-election. If he does not watch himself and improve his performance, he will be in trouble at the next election.

Opposition members said that the Government disobeyed orders of the Industrial Commission and that the whole dispute was preplanned. That is a load of rubbish. The first man to put a foot wrong was Mr Dinny Madden. Members of the Electrical Trades Union should ensure that Dinny Madden gets out of the industry. Along with one or two other people, he made a fool of the ETU members.

The Opposition spokesman on Mines and Energy said that some of those men fought in two wars. It is 74 years since World War I. I do not think that any of the ETU members would be over 74 years of age. I can tell honourable members opposite something that happened to electricity industry workers who fought in World War II. Thugs in the ETU—and they have been identified to me—chased them out of the depots and said, "You won't come to work." In the war those men fought for freedom and the right to work, not for the right to be bludgeoned by union thugs. Honourable members opposite should think about that.

The state of emergency was declared because of the worst industrial dispute in Queensland's history. Opposition members ought to think about what those they are sticking up for did to the people of Queensland. The Opposition took those men to the cleaners. It supports them. It says that their action is great; that it's beaut. Opposition members stick up for those people, but they will hang for it—as will the member for Brisbane Central (Mr Davis) for his comments. He did not make a speech, but his comments to the member for Nundah were recorded when the member for Nundah replied to them.

In World War II people fought for freedom—not to be bludgeoned; not to be told that they have to be members of a union. The member for Nudgee spoke about a secret ballot. If the union had wanted a secret ballot, all it had to do was ask the Industrial Commission, which was bound to order it. The Opposition spokesman on these matters made a very poor attempt at justifying the Opposition's stand. The people know where the ALP stands.

The honourable member for Condamine (Mr Littleproud) is a member of my committee. He referred to the position in Russia. Members of the Opposition have been talking about Nazis all day. I have not heard about any strikes in Russia recently. If people strike there, there is no tribunal for them. They are sent straight to the salt mines. They are the people members opposite support, yet they have the cheek to talk about Nazism. The member for Condamine spoke about Mr Wran in New South Wales, who is to alter the whole arbitration system down there and set up tribunals.

**Mr Vaughan:** How would you know?

**Mr I. J. GIBBS:** It has been reported in the press. Prominent journalists have written about it in "The Australian", "The Australian Financial Review" and "The Sydney Morning Herald", in which it is featured on the front page. The member for Nudgee does not know what he is talking about. He ought to check with his colleagues in other States.

The member for Nudgee said that when he became Minister he would do certain things. People are not often members in this place after they reach 90 years of age. With his attitude, he will be at least that age before he sits in Government.

What a terrible speech was made by the Leader of the Opposition. He spoke about all sorts of things: Bob Hawke, Cain and Wran, and all doing these sorts of things. He complained that the Bill was not available to him. It has been well canvassed in the press. Nothing in it would have surprised him.

Mention was made of the tribunal's having to take notice of the economy. What about Bob Hawke, the Prime Minister of Australia? What about the accord? What do members opposite think wage applications are based on? They are all based on the economy. Such comments are indirectly an insult to Bob Hawke.

Let me deal now with some aspects of the Electrical Trades Union. The men were ordered back to work after the famous Denny Madden had been debating for four hours whether the men would be allowed back to work to connect 80 000 people in the city of Brisbane who had lost power. This industrial dispute has been continuing since June last year. The ETU was offered a package, which I will table. A resolution passed at the ETU's State council on 29 June 1984 was communicated to us. It reads—

"Whilst we consider it appropriate to have agreement between the parties to consult prior to work being let to contract, we are not satisfied that S.E.Q.E.B. current manning levels are appropriate."

This is what the unions are telling us. The resolution continues—

"Therefore, we don't agree to the Board's proposals at this time as we consider S.E.Q.E.B. should employ more permanent employees, and we intend to encourage our members to take action, including industrial action, to ensure more people are permanently employed in the board."

That was a letter written by the Electrical Trades Union and sent to the Government. I point out that the result that was foreshadowed in the letter actually occurred. The union threatened the Government, and then the union carried out that threat, which led to the dispute.

Mention has been made by members of the Opposition of the right to work. Bearing in mind all the pickets and the thugs and other people who are the bedfellows of the Opposition, I am afraid I view such claims as a poor show. The honourable member for Nundah (Sir William Knox) summed the situation up admirably and put the issues fairly and squarely in a proper perspective. The honourable member has had a great deal of experience in industrial relations, because he previously held the portfolio. He pointed out that this is fair legislation that has been brought forward in the pursuit of the public interest. As the honourable member said, part of the Bill applies and lifts out sections of the existing Industrial Conciliation and Arbitration Act.

Opposition members also mention the International Labour Organisation conventions. I wonder who constitutes that organisation? I wonder how many people of the free world make up that organisation, and how many are communists? I point out that actions taken in Australia in pursuance of those conventions have no lawful status.

It is my opinion that the only role for a labour organisation is a responsible one—responsible in the community and at the work-place. If the ILO edicts state that employees in the electricity industry and other industries should strike, I am afraid that that organisation is out of step with the rest of the free world. Much of the free world makes no provision for strikes in the electricity industry, and responsibility towards an essential service has been recognised.

On many occasions, members of the Opposition have held out West Germany as an ideal industrial model. I have heard Opposition members say that it has a great Government. I point out that West Germany workers do not go on strike. West Germany is held out by the Opposition as the epitome of socialist government and as a Government that has performed very well; yet it is a Government that is not beset with strikes, because the workers act responsibly.

The honourable member for Nundah mentioned contractors who are also members of the Electrical Trades Union and pointed out that two venues for the settlement of industrial disputes will have to be availed of. Because contract workers will remain under the jurisdiction of the Industrial Conciliation and Arbitration Commission, the Government has discussed the matter and decided to monitor future events.

The honourable member for Salisbury (Mr Goss) spoke about democracy. In one breath the Opposition speaks about democracy and in the next breath, through the actions of a half a dozen union leaders who make half a dozen phone calls, allows a strike to hold 2.5 million people to ransom. It may be the case that only one phone call is needed to create a black-out. If that is democracy, it is democracy gone mad.

Members of the Opposition ought to think again, because if the Labor Party and the unions of this nation continue along that course, they will, by their own actions, succeed in destroying themselves. Such people will need to look closely at their actions and adopt a new outlook towards industrial relations in the 1980s. I say this because the unions are the enemy of this country and the enemy of the people who fought for freedom in the wars. I suggest that if all of the thoughts of the honourable member for Salisbury were put together and placed in a 44-gallon drum, it would ring empty if it were given a good kick. I have no doubt about that, because the honourable member really did not say anything.

The honourable member for Roma (Mr Cooper) spoke about the union movement and the stupidity of its actions. He informed the House that people in his electorate took no notice of the strike, and took no industrial action. However, I suggest that if the union thugs had had sufficient time to go to that electorate and attack the people

the honourable member has referred to, as they have already done to other families and workers, they would have done so.

**Mr Vaughan:** That is a lie.

**Mr I. J. GIBBS:** It is not. I know of older employees who had only six weeks to work before they retired and the union organisers hunted them out of the power stations and said, "You will not come to work." That is what happened, and I can name the people involved. However, I will not, because if I did, no doubt some of the union thugs would give those people a flogging.

The honourable member for Roma also referred to the actions of Mr Chifley and said that, as a Prime Minister at the end of World War II, he had enough courage to prevent the communists—associates of the Opposition—from pulling the country to its knees. Industrial action took all of the miners out of the work-force, and in those days coal was the only power and energy resource. However, Mr Chifley said, "You will not do this to my country." It is a pity that on the Opposition benches there are not a few more members of the calibre of Mr Chifley. However, Opposition members are not fit to eat in the same room as him.

*Whereupon the honourable gentleman laid on the table the document referred to.*

**Mr DEPUTY SPEAKER (Mr Row):** Order! Under the provisions of the allocation of time order agreed to by the House in relation to this Bill, the time for the second-reading debate has now expired.

Question—That the Bill be now read a second time (Mr I. J. Gibbs's motion)—put; and the House divided—

AYES, 44		NOES, 28	
Ahern	Lane	Braddy	Warner, A. M.
Alison	Lee	Burns	Yewdale
Austin	Lester	Casey	
Bailey	Lickiss	Comben	
Bjelke-Petersen	Lingard	D'Arcy	
Booth	Littleproud	De Lacy	
Borbidge	McKechnie	Eaton	
Cahill	McPhie	Fouras	
Chapman	Menzel	Goss	
Cooper	Miller	Kruger	
Elliott	Muntz	Mackenroth	
FitzGerald	Newton	McElligott	
Gibbs, I. J.	Randell	McLean	
Glasson	Simpson	Milliner	
Goleby	Stephan	Palaszczuk	
Gygar	Stoneman	Prest	
Harper	Turner	Price	
Harvey	Wharton	Scott	
Henderson	White	Shaw	
Hinze		Smith	
Innes		Underwood	
Jennings	<i>Tellers</i>	Vaughan	<i>Tellers</i>
Katter	Kaus	Veivers	Campbell
Knox	Neal	Warburton	Davis

Resolved in the affirmative.

#### 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 3, as read, agreed to.

Clause 4—Interpretation—

**Mr VAUGHAN (4.53 p.m.):** The first definition is that of "award" Further on in the Bill, reference is made to certain actions being taken by employees under particular

circumstances. The fact of life is that many awards apply in the electricity industry. When this tribunal is established, what will be the position with those awards? The Minister for Mines and Energy (Mr I. J. Gibbs) referred also to industrial agreements. He has stated that certain provisions made under industrial agreements will not apply. Will the same happen with provisions of awards? The definition of "award" appears in the Bill. What will the position be for awards such as the Electrical Engineering Award—State and for awards that involve the Municipal Officers Association and the Federated Engine Drivers and Firemen's Association? I am sure that the Minister would agree that there are a multiplicity of awards. Will the provisions of those awards be suspended, or will they have continuity? Will particular provisions have no application?

The Bill deals with preference clauses in certain awards. If some provisions can be deleted, what will happen to the other provisions? I understand that action has been taken to cancel particular provisions of awards. In that regard, I refer to the document with which employees of the South East Queensland Electricity Board are being presented on their return to work. The document includes a run-down of the interview that takes place with the employees when they report back to work.

Two sets of conditions may apply. In the second set of conditions, a provision appears that requires employees to work rostered shift work. SEQEB employees are being required to enter into an agreement to work rostered shift work comprising two shifts a day—from 6 a.m. to 2 p.m., and from 2 p.m. to 10 p.m. They are also required to work any five days in seven.

As the Minister is aware, hours of work and shift work are provided for in the awards. I ask the Minister to spell out what is intended in this Bill, which states that "award" will mean an award within the meaning of the Industrial Conciliation and Arbitration Act, and also an award or variation made by this tribunal. The Government cannot have its cake and eat it too. It cannot legislate for the tribunal to set up and determine awards if new employees at SEQEB are not to be covered by the shift work and hours of work provisions under those awards. The Government is suggesting that those employees will work whatever hours it chooses. What is the position?

When the Governor assents to this legislation, as I have no doubt he will, and the tribunal is established, what will be the position of employees who have been forced to sign this agreement that requires them to work shift work, so that they could have their jobs back and retain their superannuation, which the Government took from them? Will they be required to work any five days in seven, irrespective of the provisions of the award? I would like some answers.

The Government has virtually wiped other award provisions including experience payments and sick leave, annual leave and superannuation entitlements. What about entitlements that have accrued under the awards that were in force for those employees who have returned to SEQEB? Will those award provisions be wiped, too?

One provision relates to the requirement for a six-hour or eight-hour break. It is well known that that provision was not inserted into the awards lightly. It was fought for over many years and resulted from negotiations between the parties. The award provides that a person who works for a certain number of hours after his normal ceasing time on one particular day is required to have a break of a certain number of hours before he starts work again. What will happen to that provision?

As I understand it, the Minister is requiring SEQEB men, who were forced back to work, to sign undertakings that they will no longer have a six-hour or an eight-hour break. The Government is virtually saying to them that they will have to break award provisions. What is the score? Perhaps the Minister had better ask his experts who are here to advise him as to where they stand on this matter. I want to hear what the Minister has to say about this.

**Mr WARBURTON:** I think it has become evident that the Opposition is very much opposed to the setting up of a tribunal of this kind. I heard the honourable

member for Nundah (Sir William Knox) talk about the ways in which other States operate. I think that he would be prepared to admit that no other State has a tribunal that operates under provisions similar to those contained in this legislation. The position is that whoever heads the tribunal will, as I said during the second-reading debate, be presiding over a case of civil conscription of electrical workers in the State of Queensland.

I also am concerned about the interpretation of the word "award", because it was my understanding from the Minister's indications that, although the tribunal would have extensive powers, certainly they would not diminish the role of the Industrial Conciliation and Arbitration Commission to the extent that the tribunal would be dealing with award provisions and be involved in the variation of awards. If that is not the case, it is very serious indeed. I refer the Committee to the tribunal's jurisdiction and to the conditions of employment in electricity callings, as outlined in the Bill. I would like the Minister to explain.

Is it the intention of these provisions that the new tribunal will be completely involved in the electrical industry to the extent that it will hear applications for award provisions and variations of awards and registered agreements? Are those matters also to be expunged from the responsibilities of the Industrial Commission? I also ask the Minister to give me a clear interpretation of when the conditions of employment in electricity callings will be implemented.

**Mr I. J. GIBBS:** I thought that the Bill was fairly clear and simple. I assure members of the Opposition that nobody forced any men back to work. The only thing that happened was that union leaders forced them out.

**Mr Vaughan:** Now, that is not true.

**Mr I. J. GIBBS:** No-one forced any men to go back to work. Some people have applied for their jobs back. They have come back as new employees under new conditions. They were not reinstated; they were re-employed. I ask members of the Opposition to get that fair and square in their minds. All of their holiday pay was given to them. To all intents and purposes, they dismissed themselves and were paid out. Nobody took any holiday pay or anything else from them.

I will now answer questions by members opposite about the award. Because the Bill that was recently put through the House varied some award provisions, it has to be taken into account. Because members of the Opposition read the Bill and debated it, they would be aware that it set up a 38-hour week and a 10-day fortnight. The honourable member is aware of that difference.

**Mr Vaughan:** It didn't cover six-hour or eight-hour breaks.

**Mr I. J. GIBBS:** The honourable member should relax and be quiet. He will then receive an answer.

The award remains in force. It can be varied by Act of Parliament or by the new tribunal. The previous Bill must be read in conjunction with this legislation. I think that that would solve the honourable member's worries and quash the rumours that have been circulating. I repeat that no-one forced anyone back to work; the unions forced people out of work.

**Mr VAUGHAN:** It is all very well for the Minister to gloss over the situation. He said that awards are in existence. He said that nobody was forced back to work. However, I did not receive an answer to my question. I ask again: What is the position in regard to the multiplicity of awards that currently apply in the power industry? A tribunal will be established. Do the provisions of current awards still apply when the legislation is assented to by the Governor and becomes law? What happens to those employees whom the Minister has forced to return to work? They have been required to sign—

**Mr. I. J. GIBBS:** I rise to a point of order. I indicated quite clearly that no-one forced anyone back to work. Some former SEQEB employees applied to become employees

under new conditions. I repeat that no-one forced anyone back to work. The only people who forced anyone were the unions, and they forced people not to go to work. In fact, the unions bludgeoned and bullied them. They threatened their members and sent them home.

**Mr VAUGHAN:** Mr Booth, if that was a point of order, I am a Dutchman.

Whether they were forced, coerced or starved back to work, it is a fact of life that they have gone back to work. That is another argument. The Minister cannot deny that SEQEB officers have been given certain instructions. Future employees are required to agree to terms of employment that are contrary to existing award provisions. The new provisions are not covered by the Orders in Council introduced by the Queensland Government on Friday, 8 February. I referred specifically to the provision that requires those employees who go back to work to work rostered shift work outside the provisions of the awards relating to shift work. The employees have been required to agree to two shifts per day—from 6 a.m. to 2 p.m. and from 2 p.m. to 10 p.m.—to be worked any five days in seven. That is outside the spread of hours prescribed by the various awards.

Employees have also been required to agree to commence work and finish work at any depot in the board area. By virtue of that provision, the Government is saying that existing travelling-time provisions are now declared null and void. The Government can get round the position and force employees who have gone back to work to work a 38-hour week instead of a 36¼-hour week. It can force the employees to work a 10-day fortnight instead of a 9-day fortnight. However, the Minister cannot force these employees, even though they must sign a statutory declaration, to work shift work. They cannot be forced to work any five days in seven or at any depot unless the board is prepared to pay the employees according to the award provisions. Having read the requirements with which the new employees must agree in writing, I believe that they are being told to work for less than award provisions.

The Minister would know very well that any person, body or organisation that requires an employee to work for less than the award provisions is in breach of section 109 of the Industrial Conciliation and Arbitration Act. I ask the Minister to explain whether the existing provisions in the multiplicity of awards that apply to the electricity industry at present will continue to apply when the Bill becomes law.

Will the Minister issue a direction to SEQEB that persons who have forcibly been required to enter into these agreements will in future be covered by the provisions of the award, or will he say that the conditions of employment set out in the Bill will apply notwithstanding the provisions of the award?

**Mr I. J. GIBBS:** I think that the honourable member for Nudgee has had a bad dream. By saying that he would be a Dutchman, he is being insulting to Dutchmen.

**Mr Vaughan:** Why don't you get some advice from your advisers?

**Mr I. J. GIBBS:** I do not need any advice. If honourable members opposite take into account the alteration that was made in the last piece of legislation——

**Mr Vaughan:** We are talking about this legislation.

**Mr I. J. GIBBS:** If the honourable member had the power to close his mouth at the right time, perhaps he would be able to generate a good deal of electricity.

The award remains in force until it is varied by an Act of Parliament or by the tribunal.

**Mr GOSS:** I seek the Minister's clarification of the definition of "strike". I am at a loss to understand what is sought to be achieved by the definition in the Bill, and whether or not the difference between the definition in the Electricity Authorities Industrial Causes Bill and the Industrial Conciliation and Arbitration Act Amendment Bill is

deliberate or a consequence of the legislation being hastily drawn up and rushed through Parliament.

If the Government intended to achieve the same result as was achieved in the Industrial Conciliation and Arbitration Act Amendment Bill, I would have thought that the definition would have terminated on the second line, after "1985". There has been an addition—presumably a deliberate addition—in the definition of "strike" in the Electricity Authorities Industrial Causes Bill. The definition reads—

"'strike' means a strike within the meaning of the Industrial Conciliation and Arbitration Act 1961-1985 and includes conduct of an employee that, if indulged in by two or more employees, would constitute a strike within the meaning of that Act;"

If the Government intended to achieve the same definition as is contained in the other legislation to which I referred, the definition would have finished at "1985". That would have provided for a situation pertaining to two or more employees.

The Electricity Authorities Industrial Causes Bill contains a definition and prescription in relation to what appears to be a one-man strike. I realise that this State Government is a one-man band. I understand that concept. Do we now have the concept of a one-man strike? It is quite clear that if the definition finished at "1985", a strike involving two or more men would be covered. However, the following words have been added—

"and includes conduct of an employee"

Admittedly, these words have also been added—

"if indulged in by two or more employees, would constitute a strike"

Clearly, that is a hypothetical situation designed to attract the definition contained in the Industrial Conciliation and Arbitration Act Amendment Bill and impose that on the actions of a single employee.

If honourable members look at the definition of "strike" in the Industrial Conciliation and Arbitration Act Amendment Bill, they will see that it is quite an extensive definition, and it includes a couple of a new terms that expand and further define what is a strike. One of those is contained in sub-paragraph (e) of clause 2, which amended section 5. That subparagraph reads as follows—

"(e) a wilful delay or obstruction of the progress of work by what is known as the 'go-slow' method of strike;"

Will a situation arise in which one employee may be regarded as being guilty of a wilful delay or obstruction of the progress of work? As I understand it, "wilful delay" was not a term that was used in the definition of a strike in the original Industrial Conciliation and Arbitration Act.

If one person is working more slowly than usual, that could be as a consequence of a multitude of quite innocent and inadvertent causes. An example that springs to mind immediately is someone who is bearing a minor injury, feeling slightly ill or hung over and not working at his normal rate. Can somebody determine that that is a wilful delay? How is it determined that that is a wilful delay? In the instance of two or more—say, 100—people, perhaps a pattern, plan or joint and concerted action could be pointed to from which it could clearly be inferred—

**Mrs Chapman:** One person turning off the lights.

**Mr GOSS:** The honourable member for Pine Rivers speaks about one person turning off the lights. I do not know how one turns off the lights slowly. Either a switch is flicked or it is not. I am speaking about different circumstances.

If two or more people engaged in a wilful delay or were going slow, it could perhaps be inferred from that plan or joint activity that there was an intention to strike. Obviously that could not be so with one person. Is Queensland now to be unique—as it is in so many other instances—in having one-man strikes? Such a provision was not contained

in section 5 of the original legislation before it was amended on Tuesday. I would like to know what the Government is up to. If the last four lines, which occur after "1985", are a deliberate addition, why is the Minister seeking to include for the first time a one-man strike, and what circumstances is the Government seeking to attack with that in the definition?

**Mr WARBURTON:** I persevere with my questioning of the Minister. In replying to the Opposition spokesman, he did not respond to the question that I put to him.

I am very concerned that these words appear in the interpretation of "award"—

"(b) an award, or variation of an award, made by the tribunal;"

The Minister should state whether or not the Government intends the tribunal, whether under this legislation or eventually, to be the tribunal that hears applications for variations of awards placed before it, whether by unions or by groups of non-unionists. Is that the intention?

Secondly, in response to the member for Nudgee, the Minister mentioned the entitlements of the people who have returned to work. I will not prosecute an argument on how that occurred, but I am very interested to know whether or not any of those who have returned to work, irrespective of the conditions of their return, will have their entitlements restored. If the restoration of their superannuation entitlements is included, would the Minister tell me whether or not that is possible, considering that they have been sacked, or would it require the passing of legislation through the House?

The two points I want clarified are—

(1) Will the tribunal be set up to hear applications for variations of the numerous awards that operate throughout the State's electricity industry?

(2) Will entitlements previously taken from workers be restored? If so, can superannuation be restored without further legislative action?

**Mr I. J. GIBBS:** Perhaps I should reply first to the member for Salisbury (Mr Goss), as he spoke to the clause first.

Within the meaning of the Act, a strike could be constituted by one man. If for some reason an operator decided to switch the power down to half, he would perhaps be regarded as being on strike. No difficulty would be experienced in identifying such occasions.

I have to say that the supervisory staff are, in my opinion, very experienced employees who will carry out their tasks with pride, as they have done in the past. The Government is reliant upon such people to decide the factors that would constitute a strike at any particular time. I reiterate that identification of those factors would not present a difficulty, so the answer to the question asked by the honourable member for Salisbury is, "Yes".

The Leader of the Opposition once again took up the matter of interpretation of the conditions of re-employment that may apply. He asked whether such a person would be entitled to reinstatement of superannuation and other entitlements. I point out that the stipulations made in the Bill are definitive about resignation or dismissal.

Section 9 of the articles of the Queensland Electricity Supply Industry Employees Superannuation Scheme made under the Act reads—

"The Superannuation Board shall pay a lump sum benefit to a Member who has not attained the age of sixty (60) years and who has ceased to be employed in the service of the electricity supply industry—

(a) on his Resignation otherwise than for the reason of serious ill-health;  
or

(b) on his dismissal by the Employer.

The benefit shall be his Member's Accumulated Contributions."

"Member's Accumulated Contributions" is defined in the definitions section. It means an amount equal to the member's contribution to the superannuation scheme "after the commencement date made pursuant to Article 6 (and any additional Contributions made pursuant to Article 9 after the Commencement Date) with compound interest at the Prescribed Rate" That would be calculated as at a particular date.

**Mr WARBURTON:** Could I now ask whether that means that, if a worker does return to work, his superannuation will have been paid out, and that he would start to contribute to a new scheme? Is there no provision for repeal of the first part of the Act so that the member would be able to continue as a member of the old superannuation scheme?

**Mr I. J. GIBBS:** As I understand it, legislative enactment would be necessary to effect that.

**Mr WARBURTON:** May I now ask about the second part of my question? Is it the Minister's intention that the tribunal will determine variations of awards?

**Mr I. J. GIBBS:** As it is proposed to be set up, the tribunal will handle all matters that relate to the electricity industry, including awards. I repeat the answer I gave to the Opposition spokesman. The existing awards will remain in force until varied. Awards may be varied either by an Act of Parliament or an award made by the tribunal. The tribunal will be empowered to carry out all those tasks in the future in a manner that is similar to the operations of the Coal Industry Tribunal and other tribunals that have been established in other States.

**Mr FOURAS:** In the Minister's second-reading speech, he stated that one of the main purposes of the Bill was to set up a separate tribunal that will determine disputes related to the essential electricity industry. I wish to put forward a hypothesis, and I refer the Minister to the recent events at Tallebudgera Creek.

Contractors were engaged in the work of erecting poles, and a few days later a workman employed by the South East Queensland Electricity Board climbed one of the poles. The pole crashed to the ground, and the workman sustained extensive injuries. I digress to point out that, because contractors aim at maximising profits, the Opposition has always been concerned about their work. Contractors are not properly trained in safety procedures and usually cut corners. Contract workers are certainly not as well trained as SEQEB gangs.

**Mr Borbidge** interjected.

**Mr FOURAS:** It is a matter of record that contractors erect poles that would fall over if they were merely shaken. If a worker was required to work on a pole that was only 2ft 6ins in the ground and thought that he was risking his life climbing it, and therefore decided not to do the work, what would happen? Under the legislation he could be dismissed summarily and fined. Can the Minister explain to me how the worker would be able to solve his problem under this autocratic system?

**Mr I. J. GIBBS:** I do not know that that matter has anything to do with the Bill. The honourable member referred to an accident involving a SEQEB linesman named John Hyman. Is that correct?

**Mr Fouras:** Yes.

**Mr I. J. GIBBS:** I will enlighten the honourable member. John Hyman, a SEQEB linesman in the south coast district, fell when working on a newly erected property pole. The important words are "property pole" He fell at 2.30 p.m. on that day when he climbed the ladder that was against the pole. The pole was on private property at Reedy

Creek, Tallebudgera Valley. The pole was erected on the previous Thursday by a private contractor who has been doing similar work for 23 years. He is one of the most experienced men in Queensland. I will not mention the name of the contractor, but he was not working for SEQEB.

**Mr Fouras** interjected.

**Mr I. J. GIBBS:** The honourable member asked a question. If he closes his mouth for a minute he will get an answer. My advice to him is to relax and listen so that he may learn something.

The pole fell because it was only 770 mm in the ground. It was flanked by a newly excavated trench, so that one side of the pole was only 450 mm in the ground. A pole that is 30 feet long should be placed 1 500 mm in the ground. When the SEQEB linesman placed his ladder against the pole he pushed it into the trench. Because rock was struck when the hole was being dug, the person who dug the trench was supposed to fill it in and ram the fill against the pole. Unfortunately he did not do that. I place those facts on record for the benefit of the honourable member.

**An Opposition Member** interjected.

**Mr I. J. GIBBS:** That contractor is one of the most experienced contractors in Queensland. He has been doing this work for 23 years. He is not working for SEQEB. In any event the pole would have been erected by a private contractor. SEQEB would not install the pole even if it was asked to do so.

I draw the attention of the Leader of the Opposition to the State Government's peace plan. Item 6 of that plan provides that if, six months after the employment of any dismissed employee, there has been no harassment of other employees, action would be taken to restore the employee's superannuation. That puts the situation fairly and squarely, and answers the question asked by the Leader of the Opposition.

**Mr Warburton:** Would that need legislation?

**Mr I. J. GIBBS:** According to the legislation, yes. That is the final answer to that serious question. I have answered the stupid question asked by the honourable member for South Brisbane.

**Mr FOURAS:** I rise to a point of order. The Minister said that my question was stupid.

**Mr I. J. GIBBS:** I withdraw the remark. It was not a stupid question; it was merely inaccurate.

**Mr FOURAS:** Further on that point—the Minister told us about a contractor with 23 years' experience.

**Mr I. J. GIBBS:** I rise to a point of order. The honourable member for South Brisbane is speaking on a subject that has no relationship to the clause.

**The TEMPORARY CHAIRMAN (Mr Booth):** Order! The honourable member has received a sufficient answer. Perhaps I have allowed too much laxity. The honourable member should speak to the clause. If he wishes to speak to the clause he is at liberty to do so.

**Mr EATON:** I was very concerned about what the Minister said. In my opinion it will cause more concern to those involved in the electricity industry, because this Bill over-rides any other law. The Bill provides that the tribunal shall be governed by those laws pertaining to the Industrial Commission, but that it can deal with matters outside those laws. Laws that have operated since stable Government came to Queensland are being eroded.

The Minister referred to the erection of that pole. The State Electricity Commission sets the rules and regulations governing the erection of poles, clearance above roads, clearance from buildings, and so on. In the Minister's own words, the most experienced and best-qualified contractor in Queensland broke the rules and regulations of the State Electricity Commission. Yet the Government condones that action. That is why I am concerned about this clause of the Bill.

**The TEMPORARY CHAIRMAN:** Order! I allowed the Minister to make an explanation and I have allowed the honourable member for Mourilyan to make a comment about the matter. I ask that, from here on, the honourable member speak to the clause.

**Mr EATON:** We are dealing with interpretations, and that is what it is about.

**The TEMPORARY CHAIRMAN:** Not really. There is nothing in the clause about accidents on poles.

**Mr EATON:** The point that I am trying to make is that that is only one matter. In his reply to the previous question, the Minister said that the contractor was one of the best and most experienced contractors in Queensland. The tribunal could say that, in retrospect, that action was quite justified.

Anyone experienced in the electricity industry would have known that, as the soil was wet, pole buoys should have been erected around the pole. No wires were attached to the pole. If they had been, they would have held the pole up. The use of pole buoys around a pole enables a person to change his position on a platform or to move a ladder. The Minister said that the pole was put against a bank and that it should have been rammed. In certain circumstances, that would have been sufficient. Anyone who has worked up poles knows that when the weight is shifted——

**The TEMPORARY CHAIRMAN:** Order! The honourable member for Mourilyan is debating an important point, but I am not going to allow another 20 minutes on the pole.

**Mr I. J. GIBBS:** I wish to make one point. The Government does not condone what happened on that occasion. The honourable member for Mourilyan said that props should have been used before a ladder was placed against the pole. I point out to him that the man who put the ladder against the pole was a SEQEB employee.

**Mr CAMPBELL:** I refer to the definition of "strike" Reference has been made to one man engaging in a strike. In other words, there can be a one-man strike. A person in authority has to decide whether the actions of a single employee were deliberate or accidental. In other words, that person could say that the actions of one employee constitute a strike. In actual fact, the actions could have been accidental.

It comes back to the onus of proof. No-one knows what the employee would be thinking at the time. A person could carry out incorrect switching or he could make a mistake in operating procedures. His boss could come to him and say, "By your actions, you are on strike and you are out." That person has no right of appeal. That is not right. That person should have some judicial redress. Under the Industrial Conciliation and Arbitration Act, that person could appeal to a Supreme Court judge. It is proposed that he will be tried by the very people who can bring an action against him. That is a very sinister and dangerous situation.

**Mr SHAW:** I hope that the Minister will be able to give me a specific answer to my query because I do have an important reason for raising this matter. Last night I was contacted by an electrician who is concerned about one-man strikes. He is not an operator, and the Minister made the point that this provision was aimed at operators. Will the provision include all electricians and others involved in the industry as well?

The chap who spoke to me is afraid that other people within the industry are being requested, under the terms of their employment, to carry out different duties from those that they are usually expected to carry out. This chap has been more or less an electrician of the household type. He has not done much live work or high-tension work.

I can only accept that what he says about this is true, but he believes that electricians who do similar work to him have been asked to transfer to live work or high-tension work because they are qualified to do it. In many instances they do not want to do it. If those electricians refuse to carry out that work, they will be refusing a direction and will be considered to be on strike. As a result, they will be subject to the provisions of this Bill. Although they may have rights of appeal, they do not want to touch that sort of work.

It may sound extreme but the chap who spoke to me is thinking of giving up his trade, despite his years as an apprentice and as a qualified tradesman, because he does not believe that he is adequately trained to carry out live work and high-tension work.

I can recall an apprentice who had to give away the electrical trade because he could not come to grips with the risks involved. He could not cope with the thought that something he might do would cause harm to himself or to somebody else. He had a nervous break-down. I am sure that some of my colleagues who have been electricians will know of similar instances. The chap to whom I have referred is considering giving up his trade because he does not wish to be placed in that worrying position. In these days of high unemployment, I am sure that the Minister would understand what that step would mean. He is also frightened that, if he refuses to carry out a direction to do certain work, he will be placed in a one-man strike situation.

**Mr INNES:** For those sensible men who have gone back to work on the faith of the conditions set out by the Government—

**Mr Vaughan:** Didn't you read the conditions?

**Mr INNES:** Yes, I did.

I refer to those people who have been so badly led into their predicament by the actions of grossly irresponsible persons. What is the position in relation to those who have shown no harassment and who die between now and the conclusion of the six-month period? Will the Government pass laws between now and the end of this session or when the Parliament resumes in August or September—if necessary, retrospective laws—to ensure that the rights of workers who have returned to work and have done the right thing are preserved?

**Mr I. J. GIBBS:** The honourable member for Bundaberg (Mr Campbell) repeated many comments that had already been made, and I have already replied to those points.

The member for Wynnum raised a very serious matter, but he will be pleased to know that it is covered in a part of the Industrial Conciliation and Arbitration Act 1961-1983. Part of one of the sections of that Act states—

“ . . . with intent

to compel or induce any such employer to agree to terms of employment or to employ or cease to employ any person or class of person or to comply with any demands made by the employees or any of them or by any other employees;

to cause loss or inconvenience to any such employer in the conduct of his business;

to incite, instigate, aid, abet or procure any other strike;

or

to assist employees in the employment of any other employer. ”

The person mentioned by the honourable member for Wynnum is protected by that. The electricity industry will continue to have a high quality safety record. Nobody in

the system will send people to do work that they are not capable of doing. That is reflected in previous legislation.

**Mr Shaw:** He is qualified to do it but he does not feel that he is capable of doing it.

**Mr I. J. GIBBS:** I am sure that the honourable member will find that supervisors know the capability of their men. From that point of view, there has been no trouble in the past. If the person mentioned by the honourable member has a genuine worry, the member should send him along to me and I will speak to the administration and fix things. I will make sure that the things that worry him are straightened out.

**Mr Fouras:** You will sell him some tickets in the National Party, will you?

**Mr I. J. GIBBS:** As he sounds to be a responsible person, he is probably already a member of the National Party.

The member for Sherwood (Mr Innes) mentioned the return to work of some SEQEB employees. There are two groups of men. The first is the group of men who did not go on strike. They retain everything. They did not go on strike so, in their case, the status quo remains. Those men who were re-employed have had to start as new employees. They can join a new superannuation scheme if they want to. When the period of six months has elapsed, the Government will decide whether it will legislate in that fashion. That was set down as part of a deal and the Government will honour that part of the deal.

**Mr INNES:** My short point is that probably that legislation will not be passed in the next two or three weeks. The House will not sit again until August and the period of six months could elapse before the legislation is passed. Will the Government keep faith with its undertaking and legislate retrospectively, if necessary, to make sure that that undertaking is kept?

**Mr I. J. GIBBS:** August and September are only four and five months away.

**The TEMPORARY CHAIRMAN (Mr Booth):** Order! Under the provisions of the allocation of time order agreed to by the House in relation to the Bill, the time for the debate on the clauses has now expired.

Question—That clauses 4 to 33, as read, stand part of the Bill—put; and the Committee divided—

AYES, 44		NOES, 28	
Ahern	Lee	Braddy	Warburton
Alison	Lester	Burns	Warner, A. M.
Austin	Lickiss	Campbell	Yewdale
Bailey	Lingard	Casey	
Bjelke-Petersen	Littleproud	D'Arcy	
Borbridge	McKechnie	DeLacy	
Cahill	McPhie	Eaton	
Chapman	Menzel	Fouras	
Cooper	Miller	Goss	
Elliott	Muntz	Kruger	
FitzGerald	Newton	Mackenroth	
Gibbs, I. J.	Powell	McElligott	
Glasson	Randell	McLean	
Goleby	Simpson	Milliner	
Gygar	Stephan	Palaszczuk	
Harper	Stoneman	Prest	
Harvey	Turner	Price	
Henderson	Wharton	Scott	
Innes	White	Shaw	
Jennings		Smith	
Katter	<i>Tellers</i>	Underwood	<i>Tellers</i>
Knox	Kaus	Vaughan	Davis
Lane	Neal	Veivers	Comben

Resolved in the affirmative.

Bill reported, without amendment.

### Third Reading

Hon. I. J. GIBBS (Albert—Minister for Mines and Energy): I move—

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

Question put; and the House divided—

AYES, 46		NOES, 28	
Ahern	Lane	Braddy	Warner
Alison	Lee	Burns	Yewdale
Austin	Lester	Casey	
Bailey	Lickiss	Comben	
Bjelke-Petersen	Lingard	D'Arcy	
Booth	Littleproud	De Lacy	
Borbidge	McKechnie	Eaton	
Cahill	McPhie	Fouras	
Chapman	Menzel	Goss	
Cooper	Miller	Kruger	
Elliott	Muntz	Mackenroth	
FitzGerald	Newton	McElligott	
Gibbs, I. J.	Powell	McLean	
Glasson	Randell	Milliner	
Goleby	Simpson	Palaszczyk	
Gunn	Stephan	Prest	
Gygar	Stoneman	Price	
Harper	Turner	Scott	
Harvey	Wharton	Shaw	
Henderson	White	Smith	
Innes		Underwood	
Jennings	<i>Tellers:</i>	Vaughan	<i>Tellers:</i>
Katter	Kaus	Veivers	Davis
Knox	Neal	Warburton	Campbell

Resolved in the affirmative.

*Sitting suspended from 5.56 to 7.15 p.m.*

## FISHERIES ACT

### Motion for Disallowance of Regulation

Mr KRUGER (Murrumba) (7.15 p.m.): I move—

“That amendments to Fisheries Regulations, 1977, under the Fisheries Act 1976-1984, published in the Queensland Government Gazette No. 96 of 22 December 1984, and tabled in the House on 27 February 1985, be disallowed.”

I move that motion because the State Government regularly boasts that Queensland is a low-tax State. I point out that taxes are raised in Queensland in many ways besides the usual taxation procedures.

I have before me a schedule of fees that are related to the notice of motion presently before the House, and the schedule spells out quite clearly the fees that are imposed by the State Government. Before I proceed any further with remarks about that schedule, I ask the Minister to clarify whether the fees that are raised are channelled into the management of fisheries, or whether the fees form part of the Consolidated Revenue Fund.

Mr Turner: I will cover that as part of my reply.

Mr KRUGER: I believe that moneys that are obtained under the Fisheries Regulations should go towards meeting the costs associated with fisheries management, and should not be channelled into the Consolidated Revenue Fund.

Certain categories of fees are collected because of the operations associated with the fishing industry. For that reason, the revenue that is collected in that way should be applied towards meeting the costs associated with management of that industry.

I turn now to the State Government's boasting that Queensland is a low-tax State. In doing so, I wish to refer to figures that indicate the level of fees imposed. I point out that, apart from the figures I specifically refer to, people who are connected with the industry are not only annoyed by the cost of licence fees but are also annoyed by the fact that, over the last few years, significant increases in charges associated with fishing activities have been imposed.

One instance I wish to draw to the Minister's attention is the cost of fuel. I realise that the Minister probably regards that as a Federal Government impost, and that is not entirely correct; but it is another cost that people in the fishing industry must bear.

Motor vehicle registration fees, which are a State Government imposition, are imposed upon vehicles that are used in connection with fishing operations. Motor vehicle registration fees have become a significant cost, particularly when the third-party insurance is taken into account. The cost of electricity would also be a significant charge that is directly involved with operations of the fishing industry. I point out to the Minister that the general costs I have mentioned are all over and above the regulation fees listed in the schedule.

It is important to emphasise that, time and time again in Queensland, apart from the regulation fees, people in the industry must face increased charges. That leads me to say that Queensland is becoming a State that imposes one of the highest levels of indirect taxes imposed in Australia. Although I could speak at great length about that subject, I wish to deal in detail with the matter that is presently before the House.

I begin by referring to the registration of an arrowhead trap. The increase in the fee has meant that instead of paying \$45, people are now being charged \$55. I point out that it is accepted that all of the fees in the schedule will be charged over a term of two years, and that that term will apply to all of the categories I mention. I realise that no annual increase has been imposed. However, it must be borne in mind that the people who register arrowhead traps could not be making as much money these days as they were able to take two years ago; yet they are being forced to pay additional charges.

Survey charges and other charges associated with these regulations are provided at cost price, but they have increased considerably. No doubt that is due to the fact that people who provide the service are being paid more for it these days. Another category of fees is for a licence to conduct oystering operations, and the amount of the fee is now \$18 whereas previously it was \$15. On the one hand, that does not appear to be a large fee; on the other hand, for a smaller operation, the fee is an additional charge that has to be paid.

In contrast to that, the fee associated with a licence to occupy oyster ground as an oyster bank has risen from \$150 to \$180. The difficulty with that larger fee is that people who hold such a licence do not always manage the operation for their own benefit, and it sometimes happens that the oyster operations are permitted to run down. Alternatively, after the oyster bank has been worked for a while, the owners will sell out for a significant profit. However, the point I make is that bigger companies and larger commercial operations can afford to pay the larger increases in licence fees, because the increase can be traded off when the business is sold.

The cost of transferring a licence to occupy an oyster ground to another person has increased from \$15 to \$50. The small operator is paying out a great deal more money when most retail prices are depressed. People selling on the wholesale market are also getting less. In all, it means that these people are paying more to get less.

The licence fee for taking coral, shell grit or star sand has increased considerably. Large operators can make large profits and can afford to pay higher licence fees, but the little fellow with the small operation may not be able to do so. It is typical of this

Government to allow the man with the bigger income to make more profits than the little operator.

The licence fee to use an unpowered vessel not being a dinghy less than four metres in length in oystering operations has been increased from \$12 to \$20. The licensee does not get any additional benefit for the \$8 increase. The Minister may ask, "What does \$4 a year matter?" The continuing increase in fees throughout the State is a hidden way by which the Government gets additional revenue. Members of the Opposition are opposing the regulations to show the Government and the people of Queensland that they do not agree with the imposition of one increase after another.

The licence fee for a powered vessel over 20 metres in length has been increased from \$150 to \$180. The \$30 increase is much more significant than the \$8 increase, but the operation conducted is much greater and, in the circumstances, I should think that a large operation would be involved. A \$30 increase for the large operator is nothing compared with an increase of \$4 or \$8 for the smaller operator.

The pearl-divers' licence fee has been increased from \$15 to \$18 and the pearl-dealers' licence fee has been increased from \$80 to \$100. The people who are in the pearling industry may be able to recoup increased costs quite easily, but other licence-holders are not in the same position.

People generally are being taxed by the Government so that it can avoid increasing other taxes. Whichever way we turn, increases are being imposed continually. The people do not know what is happening if Opposition members do not raise these matters in the House. In the pearling industry, when the net registered tonnage of a vessel exceeds 10 tonnes, the fee for the first 10 tonnes has been increased from \$25 to \$30, but the maximum fee has been increased from \$150 to \$180. Whether an operator is large or small, the fees are building up continually.

Some of the people paying licence fees are not getting benefits equal to those that they received a few years ago. One man who had his vessel seized under the Fisheries Regulations had it returned to him quite some time later. He incurred considerable expense because, in the meantime, the boat had deteriorated. When a person pays a reasonable licence fee for anything he should be able to expect reasonable protection.

I have here a letter from Mr Mitchell, the chairman of the Queensland Fish Management Authority, about a man who had been unlicensed for three years. I say quite openly that many of the problems that he has experienced have been caused by his own actions.

The letter concludes—

"In this regard I was advised by the Prosecutions Section of the Queensland Boating and Fisheries Patrol that you are under investigation for a reported breach committed on 6 February 1985. I must await a report on the outcome of this investigation . . ."

This chap has been off the water for about three years, yet other people who have experienced problems with that authority are back on the water with a licence. I am told on good authority—not only by those people who ring me fairly regularly—that other people are having problems on the water and that the Boating and Fisheries Patrol is not always on the spot to overcome the problems. I have received reports of incidents on the water, such as the attempted ramming of boats. Those people, whose boats are being rammed, are paying increased licence fees, yet they are getting no protection.

If licence fees are to be increased regularly, the money collected has to be used to improve the position of the people paying the fees. The fees should not be increased to raise extra revenue for the Government. The increasing of fees by Order in Council is not the way to go about raising money. Unfortunately, too often the Government has used that method to raise money.

Under the amendments to these regulations, the people of Queensland have been charged more than they have received in benefits. The Government ought to be honest

in imposing taxes. It should not use regulations to raise revenue and, at the same time, tell the people of Queensland that this is the lowest-tax State in Australia. That is not right.

**Mr De LACY (Cairns) (7.27 p.m.):** I second the motion moved by the Opposition spokesman on Primary Industries, the honourable member for Murrumba (Mr Kruger), which seeks to disallow the Fisheries Regulations tabled in this House on 27 February this year. The Opposition decided to move for the disallowance of the regulations, firstly, to expose the myth that this is a low-tax State and, secondly, to go in to bat for those people involved in the fishing industry which, at present, is a depressed industry. Many people in the industry are not doing very well; yet they are among the many people in this State who are being hit by the increased taxes and charges imposed by the Government.

I will never cease to be amazed at the difference between that myth and the reality of the Government's performance in relation to tax. We are constantly bombarded with the statement that Queensland is a low-tax State; yet, day after day, regulations are introduced to increase a whole range of taxes and charges. This is just another example of that.

Today, I was looking through an article written by P. D. Day of the University of Queensland, which has received a lot of press coverage in recent weeks. It exposes the myth that Queensland is a low-tax State. It points out that the Australian Bureau of Statistics figures demonstrate quite clearly that Queensland is not the lowest-tax State in the Commonwealth. One phrase in that article stated—

“Indeed, given Queensland's greater proportionate share of Commonwealth tax revenue, its very high rail freight rates, and its low expenditure on social infrastructure, one might well ask where Queensland's money goes.”

Rather than being an efficient, well-managed State, which is the impression that the Government carefully inculcates in the minds of the people of Queensland, the very opposite may apply.

Queensland has a great opportunity to raise revenue, but the Government does not spend it very efficiently. These regulations are a good example of the way in which the Government keeps hitting the ordinary, little bloke.

Tonight, I go in to bat for people in the fishing industry. However, I would not like it to be thought that I am opposed to the Fish Management Authority. It is tremendous that one umbrella organisation oversees the industry and, theoretically, it should address itself to the problems facing that industry. However, I must question what the authority actually does for the fishing industry. The authority should introduce a management regime that matches the fishing effort to the total resource, but it seems to me that the only thing that the authority does efficiently and effectively is raise and collect fees.

Coincidentally, last week, I had a visit from a small fish-retailer in Cairns who had just been hit with a licence fee of \$150. If it is said quickly, it does not sound much. However, he is only a small retailer. He was forced to pay that sum to acquire a restricted buyer's licence. On investigation, I discovered that the fee had a couple of components. In fact, it seems that most of the Government's taxes and charges have components to them. One component is the Government-regulated application fee and the second is a licensing fee, which the Fish Management Authority can vary at will. Statutory organisations such as the Fish Management Authority can increase fees without gazettal. In other words, they can be imposed stealthily on the unsuspecting community.

This \$150 is made up of a \$30 application fee and a \$120 licence fee, which, in one year, increased from \$70. That increase of \$50 represents something of the order of 60 to 80 per cent, which is a substantial increase. The fish-retailer accepts that he lives in a society that has many regulations, but the Government seems to have two sets of standards. During the debate this afternoon, honourable members heard how the

Government objects totally to compulsion to join a trade union. Yet it can see nothing wrong with making payments to the Fish Management Authority compulsory. I fail to see any distinction.

The fish-retailer who came to see me must register his shop with the Justice Department and he must observe council health regulations. He did not understand why he had to pay this \$150. A person within the industry could expect the Fish Management Authority to give him protection. This fish-retailer told me that any house-holder in Cairns—indeed, anyone—can go to one of 20 or 30 wholesalers and buy 10 kg of prawns or king salmon or other reef fish for exactly the same price as he can as a retailer. He wanted to know what point there was in his paying that \$150.

In answer to a question in this place some time ago, the Minister for Primary Industries (Mr Turner) claimed that these charges are levied so that services can be extended to the different categories of people within the industry. I ask the Minister what the small retailer in Cairns gets for his payment of \$150 to the Fish Management Authority.

Recently, another person complained to me about the fees and charges that he had to pay to the Fish Management Authority. That man is a barramundi net fisherman operating in the Gulf of Carpentaria. His vessel is listed as a primary vessel and not as a tender vessel, which attracts a different charge. He has only one vessel, so it is classified as a primary vessel.

The vessel that he uses to set his nets is a little 10-foot aluminium dinghy, but it is still classified as a primary vessel. In addition to all the other fees and charges imposed upon him, he has to pay for that as a primary vessel. He was on the bone of his backside, and the total of his fees was approximately \$1,000. I can see that the Minister will say that that is not the set of fees and charges that has just been gazetted.

In the few moments that I have left, I make the point that the last fee on the schedule is for a permit to keep fish for farming purposes associated with the sale of fish for stocking other waters. The aquaculture industry, as it is called, is only just starting in Queensland. Certainly in north Queensland a couple of innovative entrepreneurs are getting this industry off the ground. As it is a new, pioneering industry for Queensland, rather than continuing to levy charges the Government should be encouraging it. The Yarrabah Aboriginal community is considering the possibility of barramundi-farming in some of the streams in its area. I imagine that that community will be hit by these ever-increasing licence fees and charges.

In conclusion, I say that the Government is not doing much good for the fishing industry, which in Queensland is in a depressed condition. The Government should be helping the industry and looking at different ways in which it can assist it.

**Mr Turner** interjected,

**Mr De LACY:** Not one of the fees is high in itself, but they certainly add up. Nobody pays only one fee.

For a new industry, the fees are too high. They are increasing far too quickly—in fact, faster than the rate of inflation.

**Mr CAMPBELL (Bundaberg) (7.37 p.m.):** There is great pleasure in catching a fish in a place where nobody thinks one can be caught, or in catching a fish at a time when nobody believes one can be caught; but the State Government's net of increased charges and taxes catches everybody. Every section of this fishing industry has been caught in the heavy harvest of State Government charges. The increases have been massive.

Only a few months ago, the small boat-owners were heaved. The professional fishermen have also been hit. Now it is the oyster-farmer and the pearl-farmers and operators. These increased charges, which are increasing at a greater rate than the CPI, are a burden on people in the industry. In other words, the cost of running a business

in Queensland is increasing more quickly than the cost of living. These charges are only some of the thousands and thousands of State Government charges that have been increased since the State Budget.

Let us see what will happen to a little battler who wants to get started in the oyster industry. The licence to conduct the oystering operation will now cost \$18. On top of that, the transfer of an oyster vessel licence will cost another \$18. The licence to occupy an oyster ground as an oyster bank will cost \$180. The transfer to another person of a licence to occupy an oyster bank will cost another \$50. A licence to employ or use a vessel in oystering operations—say, a powered vessel up to 10 metres in length—will cost \$60. For this person to get established in oyster-farming, he will have to pay \$371 in State Government fees and charges.

Less than two years ago, a licence to conduct oystering operations cost \$15. Another \$15 was charged to transfer the oyster vessel licence. The licence to occupy an oyster ground cost \$150. The transfer cost another \$15 and the cost of a licence for a powered vessel up to 10 metres in length, \$50. That is a total cost two years ago of \$245. Anyone wishing to set up in the oyster business now will have to pay \$126 more than he would have paid less than two years ago.

The cost of setting up that business is nearly 50 per cent more than it was two years ago. That cost must be borne by the little person who wants to establish his business. To establish an oyster farm, a person has to meet a 25 per cent increase in charges. That is not the way to give incentives to small-business people or unemployed persons who wish to establish a business on their own. When the National Party Government hits anyone, it makes sure that it hits the little person.

The cost of licensing a small unpowered boat has increased from \$12 to \$20. That is an increase of 67 per cent. The cost of a licence for most other vessels has increased by between 17 and 20 per cent. Is it not great that the Government hits the small people? The cost of licensing an unpowered boat has increased by 67 per cent in the last two years, or approximately 30 per cent per year.

In addition, the minimum fees set for a permit to keep pearl oysters for farming purposes have increased. Pearl-oyster-farming is a new industry. The minimum fee has increased from \$520 to \$650. That is a real incentive! That is an increase of \$130, or approximately 20 per cent. That is a great incentive! Incentives should be given to help people to commence a business, yet higher charges are imposed. The Government should not be in the business of increasing the charges to small-business people at a rate above the CPI increase.

Fees for permits to keep fish for farming purposes have increased from \$15 to \$18. Instead, should not incentives be given to persons to establish themselves in a business? Perhaps no fees should be charged for such operations. The Government should do the right thing by small-business people, especially those in the fishing industry, because they are going through hard times at present.

The charges are excessive because they have increased at a rate that is above the Consumer Price Index increase. The increases apply not only to the fishing industry but also to other industries. The Government should do the right thing by the small-business person, the oyster-farmer and the pearl-oyster-farmer. The persons who are working in those areas are taking the initiative. The Government should help them and not increase charges above the CPI increase.

**Mr EATON (Mourilyan) (7.42 p.m.):** The Opposition is opposed to the regulations as well as the fees. In some areas, the increases in fees are reasonable; in other areas, as my colleague the honourable member for Bundaberg (Mr Campbell) said, the increases are unreasonable.

The Government requirements on guide-lines for applications for aquaculture permits state—

“It is necessary that the intending applicant complies with the conditions imposed by Government Departments and instrumentalities which exercise control over the use of land and water in Queensland.”

The Opposition has no objection to that. Some people are prepared to outlay a considerable amount of money, which they can ill afford. Applications must be made for permits. A long delay occurs while the department makes an inquiry into whether it will grant a permit. A study must be carried out. A person knows what he wants to do, and he seeks Government help in obtaining information about the area that is available for oyster-farming, other forms of aquaculture or other industries into which he wishes to diversify.

I wish to refer to two incidents that occurred in my electorate and in the electorate of my colleague the honourable member for Mulgrave (Mr Menzel). I am sure that the Government would be aware of the establishment of a fresh-water prawn farm in the north. Everyone hopes that it will be a success. The area in which it will be established is ideal. The Government should be attracting new industries to Queensland.

Honourable members know that some time ago an overseas company wished to buy an area of tidal land in Karumba for the purpose of salt-water prawn-farming. Because of the Federal Government's restrictions relating to overseas companies entering Australia, the project fell through. The State Government's role in a barramundi study being carried out in north Queensland is commendable. The Opposition believes that more effort should be put into experimentation and research.

Many private enterprise people are prepared to carry out that research and bear the burden of the cost. However, they are caught up in Government red tape, particularly in the time involved in obtaining permits. After they pay their licence fee, they are told to go ahead with their operation, but it can be as late as August or October before they obtain the licence. By that time the end of the year is just about upon them, which means that within a month or two they will be hit with a bill that will now be increased to \$180.

Mourilyan Harbour, in my electorate, presents a golden opportunity for the conduct of oyster farms. The Government, in its wisdom, has seen fit to allow a man to establish a farm there. I have seen the oysters produced on that farm. As I am not a connoisseur of fresh-water oyster, I will not comment on their quality, but members of my office staff do like them, and they would not believe that the oysters that were brought straight to my office were locally grown. The people who tasted them told me that their quality was as good as any oysters they had ever tasted, and that they were twice as large as oysters of that age usually are.

I am not familiar with all aspects of oyster-farming. However, I am aware of the problems that that man experienced in trying to establish his oyster farm. He is aware of the problems that he faces.

The honourable member for Bundaberg (Mr Campbell) said that people will be required to pay \$20 for an unpowered dinghy less than four metres in length. Few people will pay that amount simply to row a boat. That is a pretty costly exercise just for the pleasure of rowing a boat.

In my opinion, an oyster-farmer should not have to register such a boat, because 99 times out of 100, if he had a boat that was suitable for the job, it would be registered, and he would be paying a registration fee on it, an outboard motor and possibly a trailer.

This is just another means by which the Government can impose higher taxes, and that concerns Opposition members. The Government is putting obstacles in the path of people who are prepared to go out on their own and develop new industry in this State.

There are literally thousands of dams all over Queensland suitable for fish-farming. If a person wants a permit to keep fish for farming purposes, the Government wants a

fee of \$18, which may appear to be reasonable. I rang the Western Australian Department of Fisheries and Wildlife and received certain information about the marron-breeding industry. The conditions in north Queensland are ideal for that industry. However, in many areas people are not allowed to breed marron. The streams in the north are ideal, but because marron cannot be released into the main stream, a special dam must be built to ensure that they cannot escape.

The Government should investigate that industry. The Western Australian Department of Fisheries and Wildlife bends over backwards to assist people in putting marron in their streams. In fact, many people have a marron swimming-pool, as it is called, in their back yards, and the department will even go out and measure the pool. It must be a certain depth and size. If the pools comply with the size requirements, a certain number of marron are allowed to be kept. I visited some people in Western Australia who hold two marron barbecues per year. If they are allowed to have 40 or 50 marron in their pools, they have barbecues at six-monthly intervals. The department will then provide marron to replace those taken out of the pool.

In Western Australia people are allowed to keep marron in their back yards. I am sure that the Western Australian Government would be only too pleased to assist this Government with any inquiries it may have relative to marron-farming. Whenever I have contacted that Government regarding crab-farming or prawn-farming, within a week I have received at my Innisfail office the information that I requested.

I have found it very helpful. One application was rejected because the project involved building a dam adjacent to a stream. It is in those cases that amendments to the regulations ought to be considered.

The Government ought to be doing something to encourage replenishment of fish stocks in dams or the introduction of stocks into dams. There are literally thousands of dams throughout Queensland. The Government ought to have a scheme of subsidisation for people to stock their dams with fish. The result would be not only a source of food but also a form of recreation. The tourism industry would benefit. There is nothing more enjoyable than to be with family or friends on a fishing and camping trip when it is expected that fish will be caught. It would result in many more people visiting the outback. There are many openings in Queensland for a fresh-water fishing industry. As I mentioned earlier, fresh-water prawns are to be found in gulf streams, such as the Mitchell. People travel there to net them. At Flying Fish Point, people are spending a considerable amount of money to start a fresh-water prawn industry. That is only a few miles out of Innisfail. Such ventures would be possible in many parts of Queensland. I have read in newspaper articles that the marron industry has proved very successful in southern Queensland.

I realise that it is easier said than done, but I point out that, on page 3 of the guide-lines, this appears—

“Permits for aquaculture in cases where the fish or marine products are to be sold as food \$4.00 per ha with a minimum of \$115.”

What if someone has 100 ha? The charge will be \$400. People owning land may wish to diversify. We all know of the problems being encountered in the sugar industry. In numerous areas cane-fields have had to be drained. If the sugar price falls much lower, cane-farmers could plug up the drains and create ideal areas for aquaculture. The Government should be giving encouragement to people to engage in aquaculture. We ought to be catching up to other nations in this field. Aquaculture is really big business in Thailand, and Hawaii and other places in the United States. This Government ought to play a more significant role in assisting the development of new industries such as this in Queensland.

**Hon. N. J. TURNER** (Warrego—Minister for Primary Industries) (7.52 p.m.), in reply: Most honourable members have used the opportunity afforded them by this debate to discuss general taxes. It is unfortunate that they did not confine themselves to the matter before the House.

The Opposition spokesman for fisheries, the honourable member for Murrumba (Mr Kruger), asked about the revenue collected. It goes into consolidated revenue.

He claimed that Queensland is not a low-tax State. It is an established fact that Queensland is the State in Australia with the lowest taxes. He referred to areas of taxation such as registration, insurance and electricity charges. He did not mention that there is no State fuel tax and that workers' compensation is cheaper here than it is in other States. However, I do not intend to engage in that argument.

The honourable member for Mourilyan (Mr Eaton) spoke of an oyster-farmer at Mourilyan, Mr Dexter, who was unable to obtain the area of land that he required. That was because it is alongside the Commonwealth's training area. I agree that there is tremendous potential for fish-farming and marron-farming—in fact all forms of aquaculture. We encourage it. It is a developing industry and it has tremendous potential.

The honourable member for Cairns (Mr De Lacy) said that he would like to go in to bat for the fishing industry. He spoke about the registration of fish shops, which has nothing at all to do with the regulations being discussed. In fact, his contribution was so wide ranging that I would not have been surprised to hear him mention rail freights.

He referred to permits to farm fish to be sold for stocking other waters, and claimed that that was discouraging development. By Jove! That is a heady statement. In 1982, the charge was \$10; in 1983, \$15; in 1984, \$15; and now it has been raised to an astronomical \$18. It is claimed that that will stop people from going into aquaculture. What an incredible statement.

The fees being questioned are necessary. I assure honourable members that they do not cover the cost of the services rendered. However, the Government's aim is to keep costs and fees as low as possible.

All honourable members would be aware that the fishing industry is far from prosperous. There are a number of reasons for this, but by far the major reason is the high cost of fuel. The fishing industry is heavily dependent on fuel. Indeed, in many cases fuel costs account for over 40 per cent of total costs. I think everyone in this Chamber is aware that the high price of fuel is almost totally caused by Federal Government policies. The Opposition does not wish to hear that. As far as I am concerned, it is a tax rip-off. Neither this Government nor any other State Government can do anything about it. Present Commonwealth Government fuel-pricing policies have paid absolutely no regard to the needs of primary industries or to the economic viability of those industries. Present pricing policies in fuel taxation are geared solely to raising revenue for the Commonwealth Government.

I suggest to honourable members who have criticised the regulations under debate that they compare the infinitesimal cost of the fees prescribed, which are for a specific service given, with the horrendous cost of fuel taxes for which no service is given. It should be borne in mind that part of the fuel tax includes the 2.3 cents a litre apportionment for bicentennial road-funding. Very few roads have been constructed in the sea for use by the fishermen, but that figure is indexed.

Dealing specifically with increases in the various fees under the provisions of the regulations, I point out that the increases average approximately 10 per cent per annum, which is roughly in line with the Consumer Price Index. The total amount of fees collected is \$60,000, and the increase in fees would be in the vicinity of \$5,000 to \$6,000. If that increase were to be measured against the fuel costs for the fishing industry alone, I would be amazed if the Opposition saw fit to take up the time of the House in debating that issue in an attempt to make the increases appear to be a wide-ranging field of general taxation.

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

AYES, 27		NOES, 44	
Braddy	Warner, A. M.	Ahern	Lee
Burns	Yewdale	Alison	Lester
Campbell		Austin	Lickiss
Casey		Bailey	Lingard
D'Arcy		Borbidge	Littleproud
De Lacy		Cahill	McKechnie
Eaton		Chapman	McPhie
Fouras		Cooper	Menzel
Goss		Elliott	Miller
Kruger		FitzGerald	Muntz
McElligott		Gibbs, I. J.	Newton
McLean		Glasson	Powell
Milliner		Goleby	Randell
Palaszczuk		Gunn	Simpson
Prest		Gygar	Stephan
Price		Harper	Stoneman
Scott		Henderson	Turner
Shaw		Hinze	Wharton
Smith		Innes	White
Underwood		Jennings	
Vaughan	<i>Tellers</i>	Katter	<i>Tellers</i>
Veivers	Davis	Knox	Kaus
Warburton	Comben	Lane	Neal

Resolved in the negative.

## RETAIL SHOP LEASES ACT AMENDMENT BILL

### Second Reading—Resumption of Debate

Debate resumed from 7 March (see p. 3930) on Mr Ahern's motion—

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

**Mr FOURAS** (South Brisbane) (8.6 p.m.): We have heard a lot of humbug from the Government about its shop lease legislation leading all similar legislation in the nation. In fact, prior to the introduction of the legislation in 1984, in a letter in the press, Mike Evans, who was then the executive director of the National Party, said that, when the legislation was passed early this year, small-business-operators and their staff throughout Queensland would give thanks for this valuable initiative, which would help to safeguard their livelihood and their jobs. It has been nothing more than a monumental sell-out. The legislation has been very long on promise and rhetoric and very short on delivery and substance.

When the legislation was introduced, I said that it failed in any meaningful way to minimise the exploitation of tenants by developers. It failed because disclaimer clauses were not prohibited. Savage rents could still be forced on unwilling tenants. There were no proper guide-lines for leases. In particular, there was nothing to stop the ripping off of shop tenants when the leases finished. The provisions generally favoured the landlord. All the points were won by the landlords. The Government had backed away from providing any meaningful protection for small traders in large shopping complexes.

Since the introduction of the legislation that led to these amendments, the Minister has said that he would continue to be briefed on how the legislation was going. He said that, if the Retail Shop Leases Act proved to be inadequate in any way, the Government would not be frightened to amend it. Later, he made much stronger statements.

Earlier this year the Minister publicly threatened that, if landlords did not play the game, he would toughen the retail shop leases legislation. That idle threat was in line with the half-hearted approach shown by the National Party Government in providing meaningful protection of the interests of tenants.

The need for retail shop lease legislation has arisen because, unlike the situation in which shop premises are individually owned, a tenant who successfully establishes a business in a shopping complex and builds up goodwill is unable, on the termination of a lease, to effectively remove the goodwill to alternative premises. That has had the effect of establishing a monopoly for the developer. Exploitation of the tenant by a developer must ultimately result in higher costs for the total community.

One of the provisions in the current legislation allows an option of a minimum term of five years if the tenant gives notice in writing to that effect to the landlord before the execution of the lease. For example, a tenant who signs a two-year lease has the option of only a further three years if he or she takes up that option for extension of the lease prior to the termination of the original lease.

That is not only totally inadequate but also an abrogation of the firm commitment made by the National Party in its small-business policy prior to the last election. That policy stated—

“Upon notification of termination of a lease by a landlord to the tenant the existing tenant shall have the first right of refusal within 30 days prior to termination.”

That was an unequivocal promise and a positive statement that showed a full understanding of the major problem confronting small tenants in shopping complexes. When their lease terminated, they had no bargaining power and were literally screwed for large increases in rent or, at the whim of the landlord, they were thrown out of their shops that they had worked so hard to develop.

The most fundamental and vital issue affecting small retail tenants is security of tenure. It is totally incomprehensible to the Australian Labor Party that a minimum five-year lease provision in the current legislation could be considered to give that security of tenure.

The Minister for Industry, Small Business and Technology (Mr Ahern) must be aware of the continued outcry by small retail tenants in major shopping centres. He must be aware that exorbitant rent rises are stripping them of the profit levels that they need to stay viable.

Mr Phil Nayler, executive director of the Retailers Association of Queensland, has commented in the media that some retailers face a rent rise in excess of 70 per cent when renewing their leases. The manager of the Retail Traders and Shopkeepers Association, Mr Bill McCulloch, has said that many small-business people vacating shops had been sent broke by high rents or felt that they could no longer afford them.

The Australian Labor Party is aware that not only should any meaningful legislation provide a mandatory requirement for a landlord to offer a tenant a minimum aggregate lease term of nine years, made up of an initial three-year period and two three-year options, but that a tenant should have a mandatory right of first refusal within 30 days prior to the termination of such lease.

It needs to be repeated that unacceptable power is vested in the landlord, and that no options are included in the terms of the lease or when the term of the lease expires and a renewal is wanted. That is the crux of the problem facing retail traders, and this Government refuses to attack that problem. That is what really worries most small-businessmen. To use a colloquialism—that is when they get screwed well and truly by unscrupulous landlords. They have developed their businesses and built up goodwill, but they must accept the terms offered by their landlords.

It has been proved beyond doubt that under such circumstances tenants have only one alternative to rejecting unreasonable demands, and that is the forfeiture of their businesses and the loss of thousands of dollars in investment and goodwill. I wonder how the Minister can justify such reprehensible inaction when his party's retail shop leases policy states—

“The industry can throw up numerous examples of forced sales of business (often to the landlord) by tenants who have been denied optional lease extensions.”

I am aware, as the Minister and the National Party must be, of forced sales and of the inability of tenants to obtain options to continue their business on the termination of the lease. The National Party knows that, when leases expire, landlords hold loaded guns to the heads of businessmen; but it has done nothing about that. That is a scandalous sell-out of the interests of small tenants in order to benefit the owners of large shopping complexes.

It is imperative that any meaningful legislation contain a provision that, on the expiry of the term of any lease, the tenant has the first option to negotiate a new lease with the landlord and that any failure to reach agreement may be taken to arbitration. It is to be regretted that the Minister did not have the intestinal fortitude to bring in such a meaningful amendment. Tonight, the House is debating some very minor machinery amendments that do nothing to benefit the small retailers who are being ripped off in large shopping complexes. The threats made from time to time by the Minister to the owners of major shopping complexes that if they do not play the game the Government will bring in tougher legislation are just empty rhetoric.

Rent levels are responsible for a high turnover rate of lessees of small shops at major shopping centres. The Minister is indicating to the House that he might do something if things get worse. Only recently, I was telephoned by a lessee in such a shopping centre who had a two-year lease but who had forgotten to apply within the prescribed period for his three-year option. On attempting to renew the lease, he was told that the rent would be more than doubled. Had he taken up his option in time, he could not have been charged double his previous rent. In fact, that would have been taken to arbitration, because the lease contained a clause specifying the appointment of an independent arbitrator. "Take it or leave it" is the arrogant statement often made to the many small-businessmen who have had to renew their leases. A gun is held to their heads and it is a case of "Goodbye Charlie". If the lessee forgoes his lease, the benefit of all his hard work to build up the goodwill of the business goes to the owner of the shopping complex.

Late last year, in an advertisement featuring a smiling Minister for Industry, Small Business and Technology the public was told that the Retail Shop Leases Act is now in force to resolve disputes between landlords and tenants. That advertisement was inserted in newspapers at great public expense. In his second-reading speech, the Minister said that 24 disputes had been settled by mediation and about three or four had gone to the tribunal.

The major cause for concern—and the Government will not attack it in any meaningful way—is rents. However, that advertisement stated—

"Disputes regarding rent are specifically excluded from the jurisdiction of the mediation panel and tribunal."

The current provision in the Retail Shop Leases Act that allows for arbitration on rents during the term of the lease if there is no agreement between the landlord and the tenant has been amended. That fits in with what is happening in the market-place, but it is not a meaningful amendment.

I have always been concerned that that provision allows market rents to be the criteria for an increase in rents. A small-businessman may have had a three-year lease with a three-year option, with provision for increases in rental. During that time, he may have had a large increase in business, or, if I may use business terms, his business could have gone like a rocket. However, when his lease is renegotiated, he will be taxed for his efficiency. The landlord will say to him that, because his business is such a goer, somebody else would be willing to pay double the rent if he could take over his goodwill and sell the same products. That is the type of market rent that I am talking about.

The legislation allows for arbitration only in the absence from a lease of a provision for determination of the market rent by a named person or a person appointed by a named organisation. My contact with solicitors and other advisers of tenants in shopping centres indicates that because they are finding arbitration to be both costly and very

lengthy, that provision is adequate, and most are recommending to their clients the appointment of a third person, such as a valuer to be appointed by the Queensland Institute of Valuers or an appointee of the Queensland Law Society.

That still does not resolve the major problem to which I have referred. Something should be done to bring rent increases during the term of a lease into line with CPI increases. If the Government had not supported the right of developers to profit at the cost of the small retailer, that problem would not have arisen.

The Government's approach to the issue of percentage rents has been hypocritical. In its report, the Small Business Development Corporation took the view that rents based on a percentage of turnover should be prohibited. The corporation felt that rents should be quoted and based on a fixed amount per unit area so that a tenant would be aware of his annual commitment. After a lengthy study, the Cooper committee, which was set up by the Government to examine the problems of retailers in major complexes, reached a similar conclusion, which reads—

“The provision for a tenant to pay percentage rents based on turnover was not a desirable practice in the form it appears at present in most leases.”

The Cooper committee report went on to say—

“There was universal opposition to the levying of percentage rent.”

The people whom the Government supposedly supports have said unequivocally and quite clearly that they do not want their rents based on a percentage of turnover. However, the Government has chosen to ignore them.

The Cooper committee report continued—

“Small traders felt strongly that they would be penalised for their initiative.”

That is what happens when rents are based on a percentage of turnover. The greater the volume of sales, the more they pay in rent.

The Cooper committee report continued—

“They further felt that their increase in turnover would be the basis of lifting the base rent.”

It is disgraceful for a so-called free enterprise Government to allow rent based on turnover and to attack by such a method the initiative of the most progressive and better performing retailers in those complexes.

It is reprehensible that a landlord is entitled to a percentage of a tenant's investment in stock. Such a rent system results in a strong disincentive to specialising, which would result in the sale of larger volumes at smaller margins. The disincentive to specialising affects not only the consumer but also manufacturing sector employment prospects. If traders were allowed to increase their turnover without facing increased rents, they would try to put more goods through their businesses. That would not only help retailers to increase their profits but also benefit the consumer and help Queensland's ailing manufacturing industries.

In spite of the shop leases legislation, percentage rents will continue for ever and a day. Because of the legislation, small-businessmen will need to increase their margins. That is the only way they will be able to survive in a shopping complex.

The provision in the current legislation that prohibits the determination of rent as a fraction of turnover unless the tenant or prospective tenant has so elected by notice in writing is a sick joke. It is ludicrous to suggest that the inclusion of that clause in the legislation affords protection to tenants. I challenge the Minister to disprove my assertion that that provision is a toothless tiger.

The Minister need only check with the owner of Carindale, which is the SGIO, to find out whether or not it demands such a formal request in writing for rent based on turnover prior to negotiating a new lease. When this legislation was introduced, I said

that that clause was a cop-out for large developers. That is what is happening in the market-place. I can assure the Minister that the SGIO demands that request in writing. Therefore, as I said earlier, it is a sick joke. The Minister will find that to be a fact of life at Carindale and at most other major shopping complexes.

Tenants must still rely on oral representations as to their conditions of tenancy. That is another matter referred to in the Cooper report that the Queensland Government refuses to address.

Tenants are going into major shopping complexes when they open. They have only an oral commitment across the table. A substantial number of complaints are still being made about the failure of landlords to produce leases prior to occupation of premises. Surely it would not be difficult for the Minister to make it mandatory that, in all cases, prior to the occupation of the premises, a document covering in detail the major provisions of the intended lease but expressed in layman's terms should be exchanged between the landlord and the tenant.

The trend towards disclaimer clauses being included in lease documents continues. Again, a promise was made by the National Party prior to the last State election that such clauses would be prohibited. I had hoped that, with these amendments coming before the House, the Minister would see reason and introduce that prohibition. Under such clauses the tenants effectively, by a signature, relinquish all their rights to redress, civil or otherwise, in cases of disputes with the landlord. That is a nice cop-out for large developers!

In its policy statement before the last election the National Party promised to prohibit such disclaimer clauses. Surely the Minister could have produced such an amendment in the legislation being debated today. If the State Government will not legislate to protect tenants from unscrupulous landlords, who rip them off when their leases are finished, if it does not stop the imposition of rents based on turnover, if it will not prohibit disclaimer clauses, and if it will not demand that leases be required to be presented in layman's terms, it may as well abolish the current legislation and stop its pretence that it is acting in the interests of the tenants.

It is a monumental sell-out of the rights of the small tenant by this Government. It is not good enough for the Government to be skiting, grandstanding and suggesting that this legislative protection is a first in Australia when, in reality, it is a toothless tiger and meaningless. I repeat that the Government might as well abolish the legislation and stop its pretence.

The current legislation is insipid. It can be likened to trying to stop a raging bush fire with a water-pistol.

The Opposition finds little fault with the amendments before the House. They are machinery amendments that simply dot a few i's and cross a few t's.

What the Opposition finds objectionable is the Government's lack of resolve to amend the Retail Shop Leases Act to solve the real problems confronting many small retailers in large shopping complexes.

Before I discuss the amendments briefly, I point out that, recently, petrol stations have been allowed to operate as 24-hour convenience stores, grocery stores and what have you. I realise that the Government finally relented and did the right thing by the retailers. However, it had to be dragged to the party screaming. It was only as a result of tremendous pressure from retailers all over Queensland telling it that they would not wear it that the Government relented. If those retailers had not taken the action that they did, Queensland would now have 24-hour shops cropping up all over the place and harming the prospects of the corner shops.

The Minister has been silent during the debate that is going on in the community right now regarding 24-hour trading on the Gold Coast. In a question this morning, the Leader of the Opposition quite clearly stated the response from retailers at public

meetings at Southport and Pacific Fair. The responses are worth recording in "Hansard". The Southport retailers voted 95 to 2 against the proposition to have a trial period of six months, and the Pacific Fair retailers voted 73 to 10 against the proposition. They were saying quite clearly and unequivocally that this is a matter that should be left in the hands of the Industrial Commission—where the umpire can make his decision. The Government has come up with the idea, at the behest of three or four of the National Party's cronies in the area, people like Kornhauser and the defeated Liberal Bruce Bishop, of a six-month trial period.

In his reply the Minister will have the opportunity to state where he stands on this issue. In an outlandish answer to a question this morning the Minister for Employment and Industrial Affairs (Mr Lester) said that 24-hour trading on the Gold Coast is purely on trial for six months, and that the Government would leave it up to the individual trader to decide whether he traded. He is saying that it will continue for six months, whether they like it or not. Once again, the umpire will not be used. The Government is overriding the powers of the Arbitration Commission, as it seems to be doing regularly in this Chamber.

**Mr Davis:** What about the firms that go bankrupt in that six months?

**Mr FOURAS:** It is interesting to study the results of the survey. More than 90 per cent of retailers at the Gold Coast do not want 24-hour trading. Will the Minister, the member for Surfers Paradise (Mr Borbidge) and the member for Southport (Mr Jennings), who have been agitating for this reform, not accept that people do not want to be forced to stay open 24 hours a day to compete? If the member for Southport were in the Chamber, I would ask him to deny a charge that he has threatened the retail traders at Southport that, if they did not unanimously agree to 24-hour trading, he would get the National Party Government to abolish it in the Southport area.

I am proving that the Minister, who is the person responsible, and his National Party have been hoodwinking the small-businessmen on the Gold Coast. The Government has said that it supports their rights to a fair go, but at no time has it thought of anybody else but the big developers or National Party cronies on the Gold Coast who are paying large sums of money to the Bjelke-Petersen Foundation. The Government is forcing retail traders on the Gold Coast to open 24 hours a day for six months in order to keep a promise that was given by the Minister for Local Government, Main Roads and Racing (Mr Hinze) and the National Party members on the Gold Coast to Mr Kornhauser when the Minister was opening one of his establishments.

**Mr BORBIDGE:** I rise to a point of order. The honourable member for South Brisbane has stated that promises were given by National Party members to a gentleman on the Gold Coast about extended trading hours. That is quite untrue. I find it personally offensive and ask that the implication against my integrity and character be withdrawn.

**Mr DEPUTY SPEAKER (Mr Randell):** Order!

**Mr AHERN:** I rise to a point of order. The matter of trading hours is not covered in the Bill. The member for South Brisbane ought to deal with the principles of the Bill.

**Mr FOURAS:** I am aware that extended trading hours do not come within the ambit of the Bill, Mr Deputy Speaker, but I was making the point—obviously it has stung National Party members opposite—that members of the party that is in Government, who pretend to look after the interests of small-businessmen and small retailers, are selling them out everywhere. That is the point I intended to make, and I believe that I have done it adequately.

As I said earlier, all we have heard is feeble promises. The Minister was purported to have come out with a big stick and said that, if the owners of large shopping complexes did not play the game, they would be taken to court.

At this point I refer to a "Courier-Mail" article in November 1984. A large number of people are quoted as saying that rent rises were "sending retailers to the wall". Concerns were expressed by people such as Bill McCulloch and Phil Nayler. The response from the Minister was that "the Government sympathised with small-businessmen suffering big rent increases". He sympathises with them! What do they get? Tea and sympathy! Government members are sympathetic, but unwilling——

**Mr Borbidge:** Are you advocating rent control and the socialisation of shop leases? Yes or no?

**Mr FOURAS:** I am saying——

**Mr Borbidge:** Answer the question..

**Mr FOURAS:** Mr Borbidge, can I answer the question my way? I am only going to do it my way.

**Mr DEPUTY SPEAKER:** Order! I ask the honourable member to address the Chair instead of engaging in cross-fire across the Chamber.

**Mr FOURAS:** I certainly will. I have been sorely provoked by members opposite. It is rude of them at this time of the night to stir up the well-meaning member for South Brisbane.

Through the Chair, I wish to respond to the interjection from the honourable member for Surfers Paradise (Mr Borbidge), who asked me whether I advocated rent control and the socialisation of shop leases. The answer to that is "No", and I have not been referring to rent control. The point that the honourable member has missed is the problem that is caused when the lease that applies to premises in major shopping complexes expires. The shop tenant has no agreement, and no legislative mechanism is in place that would prevent such people from being ripped off and sent to the wall by an unscrupulous landlord.

The Government promised that it would give shop tenants the right of first option and would provide an opportunity for that option to be the subject of arbitration. In a similar fashion, the Government has said that rent increases should be on a basis that is comparable with the operations of the Consumer Price Index. That is a measure that I would advocate that the Government introduce, particularly when market rent charges are examined.

I turn now to other aspects of the Bill.

**Mr Borbidge:** Back to the Bill—a good idea.

**Mr FOURAS:** I have addressed my remarks to the provisions of the Retail Shop Leases Act Amendment Bill, at least to the extent that I have succeeded in annoying the honourable member for Surfers Paradise.

An examination of some of the aspects of the Bill will reveal that the definition of "retail shop" is being amended by inserting words after the words "Second Schedule to the Act," which allows exemption by Order in Council. For the life of me, I cannot understand why the Government, with all the resources that are available to it, cannot provide a definition that would properly explain what a retail shop is, instead of having something that is capable of amendment by Order in Council.

As a member of Parliament, I have had extensive experience of serving on one of the few committees that serve the Chamber—the Subordinate Legislation Committee. By virtue of my experience, I have become aware of the way in which Governments can bypass Parliament by the introduction of subordinate legislation.

I am pleased to note that the Minister for Industry, Small Business and Technology has foreshadowed the new exemptions that are provided for in the Bill, and which relate

to shopping complexes that form part of a larger complex, such as Sea World and tourist resorts. Such premises will be removed from the operations of the Act, and that can now be achieved by virtue of the legislation.

By bringing forward this amending legislation, the Minister has placed under the auspices of section 28A of the Acts Interpretation Act Orders in Council and other instruments of subordinate legislation that pertain to retail shop leases. The effect of that measure will be to allow members of Parliament who disagree with the orders made by the Governor in Council to move a motion for disallowance, similar to the one that was moved prior to the resumption of the debate on this Bill this evening. That will provide honourable members with an opportunity to debate the legislative measures proposed by the Government.

**Mr Ahern:** I point out to the honourable member for South Brisbane that the schedule to the Act can only be added to by Order in Council, and that no provisions can be removed by such a document. The Government therefore will not be able to omit clauses from the Bill, whereas the Bill can be added to.

**Mr FOURAS:** I take the point made by the Minister, but I suggest that this can be done under the new section 5A of the Bill.

**Mr Ahern:** Those omissions will be tabled.

**Mr FOURAS:** I am sure that certain clauses can be removed.

**Mr Ahern:** Not from the schedule to the Act, no.

**Mr FOURAS:** I am sure that that can be done. If the Minister is satisfied that an appropriate instance exists, the Governor in Council can exempt complexes from the provisions of the Act.

Could I politely suggest to the Minister that, in his reply, he will have a chance to respond to the points raised in my speech. I suggest that I do not need the Minister's help in making my speech, and it might be a good idea if the Minister allowed me to continue.

**Mr DEPUTY SPEAKER (Mr Randell):** Order! I think that the honourable member indicated an acceptance of those interjections. If the honourable member addressed himself to the Chair, fewer complications would result. I ask the honourable member to return to the Bill.

**Mr FOURAS:** I repeat that Opposition members are not greatly concerned about the amendments. However, I ask the Minister why he believes it necessary to provide for the payment of rent in advance and bonds, when payments for goodwill and key money are prohibited.

As to rent review, the Bill prevents a matter from going to arbitration if the lease provides for the determination of the market rent by a named person or a person appointed by a named organisation. That is an interesting provision, but it is only accepting the reality of the market-place.

In the amendment relating to option to renew lease, it is provided that the rent payable during the renewed term shall be determined in the first instance and reviewed biennially thereafter having regard to the market rent of the premises calculated in the manner set out in section 10 (2).

All the amendments are concerned with dotting the i's and crossing the t's in an effort to make the Bill superficially more acceptable. If a person pays a fee, he will have the right to inspect the disputes register. I do not understand why the Minister believes it necessary to allow 120 days for a matter to be before the mediator prior to its being referred to the tribunal. The original legislation allowed 90 days. Surely that was long

enough. The Minister told us that only 24 cases in a year had gone to the mediator and that only three or four went to the tribunal. Obviously the tribunal is grossly underworked. Why does the Minister wish to give it less work?

**Mr Borbidge:** It is because the mediator is working so well.

**Mr FOURAS:** If that is so, why should the mediator need an additional 30 days? I see no sense in that.

If I were the Minister, I would not waste the time of the House in suggesting that amendment.

**Mr Milliner:** If the mediator is so efficient, he should need less time rather than more.

**Mr FOURAS:** That is obviously so.

This legislation will prove to be a toothless tiger. It prohibits key money and the sale of goodwill, but it has been watered down and does not provide meaningful protection for tenants who are in a very poor bargaining position when leases expire. It will do nothing about percentage rents; it will do nothing at all about disclaimer clauses and nothing at all about simplifying lease provisions. It should be seen for what it is, that is, rather pretentious legislation. It is merely a sop to make up for the National Party promises, which were meaningful and, if implemented, would have helped protect small tenants.

Unfortunately, Queensland has the best Government that money can buy and, unfortunately, those who are in a position to influence the Government have the best Government that money can buy in their pockets. They get the legislation that they want.

I will leave further comments until the Committee stage.

**Mr BORBIDGE (Surfers Paradise) (8.45 p.m.):** I have listened with some interest to the contribution of the honourable member for South Brisbane (Mr Fouras).

**A Government Member** interjected.

**Mr BORBIDGE:** My honourable friend says that perhaps it was a waste of time.

Recapping on the philosophy put forward by the Australian Labor Party tonight—it was very much a re-run of the speech made by the honourable member when the retail shop leases legislation was first debated in this Parliament. The Opposition has advocated rent control. It has made a blatant attempt to usurp the principle of private ownership. It has rejected the principle of profit. It has suggested, and indeed advocated, the socialisation of retail shop leases.

**Mr Fouras:** Whose profit are you worried about? The large developer's or the retailer's?

**Mr BORBIDGE:** I listened to the honourable member for an unbearable length of time, and now he will cop it.

Following that, the honourable member for South Brisbane decided to make some ill-informed, inaccurate and untrue remarks about proposals for optional extended trading on the Gold Coast. I look forward to participating next week in the debate on that matter and to replying to some of the untruths put forward by the honourable member and his lackeys and stooges elsewhere.

Tonight, every chamber of commerce on the Gold Coast is indicating to members of Parliament its position on optional extended trading hours. It is my understanding that every chamber of commerce is taking part in the trial period of optional extended

trading hours. The honourable member for South Brisbane referred to a certain vote being taken at Pacific Fair on Wednesday night. Fair enough; those traders have decided what their trading hours will be. Their trading hours have not been decided by the Government or the courts. That is the very principle that this Government is all about—a little bit of deregulation. We on this side of politics are about deregulation, about getting some of the rules and regulations off the back of small business. I look forward to that debate next week. Some members in this Chamber will be shown up for what they are, and they will not look very good at all.

**Mr Milliner** interjected.

**Mr BORBIDGE:** I can understand the honourable member's sensitivity. He has been getting away with murder.

**Mr Milliner:** What does Bruce Bishop think about all this?

**Mr BORBIDGE:** The honourable member referred to the former member for Surfers Paradise. He supports what the Government is doing with trading hours, as does the Federal Liberal member for McPherson (Mr Peter White).

The legislation before the Chamber is important. It is a further indication of the Government's commitment to small business. It is important and relevant to look at the record. This Government was the first Government in Australia to enact retail shop leases legislation. It was the first Government to appoint a Minister for Small Business. In this year's Budget, the Government doubled the allocation to the Small Business Development Corporation. The points regarding the Government's record on small business are on the score-board. No Government anywhere in Australia has done for small business what this Government has done.

**Opposition Members** interjected.

**Mr BORBIDGE:** If Opposition members want to get excited, they should look at the taxes and charges that their interstate counterparts levy on small business and then look at those taxes and charges in Queensland. I can understand the attitude of Opposition members. Their counterparts do not shape up too well in Government at all.

I have been listening to the rubbish from Opposition members. Now they can listen to a few facts. I said that this Government was the first Government in Australia to introduce retail shop leases legislation. It is significant that recently the Western Australian Labor Government introduced its retail shop leases legislation. For the benefit of the ignorant member who preceded me in this debate and honourable members on both sides of the Chamber, I shall refer to what the Labor Minister for Small Business in Western Australia had to say about the achievements of the Queensland National Party Government in introducing retail shop leases legislation.

I will quote from "Hansard" of the Western Australian Legislative Assembly for Thursday, 21 February. In this second-reading speech on the Commercial Tenancy (Retail Shops) Agreements Bill, Mr Bryce, the member for Ascot and Deputy Premier and Minister for Small Business, said—

**Mr FitzGerald:** Which party?

**Mr BORBIDGE:** The Labor Party. I notice that Opposition members are silent; they must be waiting with bated breath. The Western Australian Labor Minister said—

"Of course, other States have experienced similar problems and in fact the Queensland Parliament had proclaimed a Retail Shop Lease Act on 12 March 1984. This Act and its operation have been used as a guide throughout in the Government's deliberation."

That is the Government of Western Australia; yet honourable members opposite who pretend to be shadow Ministers have the audacity to try to ridicule this Government's outstanding reputation.

**Mr Simpson** interjected.

**Mr BORBIDGE:** I know that the Western Australian Government is in trouble. That is probably why it is trying to follow the example set by the Queensland Government.

The Western Australian Minister for Small Business went on to say—

“It is appropriate to note that to this time, after some three months of operation of the Queensland legislation, some mediations have taken place, all amicably resolved, and without need for reference to arbitration.

The Government sees this Bill as a further measure in its programme of worthwhile support for small business. As such the Bill will provide a firm basis on which commercial tenancy agreements may be made and will provide a basis for harmony essential to the growth of this sector.”

The Western Australian Government introduced its legislation 12 months after the Queensland legislation on which it was modelled.

**Mr Menzel:** Queensland leads Australia.

**Mr BORBIDGE:** As the honourable member for Mulgrave said, Queensland leads Australia. It is to the credit of this Minister and this Government that they have responded. The Labor Party members are caught out tonight, and they are revealed to be the frauds and hypocrites that they are.

It is interesting to consider what is happening in the other Labor States. The South Australian Government has finally introduced legislation into the Parliament. Victoria and New South Wales have not. What are Mr Wran and Mr Cain doing?

**Mr Jennings:** Other than fighting with their own mob in the Labor Party, you mean?

**Mr BORBIDGE:** As the honourable member for Southport said, they are preoccupied with other matters.

It is appropriate to say that this legislation has worked well. The Opposition said that it would fail. Up till 1 March 1985, the mediator had heard 26 disputes, and only four of those disputes were referred to the tribunal. That reflects great credit on the mediator, Mr Lamond, the registrar, Mr Jell, and their staff. Most of the disputes that have arisen under the terms of the legislation have been settled by mediation.

My area was one of those most affected by problems relating to retail shop leases. My office is not receiving the same number of complaints about this matter as it was before the legislation came into effect. I am sure that the situation is the same in the office of my colleague the honourable member for Southport. The Government has acted, the framework exists and people know where they can go to get good help; that help has certainly been provided. I pay tribute to Mr Lamond, to Mr Jell and to the officers of the department.

These measures consolidate and refine the legislation, and they provide for exemptions under the Act. Criticism has been levelled at the Government for legislating to provide exemptions. It is important for honourable members to realise that, when this legislation was first discussed, it was never really intended that theme parks would be included in the net that the Government would cast.

There are very significant differences indeed between a shop in a theme park and a shop in an arcade. As an example, I will cite Seaworld. A person with a shop in that

theme park enjoys a monopoly in that he does not have another six pie shops a few yards down the road. People pay to go through the gate. They are attracted to that theme park by the promotional efforts of the people who run and control it. That is a very significant difference. The gentleman or the lady who has a business in a theme park enjoys a monopoly. The legislation recognises that there may well be merit in having certain exemptions.

**Mr Innes:** Mr Borbidge—

**Mr BORBIDGE:** As the honourable member for Sherwood has interjected, I should say that when I was a member of the previous committee that was examining this matter—the honourable member for Sherwood and other Liberal members were also members of that committee—the members of the Liberal Party said that this legislation should apply only to shopping centres. They made that point. I was one of several members of Parliament at that time who said—

**Mr Innes:** Who said, “All in.”

**Mr BORBIDGE:** I was one of the members who said that the arcades should be in and that the shops in strip shopping centres should be in, and they will remain in under the provisions now before the House.

I say to the honourable members of the Liberal Party that in those discussions they showed a degree of foresight. As they have shown that foresight—for heaven’s sake, they should not give the House any hypocrisy tonight. The people for whom I argued at that time—those in the arcades, the corner shops and the groups of shops—will still be covered by the legislation.

**Mr Innes:** The Paradise Centre?

**Mr BORBIDGE:** No doubt what the Minister and the Government are responding to are those people who are operating in the theme parks and so on. For the benefit of the honourable member for Sherwood, I say that my understanding is that a development such as the Paradise Centre would remain within the provisions of the legislation. The Minister may like to make comment on that later.

I also make the point to the honourable member for Sherwood that the Minister has made it perfectly clear that any regulations proclaimed and any Orders in Council will be subject to motions of disallowance in the House. The Government is being frank and open. It is acknowledging that from time to time problems may exist but that, finally, the ultimate decision rests with the Parliament.

**Mr Davis** interjected.

**Mr BORBIDGE:** For the benefit of the Opposition Whip, I inform him that the provision to move motions of disallowance of regulations is not automatic, but the Minister is ensuring, by amendments that he will move tonight, that this legislation is subject to such motions.

**Mr Davis:** Don’t tell me we’re getting democracy in this show!

**Mr BORBIDGE:** I can understand that some members opposite cannot understand what democracy is all about. Indeed, over recent days the House has witnessed a shameful attack on the dignity of the Parliament by some of those members opposite.

This pioneering legislation—it is the first of its type—will in time need further refinement. I make the point that many of the measures now before the House have come about because of experience with the legislation in the field—in the work-place. The Government made no secret that, as the legislation was the first of its type in Australia, it would need amending. The Queensland Government was the first to act. It admitted that it did not have it right first up.

**Mr Jennings:** We have always been broad-minded.

**Mr BORBIDGE:** Yes, that is so.

My understanding is that most of the provisions before the House have been introduced on the recommendation of the mediator and those officers of the department who have been involved in the day-to-day operations of the Bill.

**Mr Fouras** interjected.

**Mr BORBIDGE:** I say to the honourable member that it is unfortunate that he ran from the Chamber when I was replying to some of the scurrilous, dishonest accusations that he had the audacity to make during the shameful, shoddy speech, that he made a little earlier tonight.

It is significant that the proposals before the House have been discussed with the Queensland Law Society, the Building Owners and Managers Association and the retail traders. The proposals have also been discussed with Government members. I believe that we are heading towards better, more workable legislation.

As the honourable member for South Brisbane (Mr Fouras) has returned to the Chamber, I point out for his information that my advice, as of 60 seconds ago, is that every chamber of commerce on the Gold Coast has now agreed to take part in the trial period. Earlier, the honourable member made all sorts of ridiculous comments about optional extended trading. I apologise to the House for deviating to make that point. However, I provide that information in response to the dishonest, gutter-type accusations made by the honourable member.

The legislation is good and sound. It provides a refinement of what has been a model for legislation in other States. Honourable members would know that one example is Western Australia. I commend the Minister and the Government. The Bill is worthy of the support of all members in this Chamber.

**Mr MILLINER** (Everton) (9.1 p.m.): I support the comments made by the honourable member for South Brisbane (Mr Fouras), who said that the Opposition does not oppose the proposed amendments to the Act. The honourable member for Surfers Paradise (Mr Borbidge) obviously was not around when the original Act was introduced. At that stage the Opposition had not opposed the introduction of the legislation relating to retail shop leases. Although the Opposition supported the introduction of the original Act, it believed that it was far too little, far too late and did not go far enough. The Opposition supports the proposed amendments to the Act because they strengthen the Act in some ways. However, major problems still exist in shopping centres and in small businesses.

A number of problems are disturbing, one of which is the promotion of large shopping centres. In the north-eastern suburb of Chermside, a scheme is being operated by the Super K mart. I do not blame schools for wanting to find new avenues of fund-raising. Parents and citizens associations wish to explore every possible avenue of raising funds for their schools. I do not criticise a particular school for becoming involved in the scheme. However, the following letter was sent from a parents and citizens association to parents—

“The P & C Association has been offered the opportunity to participate in a fund raising venture using sales dockets from Super K-mart.

We are asking therefore that when you make a purchase at Super K-Mart in Gympie Road, Chermside, you ask at the checkout that the docket be stamped ‘School Support Scheme’. Please send all dockets stamped in this way until December 24th 1984 to the school office.”

For every \$20,000 worth of sales dockets that were returned to the school, the school received \$500. I do not believe that schools should be used in that way. Many of the

smaller shopping centres and strip shopping centres are at a disadvantage because they cannot become involved in such a promotional activity as their stores are not as large as the Super K mart store. I hope that the Minister for Small Business, through his colleague the Minister for Education, ensures that that practice does not continue. The smaller operator and small-businessman are at a disadvantage. Although the Minister and his Government pride themselves as being a free enterprise Government, perhaps they will support such a practice. I certainly do not support that practice, because it is unfair to small businesses in the area.

The member for Surfers Paradise referred to the wonderful job that the Government had done with retail shopping lease legislation. I have been reliably informed that the legislation has not gone far enough for some members of the National Party and that a great deal of criticism has been levelled within the National Party at the legislation.

**Mr Menzel:** That's all rubbish.

**Mr MILLINER:** It is not all rubbish; it is true.

Several prominent members of the National Party have received letters expressing concern at what is happening in relation to shopping centres. It is interesting to note the criticisms that have been voiced within the National Party in relation to the problems of shopping centres.

The document states—

“Legislation was subsequently introduced, but whilst it required the preparation of such Economic Impact Studies, it provided no mechanism by which these studies could be assessed.

At present, Economic Impact Studies are being prepared and used as promotional tools on Local authorities . . . .”

The Labor Party is concerned at the economic impact that many shopping centres are having. By looking at the proliferation of shopping centres, particularly in the south-east corner, the problems that arise can be seen.

The Stafford City shopping centre is a good example. It was developed on the site of a former tannery. It was situated in an area that, because there was no room for expansion, obviously was not expanding in any shape or form. The suburb of Stafford has existed for a number of decades. There is no room for future development. I am reliably informed that since that shopping centre was developed at Stafford a number of tenants have gone bankrupt and that a particular tenant owed the developer approximately \$70,000 in rent, which he could not pay. I am also reliably informed that people who visit Stafford City will discover that approximately half the shops are now empty. Obviously, major problems are being experienced.

The Strathpine area also suffers from the problem of over-development of shopping centres. Westfield developed a shopping complex at Strathpine—

**Mr FitzGerald:** Would you try to control them all?

**Mr MILLINER:** In my opinion, when shopping centres are approved by local authorities economic impact studies should be undertaken in order to establish what damage could be caused to existing businesses in the area.

**Mr FitzGerald:** Then you would control them?

**Mr MILLINER:** Yes, I would control them, because there is a need to control them.

A shopping centre called Kensington Village was constructed at Strathpine by the AMP Society—

**Mr FitzGerald:** Would you control office space, too?

**Mr MILLINER:** I am not talking about office space; I am talking about retail shopping centres.

**Mr Davis:** He does not know the difference between an onion and a potato.

**Mr MILLINER:** As the honourable member for Brisbane Central points out, the honourable member for Lockyer does not know the difference between an onion and a potato. However, he does know the difference between the amount of money made by growing potatoes and that made from growing onions. He stuck with the onions.

The situation at Strathpine is quite serious, because in the Kensington Village shopping centre a number of tenants have had to close their doors and in fact have gone broke. As was pointed out by way of interjection when the honourable member for Surfers Paradise (Mr Borbidge) was speaking, the number of bankruptcies in Queensland is higher than anywhere else in Australia. The proliferation of shopping centres is obviously contributing to the number of bankruptcies that are occurring.

The Hypermarket has been developed in the Aspley area. Everybody in the area was very concerned about the Hypermarket when it was first mooted, and when it opened great concern was expressed by traders in the area. Obviously, there have been casualties as a result of the Hypermarket. I would be interested to see the results of a survey conducted by the Small Business Development Corporation in the Aspley area to determine what impact the Hypermarket has had on local shopping centres. Obviously more of those developments will be undertaken throughout Queensland in the future. I am concerned that, if such developments are proposed for provincial cities in particular, they will have a tremendous effect on existing businesses in those cities.

I hope that the Minister, through the Small Business Development Corporation, can do something about major developments and ensure that economic impact studies are conducted and that an economic impact study is taken into account when approval for the project is sought. It is important, bearing in mind the number of shopping centres already in operation, that willy-nilly proliferation of shopping centres is not permitted to the detriment of other businesses.

As the member for South Brisbane said, the Opposition does not object to the amendments. However, as I said at the outset, we are concerned that the amendments and the Act do not go far enough. The Government is guilty of far too little, far too late.

**Mr INNES (Sherwood) (9.10 p.m.):** It is interesting to participate in a discussion on this Act once again. The member for Surfers Paradise (Mr Borbidge) is occasionally uncharitable. I have had to take him to task for this before. He claims that the Act is a monument to the National Party's initiative in government. The first person to raise this issue in the Parliament was me. It was pursued for many years, including action taken by the joint committee to which the member referred. In that committee I said that the principal problems related to shopping centres and that singles and doubles in small local business areas could be excluded from the operation of the Act. I will return to that point later, because the underlying philosophy is completely different from that used by the member for Surfers Paradise. In those days he was interested in tenants. Now, of course, he is interested in landlords.

**Mr Ahern:** Come on. You are being uncharitable now.

**Mr INNES:** The Minister has bought into it. Nowhere in his speech was there a suggestion—I doubt that he could give any evidence of a suggestion—that the main amendment to the Act is completely in the interests of landlords and has nothing to do with the representations of shop-keepers.

**Mr Fouras** interjected.

**Mr INNES:** The member for South Brisbane should not buy into it. As the Labor Party's principal spokesman in this debate, he went right through his speech without referring to what the Minister said was the principal clause of the Bill. I find that to be astonishing. He ought to consult his colleague from Salisbury (Mr Goss) and ask him the meaning of the clause that will give the Minister such power. It is an extraordinary piece of legislation. In fact, the member for South Brisbane still has time before the Committee stage to talk to the member for Salisbury and seek his advice.

The Gold Coast is becoming an interesting crucible for changes in the tradition of law-making in this State. The usual principle is that laws should be of equal application. For people in similar circumstances, they should apply equally. The concept of equality before the law does not merely involve all those who appear before it. It includes the operation of laws governing rights such as contractual rights and gives people protection such as the Retail Shop Leases Act gave to tenants. It was in the interests of tenants that the Act was created. The Gold Coast has always been a place of change and it is proving to be, as I have said, an interesting crucible in this matter.

The 24-hour trading issue is fascinating because it started with a very small group of people who took themselves away from their right under the present law, which is the right to apply to the Industrial Commission. The commission has shown an excellent track record in flexibility to allow changes in trading to accommodate social conditions. We have seen that in relation to hardware and motor vehicles. It could have been used for retail trading, had certain very small and very limited interests chosen to do so. The Chamber of Commerce at Surfers Paradise has more landlords and people who act on behalf of landlords than retailers. Their interests are being translated not through the Industrial Commission but through legislation passed in the Parliament. The legislation, I repeat, is in the interests of a very small section of the Queensland public.

I do not for a minute suggest that changes in trading-hour patterns should not be examined, but the reality is that when changes are being sought all interests can be accommodated by an instrument of government that already exists. That venue of redress has been bypassed, possibly by someone who fears that countervailing interests—the interests of very small lobby groups—will be taken into account. The key group among those interests is the Paradise Centre, a Kornhauser enterprise. That entity was a key member among the groups that moved for the introduction of 24-hour trading.

Social issues are involved in the determination of this matter. An interesting interrelationship exists between the problems of the small tenant in a shopping centre, which gave rise to the introduction of the legislation, the operation or implication of the effects of 24-hour trading, and the involvement of the Paradise Centre.

The leases of many large shopping centres contain a requirement that rented premises shall stay open at the direction of the landlord. I emphasise the words "at the direction of the landlord" When the legislation is brought forward next week, I wonder whether that issue will be debated. If honourable members are given sufficient time, perhaps someone will deal with that issue. It will be important that it be raised because the operators of the Paradise Centre will be able to tell one-man and two-man or one-woman or two-woman establishments to stay open for as long as the operators require. The presence of an open-ended discretion suggests that the closing time is a matter for the tenant. However, it is not up to the tenant, and anyone who says so is trying to deceive not only the retailers but also members of the public.

The reality is that contractual obligations will operate and people can be obliged under the terms of the lease to stay open all hours of the day, or for the hours that the landlord decides to nominate. What will be the consequences of such terms for a husband and wife tenant or the two-woman dress shop establishment? I suggest that the implications will be the payment of penalty rates, or that the tenants will flog themselves into the ground.

Such consequences as those are taken into account when matters are brought before the Industrial Commission. However, if people use the fast track to legislative success—and I refer to that special, small group that has contact and influence and is able to prevail so strongly in business affairs at the Gold Coast in converting personal wishes into legislation—all things can change. Laws are supposed to apply equally.

**Mr FitzGerald:** It is nasty.

**Mr INNES:** It is nasty, because, unless someone raises the matter in the House, nothing will be done. I say that, if the Liberal Party occupied the Government's position in the House, such a thing would never occur. I can assure all honourable members of that, and I am sure that Government members know that that is true.

The Liberal Party constantly hammered home the theme that the laws should apply equally.

**Mr FitzGerald:** One cannot buy petrol in Brisbane at the week-end as I can in the country.

**Mr INNES:** Yes, one can. People can go to a rostered service station.

**Mr FitzGerald:** I said "any"

**Mr INNES:** Is the honourable member for Lockyer advocating total deregulation of petrol trading?

**Mr FitzGerald:** You have said that law should be equal over the whole of the State and that no difference should exist. That is my understanding of what was said, and I point out that differences do exist.

**Mr INNES:** The only difference is that the country service stations are allowed to open whenever they wish, as indeed are a certain number of service stations in the city.

**Mr FitzGerald:** That is deregulation.

**Mr INNES:** Deregulation can occur. The mechanics for deregulation exist, or can at least be applied to altering the hours of trading in Queensland. That is what the Industrial Commission is all about, and it is not a tribunal that sits solely to determine matters that relate to unions. At the instigation of any person, whether they are traders or members of the public who desire better service, a case can be presented in the Industrial Commission in an attempt to change the hours.

I point out that that frequently has been done in the last few years and has led to trading operations being able to keep pace with the changing patterns of society. Special purpose legislation does not have to be resorted to.

I commend the Minister for his frankness in nominating three of the places that will benefit from the introduction of this legislation. But if one goes beyond that and examines the legislation that has been brought into the House to allow that benefit to occur, one finds that the benefit that is to be derived is worthy of close examination. In reality, it refers to Sea World, islands in the Whitsunday group and centres such as Grundy Leisure Pty Ltd.

I will point out the illogicality of the statement made by the member for Surfers Paradise. When the original Bill was before the House, my attitude was that shopping centres created special situations because the landlord had a special dominance. The tenants had obligations to work with the landlord and were subjected to his ideas about promotion and its cost, and the landlord had total control of the enterprise and made demands for contributions to common areas. Similar problems did not arise in such an acute form in single shops, double shops, or three of four shops in a strip business centre.

The tendency has been to adopt sophisticated leases with oppressive terms. They have now been introduced into the suburban situation and are beginning to be applied to suburban shops. Perhaps there is justification for keeping things as they are, with all shops being involved.

On a Whitsunday island or at Sea World, if the owner chooses to take advantage of a private enterprise shop-keeper and enters into a lease arrangement, he should be subject to the Act, because the shop-keeper is totally under his domination. The removal of such provisions means that tenants are completely subject to any terms and conditions applied by the landlord.

Perhaps the Minister can tell me whether, when Sea World was sold recently, someone who had built up \$750,000 worth of investment in concessions was put straight out. I understand that that was possible under the lease, which provided that, on change of ownership, there would be an option to terminate tenancies. Perhaps that would not have happened if the Act had been in place.

On Hamilton Island, which is owned by Keith Williams, no matter how good he may be——

**Mr Fouras:** How would the Act as it now stands have supported that person?

**Mr INNES:** Provided the first lessee was involved, he would have been allowed a five-year period.

**Mr Fouras:** He could wait for a couple of years before he sacked him?

**Mr INNES:** I will not be in the Opposition's business of saying that whenever a tenant wants to renew a lease he must be able to renew. A lease is a lease; it is not a freehold right.

The Act provides certain minimal terms. It allows access to the mediator. It allows use of devices available to other shop-keepers to protect the interests of the tenant in a situation in which he is more vulnerable. That is where the illogicality is in the submission of the member for Surfers Paradise.

I think the Minister said that the shops do not advertise in their own right, or that they do not present themselves in their own right. That is wrong. On the islands, the shops trade under their own names. They are allowed to do so.

**Mr Bailey:** Where do they get their customers from?

**Mr INNES:** The customers are the people who go to the islands, or the people who go to Sea World.

**Mr Bailey:** They don't advertise; Sea World does that.

**Mr INNES:** The big shopping centres tend to advertise en masse. A brochure on the Whitsunday islands shows that the facilities such as a hair-dresser and a dress shop on an island are promoted as part of the total deal.

**Mr Bailey:** By the island.

**Mr INNES:** It is done in the same way as a major shopping centre promotes the total centre and the tenants, and the tenants pay for the promotion.

If the honourable member's argument applies, assuming that there is no advertising by the persons concerned, the tenants are totally at the mercy of the skill or the ineptitude of the resort owner. They have contractual right. They are tenants leasing shops and they are entitled to as much protection as other tenants have. Their positions might be more vulnerable, but at least they are entitled to the same protection.

I refer now to Grundy's. In that situation, people are part of a total concern. There is no admission fee. Grundy's is part of the centre of Surfers Paradise. No-one can say that his location there is any different from the location of anyone else in that centre. The terminology in the Bill is so wide that it makes no reference to tourist resorts, enterprises in which the owner is the sole advertising authority, or enterprises in which tourism is the major theme or in respect of which an admission fee is charged. Proposed new section 5A (1) states—

“The owner of an enterprise the principal activity of which is an activity other than the retailing of goods . . . may apply to the Minister . . .”

The word “enterprise” is not defined anywhere. I have looked for a definition of “enterprise” One dictionary suggests that it is a unit of economic organisational activity, such as a factory, farm or mine, or a business organisation. It is not confined to a company. In Acts in the United Kingdom, “enterprise” has been defined as activities of trade or business. It is not confined to a business name, to a corporation or to individuals. It is a term of enormous width.

Every insurance company in this State could apply for an exemption. The principal business of insurance companies is insurance. Much of their business is the letting of accommodation in high-rise buildings. Thousands of retail businesses in this State are on the ground floor of insurance company premises. Those insurance companies could apply to the Minister for exemption. There is not a single provision in the Bill to tell the Minister to what he should confine his attention or to what he should direct himself in making up his mind. One could think of dozens of enterprises.

I have heard that some businesses in shopping centres have withheld letting their leases in the hope that by converting their trade or calling themselves investment companies—their dominant purpose being investment or the control and management of superannuation funds—they will come within the provisions of the Retail Shop Leases Act and be able to apply for an exemption. The only limit is that the principal business of the enterprise should be something other than the retailing of goods.

The Minister says, “I am going to bring in an amendment so that this Parliament will have the ultimate check.” For a start, that could be six months away. Frequently, this Parliament does not sit for six-month periods. An interval of six months could elapse during which all protection under the Act would disappear. For instance, a lease could cease and a person would not have the right to renew the lease. Why should this Parliament conduct a coconut shy and throw the balls at whatever coconut appeals to the Minister? Frankly, I do not want to be in the business of saying no to the Australian Mutual Provident Society or to Mr Kornhauser in one of their developments. The law should not operate that way. Ministers should not have that unlimited discretion. If the Minister is to grant exemptions for islands in sole ownership in respect of which an admission fee is charged or which does all the advertising, he should spell it out in some restrictive way. The Bill does not do that. There is no limitation, and there should be a limitation.

The arguments that the Minister mounts and the illustrations that he gives do not justify the granting of exemption from the Act. Instead, they demonstrate that people who are totally vulnerable under their leases should not have any protection under the Act. Those people should at least get the protection that is offered to the lessees in all other retail premises.

The holes in this legislation are so big that Russ Hinze would lose himself in them; they are enormous. Queensland should not have that type of legislation. It places the Minister for Industry, Small Business and Technology (Mr Ahern) in an invidious position. I ask him to think of the allegations that could be made of someone throwing money in the bin and going to him, asking him for the exercise of his discretion that will force legislation into the House. Because the Minister is not that sort of person, I know that he would not want to be in that position. This legislation arose because of

some very special interests, and those interests have been laundered into legislation. They have a very wide application. The provisions will stay on the book, but they do no credit to the Minister or to the Government. It is special interest legislation that has been requested by very limited interests without a justifiable argument.

The honourable member for South Brisbane, who is the Labor Party spokesman, mentioned the question of rents. I do not believe that this legislation should set up a rent control organisation. Currently the market is such that rent increases are causing enormous problems, including bankruptcies and business failures. Increases of the order of 80 per cent and 100 per cent are not uncommon. Self-control on the part of landlords is better than legislative control.

Small businesses, chains of small businesses and bigger businesses have suggested that arbitration clauses should be standardised and that the Government should look to the appointment of an arbitrator who could help in the formulation of contracts. Instances have arisen in which the person appointed as arbitrator under the arbitration clauses to assist with a major lease has been the managing agent of the shop that the lessee uses. That is disgraceful—it is scandalous—and one would hope that such a person would declare himself unable to act as arbitrator, because he could not possibly act with detachment. I am sure that the Minister's officers have received complaints of this nature. Perhaps the Government could consider furnishing a properly neutral arbitrator. The level of rent hikes is a very vexed problem.

The Minister has stated that the Bill does contain minor machinery amendments. I foreshadow that the Liberal Party will oppose clause 4, which creates a new section 5A.

**Mr Comben:** Like your amendments this afternoon?

**Mr INNES:** No, I think that honourable members may actually vote on this one.

**Mr Campbell:** It doesn't happen often.

**Mr INNES:** It does happen from time to time.

I commend Mr Lamond, the first mediator. He is bringing his personal charm and his skills to bear in attempting to resolve these matters and he is doing an excellent job. He will never solve all of the problems, but much of the success of any scheme depends on the personality of the people who are first appointed, and I commend his work.

**Mr CAMPBELL (Bundaberg) (9.34 p.m.):** In the debate on the Retail Shop Leases Bill on 12 March 1984, I raised several issues concerning the activities of the Kern group, which manages many of the State Government Insurance Office shopping centres. I spoke about some of the questionable things that that group does and about the pressure that it brings to bear on small retail tenants.

The legislation has not helped small tenants; it has not protected their interests. In other words, it has failed. Because the leases of small business people in an SGIO development in Bundaberg were increased by 76 per cent, those people came to me with many problems.

**Mr FitzGerald:** Would you control all the leases?

**Mr CAMPBELL:** As the Government controls this development, it should be giving a lead in keeping costs down and helping small business. As Queensland recorded the largest increase in the number of small business bankruptcies one would think that the Government would be trying to do something. As the owner of a development, it can do something.

What has happened to the small tenants of the Sugarland Shoppingtown is an example of what is commonly occurring throughout the State. Because of the dictatorial

and overbearing attitude of the Kern group, those tenants have had many problems. The small tenants have no say. Yet the Government claims that the legislation helps them. It does not. In fact, it has done nothing for them. I will give the House the analogy. The small tenants are the school pupils who have an argument with their teacher and go to the headmaster for mediation. They may get a fair hearing before the headmaster but, when they return to the class-room, they may be victimised. That is why the small tenants will not go to the tribunal or the mediator—they know that when they get back into the shopping centre, they can be victimised.

Only a couple of weeks ago the small tenants of Sugarland Shoppingtown received what can only be described as a foul letter from the managers of that complex to the effect that if the rent was not paid within three days of the due date, which is the first of the month, the operators of the complex will commence legal action and any costs associated with that legal action must be met by the small tenants. That really helped to create a good working relationship between the small business tenants and the Kern Corporation, which manages the complex! That is a Government-owned shopping centre, yet that is the kind of thing that happens.

Another example is that of a lessee who wanted to sell his small business. He contacted a real estate agent who found a buyer. That information was given to the managers of the centre five weeks ago, but they have not yet given approval for the sale. In fact, it may take another week. In other words, that contract will take six weeks to be settled. The original intention was for settlement to go through tomorrow but, because the Kern Corporation has mucked about, does not know what it wants and has not given its OK, settlement will not take place for at least another week. That kind of thing has to stop. The small tenants must be given some protection. They cannot even sell their businesses because the Kern managers cannot get round to doing their paperwork.

The reason small-businessmen will not go to the tribunal or the mediator is that, if they cause trouble, at the end of the period of the lease they will cop it. The pressure is there; if they try to question anything, they will not get a new lease. That is what they are worried about.

When rentals are set in shopping complexes, some people get preferential treatment. Usually it is the small businesses which cop it. In an endeavour to get a good mix of shops in a shopping centre, special deals will be done, especially for traders with national franchises. They get special deals that are not afforded to small tenants.

I am talking about a shopping centre that is owned by the Government, which allows the victimisation of small business tenants. The Minister claims that the legislation is very good, yet only 26 disputes have gone before the mediator and four to the tribunal. The small business people are not game to go to the tribunal or the mediator because they know that afterwards, should they get back into the class-room atmosphere after the headmaster has done his bit, they can be victimised by the teacher.

**Mr Jennings:** I have not heard one complaint.

**Mr CAMPBELL:** The honourable member probably has not heard a complaint, because he does not talk to them. He would talk to the other side. I am talking about shopping centres that are owned by the Government through the SGIO. I believe that such companies should be taking the lead. I bring this matter to the attention of the Minister in the hope that something can be done about it. Tenants are not receiving a fair deal. They could probably run shopping centres in a better fashion if they established their own group, appointed their own manager and operated under certain circumstances. I believe that the atmosphere would be much better.

The Bill has not helped those people. Because they know that they will be victimised when they need to renew their leases, they are still afraid to come here to obtain the protection that they are supposed to receive.

**Mr JENNINGS** (Southport) (9.41 p.m.): I did not intend to speak to the Bill, but a few lead balloons were dropped by the member for South Brisbane (Mr Fouras) and the honourable member for Sherwood (Mr Innes) and they should be cleared up. The member for South Brisbane said that the National Party's policy is to force traders on the Gold Coast to open 24 hours a day. Nothing is further from the truth.

The honourable member for Sherwood also referred to 24-hour trading. His comments were also misleading. At no time did the National Party, the member for Surfers Paradise or any other person advocate 24-hour trading. A great deal of discussion has taken place about the Industrial Commission. The honourable member for Surfers Paradise and I represent an area in which a major building of world significance is being constructed, namely, the casino. All honourable members know about that. The Southport bar is being stabilised. From the Parliamentary Annexe it is possible to see the Gateway Bridge being constructed across the Brisbane River.

In the next 12 months many things will happen on the Gold Coast. People from all over the world and from all over Australia will be coming to the Gold Coast for the first time because of the casino and what is happening at the Southport bar.

**Mr Borbidge:** And the Japanese package tours.

**Mr JENNINGS:** As my colleague from Surfers Paradise said, a large number of package tours are already organised from Japan and other countries.

I know that aspersions have been cast on Mr Kornhauser. I was surprised that such remarks should be made. The honourable member for Sherwood is a legal man. He knows that he has implicated Mr Kornhauser. He said that the Government is involved in graft and corruption. I take exception to that. The members who represent electorates on the Gold Coast have to consider the future of the tourist industry, the future of the Gold Coast and the future of jobs on the Gold Coast. When tourists make their first visit to the Gold Coast later this year and early next year, we must make sure that they return home happy. They will be able to go into the middle of Surfers Paradise and shop at any hour they like if the shop-owners open their stores. There is no compulsion on them to open their stores. There has been a great deal of misrepresentation about the whole matter. As the honourable member for Surfers Paradise said, every chamber of commerce on the Gold Coast is taking part in the six-month trial period.

**Mr Fouras:** Will you take an interjection from me?

**Mr JENNINGS:** The honourable member can make as many interjections as he likes. He made a few beauties earlier. Go on! The honourable member is on the air.

**Mr Fouras:** What happens if you are next door to a person selling the same sort of goods and he starts opening day and night? What do you do to keep your market share?

**Mr JENNINGS:** The bloke has the right to open when he wants to. Does the honourable member want to control him? Does the honourable member want inspectors to go down there, as their mates did in Victoria when they fined Penhalluriak \$500,000 for opening his business? That is typical of what Opposition members want to do. They want to get the whip out and smack those fellows down. They want to say to them, "Get back into your shop." They want to shut the doors. The Government does not want to do that. The Queensland Government is a free enterprise Government. The Government wants to let the people do whatever they want to do. Government members are not like Opposition members. I was surprised that the honourable member for Sherwood uttered the same sort of garbage. The member for Sherwood said that the Gold Coast is an interesting crucible for changes in the law. He also said that laws should be equal before all.

The Gold Coast is a special place. The Government is not trying to impose its will on Brisbane, Toowoomba, Dalby or the channel country. The Government has a job to do, and what it is doing on the Gold Coast will be in the interests of every Queenslanders and every Australian. The Gold Coast is the tourist capital of Australia. Opposition members should wake up to that fact.

The honourable member for Sherwood said that the interests of landlords are being translated into law by political influence, not by the Industrial Commission. I have never heard such a misleading statement in all my life. The Industrial Commission has a job to do. It has to consider what is happening now. Members of Parliament have a job to consider what will happen at the end of this year and what will happen next year on the Gold Coast. The honourable member for Surfers Paradise has to ensure that Surfers Paradise is a vibrant and active centre.

**Mr Borbidge:** \$750m worth of major development projects in the tourist industry.

**Mr JENNINGS:** As the honourable member for Surfers Paradise said, \$750m worth of major development projects have been undertaken.

The other night the retail traders of Southport held a meeting. The honourable member for South Brisbane (Mr Fouras) and the Leader of the Opposition (Mr Warburton) misstated the attendance figures. The figure was not 95 but 91, of whom 89 voted against the optional trading. I said to the executive of the Southport Chamber of Commerce, "All right. I will say that the Southport Chamber of Commerce wants to be excluded from the six-month trial period." They replied, "Oh, no, that is not what we want." I said, "You could have fooled me." They said, "We are against the optional trading because Southport has always had a different identity from Surfers Paradise." I said, "Wait a minute. Last night 89 out of 91 traders were against the extended trading hours. All right. Do you want to be involved in the trial period? It is a trial period only." At least Government members have got the guts to say, "We think there should be a trial period."

**Mr Price:** Who are "we"—two out of 93?

**Mr JENNINGS:** Wait a minute. The Gold Coast consists of Labrador, Southport, Surfers Paradise, Tugun and more. The Gold Coast is a big area.

**Mr Borbidge:** Why are they trying to prevent you telling your side?

**Mr JENNINGS:** It is a bit late in the night and Opposition members do not have much nous.

**Mr Innes:** You are saying now that all you are advocating is a six-month trial period, but five minutes ago you were in full flight about absolutely totally unlimited trading.

**Mr JENNINGS:** That is a typical legal misrepresentation of my words. The honourable member should read the words that I said.

Government members are in favour of deregulation in as many areas as possible in private business. The Government is in favour of letting a fellow do what he wants to do. It does not favour retail traders having to close at a certain time. However, I state quite clearly that if Southport retailers or someone else does not want the optional trading, they do not have to have it.

The Gold Coast is unique. It is totally different from the rest of the State. The facts about 24-hour trading have been misrepresented. The Government decided to introduce the optional trading after discussions in the community. The concentration of comment on the Paradise Centre is a joke. I understood that Mr Kornhauser subscribed to Mr Hawke, not to us.

**Mr Borbidge:** Mr Kornhauser is a close personal friend of the Prime Minister.

**Mr JENNINGS:** So I believe.

Mr Deputy Speaker, this is not the subject of the Bill, but members opposite raised the matter, not me. In the legislation to be dealt with next week, which has been mentioned, nothing will be done to alter any of the arrangements existing between landlord and tenant.

Members opposite should not talk about the Gold Coast without knowing something about it. They are not down there; my colleagues and I are. We will stand by what we say. We talk to the locals down there. If they do not want something, they know that they can come to us and receive a reasonably tolerant hearing. They do not put up some of the numbskull points raised by members opposite.

I am pleased that the Southport Chamber of Commerce wants to take part in the trial. What is wrong with a trial? Even the member for Sherwood would say that a trial was a fair thing. The trials in which he is involved are fair. A trial will be held on the Gold Coast. The Gold Coast will boom because of it. One thing that the Gold Coast has that the electorates of members opposite do not have is good representation in the Parliament.

**Mr WHITE (Redcliffe) (9.51 p.m.):** I congratulate the honourable member for Southport (Mr Jennings) for discovering, after having been in full flight for 10 minutes, that the subject under discussion is the Retail Shop Leases Act Amendment Bill.

The main thrust of the Bill is to exempt selected enterprises from the provisions of the Act. That is rather disappointing. Many honourable members see it as a watering-down of the legislation. The Bill deals with retail shops in various resorts, as indicated in the Minister's second-reading speech, such as tourist islands in the Whitsundays, theme parks such as Sea World and entertainment centres such as Grundy's.

The question that members must ask is: Why should those retail shops be exempted? What is the difference between, for argument's sake, a food operator who sells pizzas in Grundy's and someone who sells pizzas in Cavill Avenue? I cannot see a great deal of difference between those two operators. They both occupy a similar amount of space; they both sell the same type of product.

**Mr Innes:** A different sort of landlord.

**Mr WHITE:** As the member for Sherwood says, perhaps it is because they have a different landlord.

They both employ staff, so they both have to abide by the same awards and regulations. Why should they be treated differently? They both pay rent. They both have to put up capital to begin with, lease fixtures and fittings and then hope to make a profit.

I cannot see any difference between people operating retail shops, whether in a tourist resort, in a theme park or in Grundys. They are all operating on their own behalf. They are, individually, entrepreneurs. In many instances, they also are selling similar goods. Why should the souvenir-seller in Sea World, for argument's sake, be put in a different category from a person selling souvenirs in Cavill Avenue? What is the difference?

The Minister has said that customers are attracted by the advertising of those enterprises. That is quite true. Nobody denies that. The question is: Who pays for the advertising? Government members say that the entrepreneur—the owner; the landlord—pays for the advertising. However, in many centres a contribution for promotion is made by the tenants. It need not always be made as a direct payment.

In many cases, promotional expenses incurred in advertising are incorporated into the rent. In other words, the tenant is paying what might be called a super rent, a

component of which is attributable to advertising. Tourist resort, theme park and entertainment centre operators spend money to promote their operations, and I suggest that that is the type of normal commercial arrangement that developers and landlords of shopping centres enter into. That is part and parcel of a private enterprise system, and it arises from the realisation that, in order for centres to be successful, customers must be attracted to them. It is a simple proposition that, if business is not attracted to the centres, the operators will be unable to attract tenants or concessionaries.

I realise that a considerable amount of capital has to be expended to develop these centres. Nobody is knocking people who develop theme parks and tourist island resort facilities, or indeed operations such as Grundys. Good luck to them. People who put up capital and take risks deserve a return. Unlike so many people on the Labor Party side of politics, I am not one who would deny a person the opportunity to make a profit.

It cannot be doubted that such ventures are successful and that operators of such ventures are given a monopoly. However, as I have said, the operators are entitled to make a handsome profit. Having said that, I emphasise that the tenant does not have to be squeezed, nor does the right of an individual to operate need to be taken away. In my view, this Bill is really a watering-down of the Act to please particular operators.

If the operators do not want to enter into a lease agreement with tenants, which is traditionally the case, one must ask why, in the first place, the operator does not set up the venture and appoint managers or staff. Why would not an operator do that? It seems to me that the operators want to tie down retailers to become a kind of second-class concessionaire so that the operator can dictate the way in which the business should be run, without providing security of tenure.

I have known many people over the years who have gone into business and have worked hard to build up that business, and I would like to cite an example. In my electorate, Mr Eric Vile and his wife, Heather, started to operate an Amoco service station approximately 20 years ago. They run a very good business, but recently they received a note to say, "Sorry, but you are out of business next month." After 20 years of operations, no goodwill exists and no compensation is payable, and that is the kind of treatment that will occur repeatedly.

**Mr Fouras:** How does the Bill, either with or without amendment, offer protection to these people?

**Mr WHITE:** That is the point that I make. It is true that, in the case I have referred to, the people concerned will not receive any kind of protection at all. Honourable members already know that service station operators are excluded from the provisions of the Bill.

How often have honourable members become aware of examples of people who have built up a good business and have been refused an extension of lease, which leaves them high and dry? I appreciate that not everybody should go into business. Many people who go into business probably should not do so, or perhaps should have received more training or had more experience before doing so. I realise that not all people have the necessary expertise. In fairness to the Minister, I say that I recognise that he is putting a fair amount of effort into raising the capacity of the Small Business Development Corporation to provide expertise in business operations.

In my view, the amendment provides a thin edge of the wedge.

If this legislation is passed, major regional shopping centre people may well approach the Minister or the Government and call for the same exemptions as those proposed in this legislation. I am surprised that the Government, in enacting this legislation, should ignore a philosophical aspect. I should have thought that a so-called free enterprise Government would encourage people to own their own businesses, to be entrepreneurs

or little capitalists. That is akin to the system that my party and I support. It is an aberration of thinking on the Government's part to take that right away from a tenant.

I know that the Minister is well meaning, but I believe very strongly that the Government is taking away an integral right that people have long enjoyed. A lease is a piece of collateral that can be sold. Without it, the lessee has nothing.

**Mr Ahern** interjected.

**Mr WHITE:** The legislation will take away the right of people to have a lease. They will have only a piece of paper and be known as concessionaires.

**Mr Ahern:** No, you have misunderstood it. They can still have a lease. That is no problem.

**Mr WHITE:** That is not the way I read it. Perhaps the Minister will elaborate later on.

**Mr Innes:** It is a lease without any protection.

**Mr WHITE:** Yes.

**Mr Gygar:** It is a lease exempted from the provisions of the Act. In other words, there is no protection.

**Mr WHITE:** It is.

**Mr Ahern:** It is still a lease.

**Mr WHITE:** If there is no difference, why is the Government amending the Act?

**Mr Ahern:** There is a very good reason.

**Mr WHITE:** Perhaps the Minister will tell us about it later on.

I remind the Minister and the Government of the position of service station operators. I have been interested in their plight for a long time. The Minister and I shared a platform some years ago when we first tried to deal with this problem. Service station operators are exempted to please the oil companies. The argument advanced was that oil companies put up the capital to build the sites and that they have the expertise. However, what is the difference between a landlord oil company and any other landlord? In both instances the landlord invests capital and constructs the building. Why should not the oil company people buy properties, construct the buildings and lease the premises in the same way as any other landlord? The oil companies enjoy a special, privileged position. As oligopolies, a few oil companies and their operators are excluded from the legislation. I see no logical reason why service station operators should not be included in the Act.

**Mr Innes:** The Minister would say that the oil companies do all the advertising.

**Mr WHITE:** It is an argument advanced by the oil companies that they have the expertise and the capital and that they do all the advertising and bring the business. In reality, the many people to whom I have spoken over the years tell me that they go into a service station with a lease but, under the lease conditions, they are increasingly squeezed.

I emphasised strongly the example that I cited earlier. How would any farmer, after working hard for 20 years on the land, like to be treated like a dirty rag? That is appalling. It is a terrible indictment of the Act that service station operators are excluded. I have made the point repeatedly that I am not a regulator. I believe that the marketplace, basically, should be left alone as much as possible. However, as we all know, in

a monopoly situation something had to be done; some major regulation became warranted and nowhere was that more clear than in the petroleum industry.

I briefly wish to canvass a number of other matters. I refer to the position in which many small-business people are placed these days. Once upon a time, when people went into business they had a lease consisting of four or five pages. They could read and understand the leases. Today, thanks to our lawyer friends, the leases are very thick. They are rammed out on word-processing machines. They have become very complex documents. Many lessees going into shopping centres do not receive their leases before they actually take up occupancy. I hope that at a later date the Minister will look at that matter. Leases should be made available prior to occupancy.

Sooner or later something must be done to establish a sort of one-stop authority to overcome the needless number of regulatory authorities with which small-business people have to deal. I am pleased about the upgrading of the Small Business Development Corporation and the backing being given to it by the Minister. I know that the Minister is sympathetic towards doing things in that direction, and I hope that something constructive will be done. Today, people have to go through so many processes, pay so many fees and deal with so many Government instrumentalities that it almost puts them off going into business.

Access to finance is a key problem. I know that the Minister has been talking to people about venture capital, and that is a good and healthy thing to do. Venture capital is being made available to people overseas who have the expertise and knowledge to develop a good business. For too long the financial institutions in Australia have been overly conservative. People have required an enormous amount of collateral to get started in business.

Another matter concerns access to information. More information should be provided to people in small business. In particular, they need comparisons between firms. They would give people going into business some sort of a guide.

Greater assistance is required in business management and education. I know that a start has been made in that direction, and that is pleasing. Often, people get into trouble in business primarily because of a lack of business skills and perhaps a lack of knowledge and education. Too often, Governments try to help people in business by moving into the regulatory field rather than by doing things to help people to help themselves.

**Mr GYGAR (Stafford) (10.8 p.m.):** What we are seeing here tonight is the last nail being driven into the coffin of the Retail Shop Leases Act. When the legislation was first introduced, it was said by many people, particularly tenants, that it was a toothless tiger and that landlords could drive trucks through the legislation. Therefore, one would hope that, in the interests of tenants, amendments to the Retail Shop Leases Act would be designed and calculated to block up those loopholes for the landlords. What we find with some dismay is that, instead of blocking up loopholes, holes are being belted in walls so that the landlords can now take semi-trailers through them. This is not a tenants' Bill; it is purely and simply a landlords' Bill. We can see that when we examine the comments made by the two little mates of the landlords, the honourable members for Southport (Mr Jennings) and Surfers Paradise (Mr Borbidge). What does confuse me, though, is the Minister's involvement in this matter. I honestly think that he has been snowed. I know what his attitude to this matter has been over many years. I suggest that this is not the Bill that he thinks it is. Its effect will be entirely the opposite to what he thinks.

I look at the proposed new section 5A that deals with exemption. This will provide a field day for the landlords. The honourable member for Surfers Paradise stood up in this Chamber, beat his breast, said what a wonderful chap he was, and pointed out that it was he who stuck up for the arcades.

If the honourable member for Surfers Paradise stuck up for arcades then, why is he dumping them now? Arcades are usually found at the bottom of office blocks, which are usually tall buildings with a few levels of retail shopping. They are enterprises, the principal activity of which is an activity other than the retailing of goods. After a couple of months, the Retail Shop Leases Act will no longer apply to anyone who sets up a shop in Queen Street or in the bottom of any tall building.

**Mr Ahern:** That is nonsense.

**Mr GYGAR:** I challenge the Minister to give me an explanation how, under any possible description, he could say that the T & G building on the corner of Queen and Albert Street is not a building the principal activity of which is an activity other than the retailing of goods. The principal activity of such buildings is office blocks and with a couple of floors of shops below.

The Bill provides that, on the Minister being so satisfied, he shall—not may—submit the matter to the Governor in Council for consideration. That enterprise then becomes exempt. This is not only about Sea World. It also refers to the Paradise Centre, Queen Street, Adelaide Street, Fortitude Valley and anywhere else. That is the clear interpretation of the Bill. The test itself is meaningless. I wonder where the member for Surfers Paradise and his arcades will end up.

The Minister has said that he will introduce an amendment, and on the surface it is a laudable amendment. If it meant anything, I am sure that the Minister and I could support it. However, the power to disallow in this Parliament is absolutely, totally illusory. In all honesty, the Minister must acknowledge, if he chooses to, that the only time that the power to disallow in the Parliament meant anything was when the Ministry plus the National Party back bench did not exceed the numbers of the Liberal Party back bench plus the Opposition. That is when disallowance motions meant something; they are now totally illusory. The Whip will be out, he will crack the old stock-whip over the boys and the Government will win on every disallowance motion. The power is meaningless.

The House should also consider the other things that the Bill brings in for the benefit of the landlords. Clause 8, which is an interesting little provision, looks innocuous. It inserts the words—

“(in the absence in the lease of a provision for determination of the market rent by a named person or a person appointed by a named organization)”

That sounds pretty fair, and I am sure that it was explained to the Minister in that way. However, the Act stated that, if there was a provision that on the renewal of a lease market rent would be the basis upon which the new figure would be set and the landlord and the tenant could not agree, there was deemed to be an implied provision for arbitration. That sounds pretty fair to me.

This clause allows another terrific rort on the part of the landlords. In volume 2 of their lease documents, which seem to grow at an exponential rate—the word-processors and solicitors must be working overtime on them—landlords can now put in a named person or a person appointed by a named organisation. I know what the Minister's response will be. Usually the president of the Institute of Valuers or the president of the Law Society is appointed, and he names the arbitrator. That is what a reasonable person would do, but this Bill does not deal with reasonable people. It deals with landlords, whose track record has shown that they are one of the most rapacious groups in the community. I refer specifically to groups such as Westfield. If I were the highly paid solicitor of such an organisation and wrote all of these little rorts into the lease documents, I would advise the company—

**Mr Ahern:** It is supported by the Retail Traders Association.

**Mr GYGAR:** That group should get a new solicitor, too.

The Westfield group is now able to name a person in its lease. Whom do honourable members think that the Westfield group will name? If its track record is worth anything, it will name the chairman of directors of the Westfield group. Once that person is named, he removes entirely the presumption of arbitration for a fair market rent. That is what the Bill will allow companies to do. The Minister cannot say that people will usually appoint the president of the Institute of Valuers. These are not normal people; they have proved that. That is why the Government had to go to all the trouble of bringing in this legislation in the first place. If the owners of shopping complexes had been reasonable, fair and equitable, the Retail Shop Leases Act would not have been needed. But that need exists, and if the Minister gives the owners of shopping complexes that loophole, he can bet his life that they will be through it in a flash.

Let me take another one of these wonderful landlords and see what he has been up to. Clause 11, which is an amendment of section 15, looks entirely innocuous. Who could not possibly support it? It says that after the words "retail shop leases" will be inserted the words "(other than a periodic tenancy or tenancy at will)". What is unreasonable about that? Under that provision, lessees who have a tenancy week by week and month by month will not be entitled to compensation for disruption and inhibition of access. I admit that an argument exists for that, but I ask honourable members to look at what will really happen.

First, I will tell honourable members what happens now and how owners of shopping complexes will drive a truck through the provision in the Bill. In fact, that has already been done in my electorate.

The owner of a shopping complex may know that some major work is about to be undertaken—a rebuilding in one section; fire regulations may have changed; the car-park may have to be extended; or something else may need to be done. The owner knows also that, during the course of the construction, drastic disruption to and inhibition of access will be caused. When the time for renewal of leases arrives, the owner will not renew them. He says to the tenants that, although there will be some confusion for a while, the shopping centre will be like new when the work is finished. He tells the tenants that they will then get together to work out a new and equitable basis for all of the arrangements, that the tenants will get a new schedule for outgoings and everything will be really sweet. The owner also says that, as a new lease cannot be signed, the tenants will, for a few months, have a month-by-month lease. Then the bulldozers move in and the blockages occur.

If the Minister wants to have a look at a classic example, I invite him to inspect the Platypus Village Shopping Centre, where the landlord did just that. He ripped up the car-park, which is where people used to drive in. He boarded up the fronts of all the shops. Before he did that, however, he converted the lessees to tenants at will.

**Mr Davis:** Where is this?

**Mr GYGAR:** It is the Platypus Village Shopping Centre, which is on the corner of Flockton Street and Trouts Road, Stafford.

The landlord ripped up the car-park, which I think would have inhibited access just a little bit. The landlord disrupted the businesses just a little bit by erecting 8-ft-high plywood partitions along the front of the shops, so that when members of the public drive past the whole place looks as though it is closed. In fact, the centre looks as if all the shops have been boarded up and the car-park has been ripped to shreds. If the tenants had leases, they would have been entitled to claim for compensation; but the generous landlord had said, "I will not renew the leases just now. I will put you on a month-to-month arrangement. When the work is finished, we will all know where we stand and then we can start talking about a new lease." What is a shop-keeper to do?

**Mr Fouras:** What would the tenant do if he could not get a renewal? There would be no protection for him then.

**Mr GYGAR:** I tell the honourable member that the Bill gives it to the landlord both ways.

If the landlord tossed out the tenants, what would happen to his six little shops while the rebuilding is going on? They would be vacant, with no rent coming in. But he dangles the carrot in front of the tenants.

**Mr Fouras:** The tenant is a mug for staying there without a lease, isn't he?

**Mr GYGAR:** No. If he does not renew his lease and moves out, he does all his money on his fittings and his goodwill is shot to ribbons. He has had it. The landlord has the tenant between the devil and the deep blue sea. The tenant can walk away from the whole thing and abandon his goodwill. He cannot sell his goodwill. Nobody else will take over.

**Mr Fouras:** If the tenant has only a periodic lease, the landlord can just get rid of him, anyway, when the rebuilding has finished.

**Mr GYGAR:** Yes. I would not be surprised if that is what he does.

**Mr Fouras:** He can now.

**Mr GYGAR:** Yes.

**Mr Fouras:** But this legislation doesn't protect him now.

**Mr GYGAR:** This makes it easier. The honourable member for South Brisbane is on my side; he does not know that yet. He should think about it for a while. This is just another landlord rort that is being made easier by the Government through this legislation. The landlords will love this one.

I turn now to clause 16, which looks totally innocuous. It will help the tenants no end; in fact, it will help everybody no end. It will introduce an element of certainty that we have never had before! When do proceedings commence? For the benefit of those honourable members who have not studied the Bill, I point out that there will be two tribunals. Mr Lamond and his mates will be on one tribunal. The courts will operate pursuant to section 124 of the Property Law Act. One has a choice. One can go either to the courts or to Mr Lamond and his tribunal. If someone commences an action before Mr Lamond and his tribunal, the other bloke cannot go before the courts. It is a matter of first in, first served. If an action is commenced in the courts, the other bloke cannot say, "I prefer to do it through Mr Lamond." Then comes the question of who started what first. The Bill clarifies the situation. At this stage it may come as no little surprise to honourable members that this clarification coincidentally happens to help the landlords a great deal.

From time immemorial, our legal system has provided that a court action is deemed to commence when documents are lodged with the registry, a writ is issued, or something similar happens. The real crunch is that one obtains a small stamp from the registrar of the court. That is the way it used to be. It will not happen any more. A person does not need to commence an action. The landlord, hearing that the tenant is about to appear before the tribunal, merely whacks out a notice to remedy breach of covenant. He does not need to issue a writ or take any other action. He needs only to fill in a notice pursuant to the Property Law Act and serve it on the tenant, and the tenant is out of business. A tenant may believe that he has an excellent case before the tribunal. He looks at the Act and says, "This is for me. I will get down to Mr Lamond and he will fix me up." The landlord gets wind of it. He contacts his smart firm of solicitors by telephone, whacks out a notice to remedy breach of covenant pursuant to section 124 of the Property Law Act, and serves it on the tenant. The tenant is history. It is all over for the tenant.

The landlord's whole operations could be a total fantasy. It does not matter whether the notice is valid or not. It does not matter whether he has any arguments or not. As long as he serves notice on the tenant, the landlord is off the hook. I would imagine that experience in dealing with individuals and corporations that become landlords would have convinced everybody in this Chamber by now that they operate on the philosophy of "get away with as much as you can" The Government accepts that proposition; otherwise, as I said, there would not be a Retail Shop Leases Act. If the landlords were fair, reasonable and honest men of integrity who gave their tenants a fair go, the furore that has gone on for three and a half years over the Retail Shop Leases Act would not have occurred. The fact is that they are a bunch of pirates. They will get away with anything that they can.

**Mr Borbidge:** Not all of them.

**Mr GYGAR:** Laws are written for the bad times.

**Mr Borbidge:** You are saying all of them.

**Mr GYGAR:** I hope that I have not given that impression. I hope that the House will understand that I am not talking about all landlords. Many landlords operate properly. For them, the Retail Shop Leases Act is no imposition because they were acting in accordance with it. However, where the pirates are operating, it has been necessary to come down on them like a ton of bricks.

**Mr Simpson:** You don't like the Act?

**Mr GYGAR:** I think that the Act gives an illusion of safety and security to tenants. When they run into the Westfields and their mates, it will not do them any good at all. The evidence of what happens with shop leases with Westfields and their ilk is already before honourable members.

Those characters do not employ lawyers by firms; they employ them by battalions. The lawyers are lined up one after the other, endeavouring to find a loophole. Perhaps the lawyer who finds the next loophole receives a bonus payment. The Government is providing more loopholes. The road to hell is paved with good intentions. More people in this world have been wiped out by well-meaning, wonderful people trying to help them than were ever done over by somebody with malice aforethought.

**Mr Simpson:** How far down that road are you?

**Mr GYGAR:** I have a million good intentions. I must be on a downhill slide at the moment.

Good intentions are not enough when the Government is dealing with the kind of people that the Act is intended to cover. The Government's lawyers will be against their lawyers. The Minister should remember that they pay their lawyers 10 times as much as the Government pays its lawyers, so it is obvious who will win a legal battle.

I applaud the Minister's sentiments. I do not question his integrity. However, I think that he has been sold a pup. The landlords will love it.

**Hon. M. J. AHERN** (Landsborough—Minister for Industry, Small Business and Technology) (10.27 p.m.), in reply: I thank all honourable members for their contributions. It has been a useful debate. Honourable members' contributions will be taken into account by my officers and considered in future reviews of the legislation. I expect that the legislation will come before the Parliament in the next session. There is an ongoing assessment of this pioneering piece of legislation, and it could well be that during the August session further amendments will be introduced. Honourable members who have made suggestions can rest assured that those suggestions will be taken into consideration in the next review.

The contribution of the honourable member for South Brisbane (Mr Fouras) was largely rhetoric. I heard it in the debate on the original legislation.

This legislation had a stormy introduction. I remember it very well. Since that time it has been in operation and I, along with all honourable members, have had an opportunity to observe its performance. It has worked pretty well in the market-place. The Building Owners and Managers Association, the Retail Traders and Shopkeepers Association of Queensland and everyone associated with the legislation have said that it has worked very well. That is largely due to the fact that Bill Lamond was appointed as the mediator. He is a very sensible person. He spoke logically to shopping centre owners and retailers. He has made the legislation work. I take my hat off to Bill Lamond.

It is a fact that there is not the level of community complaint that there was before, and many disputes have been sensibly resolved. Whereas, before, there was conflict and confrontation, now there is co-operation and consultation. So far, the legislation has worked extremely well.

When the legislation was first introduced, it was known that it would need amendment. In order to formulate the amendments under consideration, after the legislation had been in operation for a period the Government called together the Queensland Law Society, the Retail Traders and Shopkeepers Association of Queensland, BOMA and the Retail Association of Queensland. The Government said to those associations, "We have seen how the legislation has worked, and there is a need for examination of the various parts of the legislation. We would like your advice on what ought to be included by way of amendment." The recommendations of those associations are included in the provisions. With perhaps one or two small exceptions, the recommendations have the unanimous support of those people who came together to conduct that review.

The bush lawyer from Stafford gave honourable members a run-down of the inadequacies of the legislation. I point out for the benefit of the honourable member for Stafford (Mr Gygar) that the lawyers representing the Retail Traders and Shopkeepers Association would not agree with him, particularly in respect of comments that he has made concerning the arbitration process.

The amendment to the arbitration process about which he was so trenchantly critical was sought by the retailers themselves, who said that the arbitration process was too expensive, time-consuming and sloppy. The amendment allows a less expensive alternative, that is, the appointment of an independent expert. They have said that that will be more cost effective than the present system. They have sought it. The honourable member saw it as something that would work on behalf of landlords. In fact, it is in the Bill because the lessees have sought it.

In the main, that is the genesis of the recommendations. They come with the support of industry. Industry supports the operation of the legislation, which is the first of its type in Australia. The Western Australian Government has been very strong in its appropriation of the legislation. The Minister recognised that when he introduced his Bill to that Parliament a couple of weeks ago. He raised it as a special issue at a conference of Ministers that I attended. He moved a vote of thanks to the Queensland Government for its pathfinding legislation, for its lead for others to follow. It was carried by acclamation. It has been a worthwhile exercise.

The honourable member for South Brisbane (Mr Fouras) criticised me for lodging an advertisement.

**Mr Fouras** interjected.

**Mr AHERN:** A large number of tenants all over Queensland did not know of the existence of the mediator. Immediately the Government had to embark on an advertising program so that people were aware of it. The honourable member for Bundaberg (Mr Campbell) highlighted that point. He referred to a problem in his electorate. I simply say: Do all of the lessees who have spoken to him know that there is such a person as

a mediator? Have they been to the mediator and asked him to visit there, as he will do? He will visit the centre and talk with the management and lessees. He will probably resolve the difficulties very well. The mediator has done that so far. The public information process was important.

I agree with some of the criticism that has been made. The honourable member for Sherwood (Mr Innes) referred to the cumbersome system of arbitration on rents. I have had many representations about that. I agree that a better system needs to be found. Ways and means of enabling that are being investigated. At present, it is cumbersome and not terribly effective. It is not satisfactory to either party. A future review is under active consideration. However, I would not be prepared to consider a system of rent control. That has been tried. It has been tasted before. While in principle it would appear to be a good idea, for lessees it opens up a ballpark of other problems which are bigger than the existing problem. The Government would shy away from that, recognising that a better system of arbitration is probably necessary.

There are those who have said in the debate that the Government has access to all sorts of competent draftsmen and should have been able to draft the Bill better. I take my hat off to the assistant parliamentary council, Michael Batch, who is in the lobby, and the departmental officer who assisted him, Ray Kelly. They have searched throughout the country and overseas for ways and means of drafting in this very difficult field. It is not easy. They have done an excellent job. When I answer the questions of the honourable member for Sherwood in a moment, I ask him to remember the difficulty in drafting.

I thank the honourable member for Surfers Paradise (Mr Borbidge) for his personal contribution to my committee. He has had years of experience, which I have not had, of sitting on committees which led up to the legislation. I was involved in other spheres during those times. He has brought that experience to the presentation of the Bill, and I am very grateful for his help and support.

The honourable member said something that amounts to a fair judgment of the legislation, and that was that a very low level of complaint had been received at his electorate office since the legislation was enacted. I think that most honourable members would have to confess that a low level of complaint is an accurate assessment of the response. Although the legislation has been successful, nobody pretends that it is thus far a perfect mechanism, and the Government will continue to strive for its improvement. More than any other honourable member in the Chamber, this evening I could list the problems that have been associated with it; but I will not do so. I simply foreshadow that further work needs to be done.

Before addressing myself to the central issue that was canvassed by the honourable member for Sherwood, I turn to the question raised by the honourable member for Redcliffe that concerns service station proprietors and such like. That is a separate issue, and if this exercise is diluted in an attempt to cover a myriad of other applications, it would be a mistake and it would lead to difficulty. Although I have some sympathy for the honourable member over the issue, I reiterate that it is a separate matter and again agreement has not been able to be reached on action that may be taken.

I reject the criticism that has been offered by the honourable member for Stafford. Although I listened to his erudite argument, I would prefer to trust the Retail Traders and Shopkeepers Association of Qld, which is a very competent adviser on the particular questions that will affect tenants. I think that the advice of that association is correct.

**Mr Davis:** That retailers association is the same organisation that has opposed 24-hour trading.

**Mr AHERN:** That is a matter that could be the subject of another debate, and it has already taken up a considerable amount of time this evening. I point out that there are two retail associations: the Retailers Association of Queensland Limited and the Retail Traders and Shopkeepers Association of Queensland. The Retailers Association

of Queensland Limited tends to represent the bigger commercial operators, and the Retail Traders and Shopkeepers Association of Queensland represents the smaller trading organisations but in general terms, both organisations have supported the amendments that are presently before the House.

**Mr Innes:** But both associations have opposed clause 4.

**Mr AHERN:** I will now address myself to that particular issue, as I believe that I have dealt with the substantive issues that have been raised by other honourable members. I now turn my attention to the central issue that has been raised by the honourable member for Sherwood.

I can understand some apprehension about this matter. However, when the legislation was being drafted, intense argument took place as to which particular premises the legislation would apply to. At that time, general agreement was reached in identifying the problem as one that lies very definitely in the area of shopping centres. That was the principal area from which the problems emerged, and it was clear that difficulties existed in respect to landlord and tenant arrangements which, in anybody's vocabulary, would be said to be unfair. Inequitous practices were being perpetrated on lessees and tenants, and the legislation was therefore directed towards resolving those difficulties.

I can recall the honourable member for Sherwood saying during those discussions that, if the Government moved outside the focus of the problem, it would run into all kinds of other difficulties. I think the honourable member for Surfers Paradise said that, at that time, apart from shopping centres, other problems existed. It was principally at the behest of the honourable member for Surfers Paradise that the Act was extended to provide for group shopping complexes which are generally referred to as strip shops. For members of the general public, that term probably carries a different connotation. However, it was always understood that the focus of the problems was to be found in the shopping centre developments.

**Mr Innes:** What this legislation requires is golden hands.

**Mr AHERN:** I think that the honourable member is embarking on some comedy, and it may be appropriate to do that at this stage.

The problem was identified in that way, and I do not think that it is reasonable to say that leases as a whole will come under this legislation in Queensland. If that were the case, every lease, every sublease and some share-farmers would be involved—all manner of leases contain difficulties. They cannot all be addressed in this way.

The principal problem lay in the aggregation of shops where a landlord had an overwhelming influence by which he was able to coerce his lessees. That is the area for which we legislated. It was always understood that there were many problems outside that ought not to be covered by the Act. It seems to me that all we are doing here is providing a mechanism to deal with the impact of this legislation on a situation for which it was never prescribed, never intended and never foreseen.

The only cases dealt with on this occasion are in that category. It applies to tourist resorts on offshore islands. The customers in the shops there are drawn from the paying guests at the resorts, or day visitors. The customers are attracted to the resorts by the advertising of the resorts by the resort-owners. The shops do not advertise in their own name, because they can attract no customers except the resort guests and day visitors.

Simply put, the guests and visitors travel to the resorts for reasons other than retail shopping.

In the case of theme parks, the only customers at the shops are the people who pay to enter the parks. Retail shopping again is not the reason for entering the parks. The goods sold, especially the souvenirs, are very closely controlled by the park management. Furthermore, the shops do not advertise, because they can attract no customers except those paying to enter the parks.

It is not commonly known that certain tourist island resorts, theme parks and entertainment parks adopt the principle of having to pay concessionaires or tenants who do most of the retail selling. In this context I refer to the sale of food, drink, photographic supplies, souvenirs, etc. The tenants, effectively, have monopoly rights to trade in certain goods or services. The traders do not have any goodwill of their own because the goodwill is developed by the holding company and paid for by the holding company. The holding company is responsible for the ongoing maintenance of such goodwill. Such concessionaires or tenants do not advertise in their own name. They do not vend goods in their own name. To the public, their very existence is totally unknown. They could be likened to employees of the company working on a bonus system related to turnover.

If a visitor to one of the parks bought a hamburger that he considered to be of unacceptable quality, he probably would not blame the seller of the hamburger; he would be more likely to blame the enterprise. In this situation, it was never intended that the Retail Shop Leases Act would interfere with the relationship between the landlord and the tenant or concession-holder. If it was found to apply to farms out in the bush, would anyone say after investigation that that is now a privilege that must be maintained? Certainly not! Accordingly, the proposal before the House is to amend the existing provision of "retail shop" and to add a new section 5A to provide a procedure whereby enterprises such as theme parks, tourist resorts and offshore islands can make application to me for exclusion on the grounds of certain criteria to be spelt out in the Act.

The honourable member for Redcliffe said that people will not be allowed to have a lease. The Government is saying that the situation which has applied for the past 10 years can continue to apply. Under the Act, a concessionaire operating in one of these places who has an enormous turnover in a year must be offered a base rental. When it is not known how much turnover the concessionaire is likely to have—it might be a huge amount in a year—it is totally appropriate at the outset to set a condition that it be on a percentage basis.

I assert that if I had stood up in the party-room at that time and asked, "Would it apply to Sea World?" the answer would certainly have been "No" It has been found that the provision applies to that business. There has never been a complaint from lessees in that situation. It has certainly interfered with the satisfactory operation of the business, and we are providing a mechanism for exemption.

The honourable member argues that, once a person had obtained a privilege under the Act, that position should be perpetuated. That is a spurious argument. If it were found that the provision applied to a farming lease, it would be ridiculous to allow that position to continue. That was never intended. It has produced many problems. At the time, if I had said that that might happen, I would have been laughed out of the party-room.

The honourable member then asserts that the mechanism for exclusion is wrong and unfair and is not a well-laid principle. I remind him of the difficulty in drafting in this sort of situation. The difficulty that I and my young colleagues had was in devising a mechanism that would not exclude everyone. Every form of words that we looked at provided a loophole that Westfield and Kern, which were never intended to be exempted, might have used. They could have said that they had an as-of-right exemption. That is not the case. The exemption will apply only in the circumstances that I have mentioned.

When I sought a reasonable mechanism, we set certain criteria. They were that the principal activity of the enterprise was not the retailing of goods or the provision of shopping facilities to the public, and that the provision of the lease entered into or to be entered into between the owner of the enterprise and the tenants of premises situated within the enterprise was appropriate in the circumstances. The circumstances are described by way of an application form as a schedule to the Act.

In addition, having described the circumstances in clear terms and the people whom we propose to excuse, we have provided that the exemption be made by Order in Council and be subject to disallowance and, therefore, debate in this House. Knowing that I will

have to debate the matter publicly, I will have to bring evidence that the lessees will not be disadvantaged. Of the 20 options that were looked at, this was found to be the best one. It is an open way to go. It is not intended to be applied in the ridiculous way suggested by the honourable member of Stafford. He reads laws and says, "Well, I am just reading the law." I remember him saying that to me for three and a half days in the temporary Chamber in the Parliamentary Annexe when we were debating a fisheries Bill.

**Mr Gygar:** I was right.

**Mr AHERN:** The honourable member was dead wrong. That Bill has operated in Queensland for years. The implementation of legislation is carried out by sensible people with good intentions. From time to time, clauses can be made to read any way, and the member for Stafford has demonstrated that tonight.

I thank all honourable members for their contributions. This legislation has been devised in the interests of all parties. In fairness, I say it is part of a regular review; there will be others. Our intentions in this regard are very sound. We have done a good job. I reject totally any suggestion that there has been any sell-out in this legislation.

Motion (Mr Ahern) agreed to.

### Committee

Mr Booth (Warwick) in the chair; Hon. M. J. Ahern (Landsborough—Minister for Industry, Small Business and Technology) in charge of the Bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—New s. 5A—

**Mr INNES (10.51 p.m.):** As foreshadowed, the Liberal Party opposes clause 4 in its entirety. This is the principal clause in the Bill, and the Minister has made a valiant attempt to justify its inclusion.

I point out that not one of the three enterprises that were instanced has failed to develop within the last year because of the operation of the Retail Shop Leases Act. If it could be suggested that an enterprise was not beginning because of problems created by the legislation, one could be persuaded in the Minister's favour. However, this Act is already operating, whatever leasing arrangements have been made. People can arrange their affairs to fall within the Act or to fall outside it. One would have thought that it would be easy to employ employees, as was suggested by one honourable member, or to arrange one's affairs, including licences, to fall outside the terminology and definitions contained in this Act.

I do not find the Minister's argument to be fair or totally persuasive. Sea World is a marvellous enterprise that has been of great benefit to Queensland, and I pay tribute to Keith Williams, who got it off the ground. If it could be said that the hot dog vendor at Sea World wears a Sea World uniform and sells a Sea World product from a Sea World booth, I would go along with the Minister's contention. If that operation falls within the definition of "lease" in the Act, that definition should be rewritten to exclude any operation in which the retailer adopts the mantle of the owner. Sea World could organise its affairs so that people such as the hot dog vendor are not covered under the Act. The definition could be modified slightly to accommodate that circumstance.

However, under this Bill, if Grundy's is granted an exemption, an operation that is typically a shop is also exempt. That part of Grundy's that sells pizzas is in that category. As one of my colleagues pointed out, what will the position of the Crest International Hotel be?

**Mr Borbidge:** Grundy's doesn't charge admission.

**Mr INNES:** No, it does not charge admission; but, in addition to having amusements, it has clearly identifiable areas of floor space on which food is sold.

If a retailer wishes to completely subsume himself under the mantle of the operator and not adopt the identifiable character of a shop-keeper, the Act could have been modified in a limited way to permit that. The shops on Hamilton Island trade under their own identity. The Minister's argument that shopping centres are locations over which the landlord has overwhelming influence that can lead to coercion can be applied more forcefully to an island or to an identifiable area over which the landlord has total control.

If the landlord chooses to do business by involving private enterprise and letting a shop space to a tenant, there is every reason why that tenant should be under the Act, because he or she is even more at the mercy of the landlord than is a tenant in any other situation.

The Minister takes some succour from being supported by the Queensland Retail Traders and Shopkeepers Association on other amendments. As the Liberal Party has indicated, it will not divide on other amendments; but the members of the Liberal Party take some heart from the fact that both the Queensland Retail Traders and Shopkeepers Association and the Retailers Association of Queensland—the organisation for the small tenants, and the organisation for the big tenants—oppose the insertion of this astonishingly wide clause.

I ask the Minister to deal with the question posed by one of my colleagues. The Minister has total discretion in this matter. How would he deal with an application from the Crest International Hotel, the Sheraton Hotel or any other hotel that has in its foyer a newsagency, a small ladies shop, a menswear shop, a barber shop or a small arcade that depends entirely on the advertising of the hotel? Those shops are totally within the confines of an identifiable area that is usually restricted to the customers of the hotel. What is the difference? I suspect that the Minister might come down against giving an exemption to those hotels. However, I am afraid that, in doing so, he will defeat the logic of the argument he has created.

**Mr AHERN:** The administration of this provision will be carried out in consultation with the organisations referred to by the honourable member for Sherwood (Mr Innes).

**Mr Innes:** What about consultation with the tenants?

**Mr AHERN:** Yes, with the tenants.

**Mr Innes:** The Act gives no rights to the tenants.

**Mr AHERN:** I give the undertaking that the provisions will be administered with a great deal of care, and certainly with consultation with the tenants as well as with their organisations. That is the clearly stated intention.

I want to take further issue with some of the arguments, although I feel that in my reply at the second-reading stage I tried to answer them. The honourable member may not have accepted my answer, but, given the history of the matter, I think that his is a reasonable argument. If I might take the honourable member back in time, I remind him that this was a very substantial problem to overcome in shopping centres, in particular in the Westfield Shoppingtown at Indooroopilly. That is what was being talked about.

However, honourable members are now suddenly talking about Cades County. Good Lord, if I had suggested that at the time, it would have caused all members of the committee to break up in laughter. No problems have arisen from that operation.

The honourable member said that surely it would have been possible to amend the legislation in some other way. A form of words has not been found that would excuse these operations without opening up a big problem all over the place. For that reason, I will administer the legislation with sympathy and consultation.

The honourable member's argument in relation to Sea World is probably a good case in point; but the concessionaires down there do not want to be employees. They do very nicely, thank you, based on their current arrangements, which have not been interfered with so far, although they probably fall under the provisions of the legislation. Their agreements have not expired, but they must expire.

**Mr Innes:** Are they employees, or tenants?

**Mr AHERN:** They are tenants. They are concessionaires.

Under the Act, because of the way in which they are organised, they are tenants, and they want to continue to be organised in that way. There has never been a problem. They want to continue on as they have done right from the beginning. This provision allows that to happen. It does not cancel a lease, as has been suggested.

The honourable member for Sherwood said that the Act is not deterring the commencement of theme parks. Well, it might be. Who is to know that? The Government is advised that the Act is one of the things that is now standing in the way of development in this State, and it might well be.

**Sir William Knox:** How could that be? In what respect?

**Mr AHERN:** The Act is now in force. If a theme park is built today and is operated in the same way as Sea World, the Retail Shop Leases Act applies.

**Mr Innes:** In other words, it has reduced the profitability for the developer?

**Mr AHERN:** Yes, it certainly has. It makes them enter into another arrangement. They need employees instead of concessionaires and lessees, who are working on a percentage basis. They cannot do it. It seems reasonable that they should be able to continue what they have been able to do for 10 years without any problem.

**Mr FOURAS:** Having examined the legislation, the Opposition said that it was not concerned about the amendment. The information that I have been given is that no problems have been experienced by the tenants or the persons in the theme parks. Honourable members had the benefit of some free legal advice from the honourable member for Sherwood. Anybody who obtains free advice from him always gets his money's worth.

I was impressed with the reference in the Bill to "the provisions of the lease entered into or to be entered into between the owner of the enterprise and the tenants of premises situated within the enterprise are appropriate in the circumstances." The Opposition would like an assurance from the Minister that he will ensure that tenants are given adequate protection before the exemption is granted. He has given that assurance.

Before the honourable member for Sherwood gets carried away with grandstanding, which is typical of the Liberal Party in such a situation, honourable members ought to

examine what happens under the Bill. Under the current legislation, if the development of a theme park progressed like a rocket and a person was selling souvenirs or hamburgers, and his trade was mushrooming, the odds are that rent reviews would be based on market rent provisions. What protection does the Bill afford that person against having to pay for his increased profitability? The reverse could happen. A cyclone could pass through an island resort and there could be no business. I have always agreed with the Minister that the principal area of concern relates to large shopping complexes, in which landlords have behaved unscrupulously. As the Opposition spokesman, I made that point very clearly in my speech. I referred to rents increasing by 100 per cent because people forgot to ask for their extra option.

For some time the Opposition has wanted to do something about security of tenure in the long term. The Opposition will not be supporting the amendment moved by the Liberal Party. Members of the Liberal Party are grandstanding. They should come out and express concern about the fact that the protection given after five years under the legislation is negligible. If the Minister can guarantee that tenants' agreements could be examined and exemptions granted, at least those matters can be raised in this Chamber. As the matter relates to section 28A of the Acts Interpretation Act, the Opposition could move for a disallowance. The Government would have the numbers, but we would be able to say that the assurances given by the Minister were not worth a cupful of water and we would be able to castigate him for it. Further amendments to the Act would be introduced and the situation would then be examined. The Opposition will not be supporting the amendment.

**Mr INNES:** The Liberal Party is fortified by the stated attitude of the ALP. I noted that the spokesman took my advice and spoke to the honourable member for Salisbury (Mr Goss) to obtain some free legal advice. I detect that after that consultation his demeanour and attitude was one of embarrassment and of a man who had been put on the spot but could not go back on the incompetent track that he himself had taken.

By using selected examples, something can be made to appear other than it is. The contribution by the honourable member for South Brisbane (Mr Fouras) and the Minister's reply dealt with people selling drinks and ice creams, virtually as concessionaires. However, the Act is pertinent only where a retail shop lease exists; that is, a lease that provides for the tenancy of a retail shop. The shop is defined as "premises" The Bill does not deal with people who have a loose arrangement to keep 5 per cent of the takings from walking round crowds with a tray full of ice creams. It relates to a structure, to shop premises.

**Sir William Knox** interjected.

**Mr INNES:** Exactly. I think that the Minister is being easy on himself and his advisers. I do not criticise the Minister's advisers. However, quite frankly, the vehicle that has been created will allow the Governor in Council to approve anything. The word "concession" has been selected to distinguish the other activity from a normal shop tenancy. The Minister could have inserted the word "concession" in the definitions and exempted the other activities, by whatever definition he thought fit, from the operation of the Retail Shop Leases Act. That was the way to travel rather than create a vehicle which gives the Minister enormous discretionary power.

Question—That clause 4, as read, stand part of the Bill—put; and the Committee divided—

AYES, 56		NOES, 6
Ahern	Lingard	Knox
Alison	Littleproud	Lee
Austin	McKechnie	Lickiss
Bailey	McPhie	White
Bjelke-Petersen	Menzel	
Borbidge	Miller	
Braddy	Muntz	
Burns	Newton	
Cahill	Palaszczuk	
Campbell	Powell	
Chapman	Prest	
Comben	Price	
Cooper	Randell	
D'Arcy	Row	
Davis	Scott	
Elliott	Simpson	
Fouras	Smith	
Gibbs, I. J.	Stephan	
Glasson	Stoneman	
Goleby	Turner	
Goss	Underwood	
Gunn	Veivers	
Harper	Warner, A. M.	
Harvey	Wharton	
Henderson	Yewdale	
Hinze		
Katter	<i>Tellers</i>	<i>Tellers</i>
Lane	Kaus	Gygar
Lester	FitzGerald	Innes

Resolved in the affirmative.

Clauses 5 to 7, as read, agreed to.

Clause 8—Amendment of s. 10; Rent review—

**Mr FOURAS** (11.21 p.m.): I want to reply to the silly criticism levelled at me by the member for Stafford. He suggested that anyone would surely realise that Westfield could be put in as a third party in a Westfield leasing situation, and asserted it would be stupid not to allow that to go to arbitration. From talking to the Retail Traders Association and to many solicitors working in this area, I am assured that it is preferable to have a third party such as a valuer selected by the Valuers Association, or someone else selected by the Law Society, to be the person setting the rents when they come up for review rather than go to arbitration, which is lengthy and expensive.

I make that point in response to the rather pathetic criticism of the stand taken by the Opposition in not opposing the clause. The Opposition supports the clause. I spoke on this clause because it is a little annoying when half-baked lawyers waste time grandstanding without really knowing what the legislation is about.

Clause 8, as read, agreed to.

Clauses 9 to 16, as read, agreed to.

Insertion of new clause—

**Mr AHERN** (11.22 p.m.): I move the following amendment—

“At page 5, insert the following new clause to follow clause 16—

‘17. New s. 62. The Principal Act is amended by inserting after section 61 the following section:—

“62. Orders in Council. Section 28A of the Acts Interpretation Act 1954-1977 shall apply with respect to Orders in Council made for the purposes of this Act, and for the purposes of such application, that section shall be read and construed as if references to regulations were references to Orders in Council made for the purposes of this Act.” ’ ’ ’

The purpose of the amendment is to overcome an oversight on my part. I thought that the Act was covered by the relevant sections of the Acts Interpretation Act. I gave an undertaking that the Orders in Council would be tabled. I thought that that was automatic. My advice was found to be wrong. The position will be corrected by this amendment. I regret the oversight in the drafting.

Amendment (Mr Ahern) agreed to.

New clause 17, as read, agreed to.

Bill reported, with an amendment.

### Third Reading

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

## POLICE ACT AMENDMENT BILL

### Second Reading—Resumption of Debate

Debate resumed from 7 March (see p. 3927) on Mr Glasson's motion—

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

**Mr GOSS** (Salisbury) (11.24 p.m.): The Opposition has no argument with the Bill. It is clear from the Minister's speech that the reasons for which part of the Bill is necessary are the continuing problems within the force that need to be addressed by the Government. As I say, the Opposition has no argument with the legislation, but in the debate a number of Opposition members will take the opportunity to raise the sorts of problems to which I will refer.

In his second-reading speech, the Minister for Lands, Forestry and Police (Mr Glasson) pointed out that following the introduction, in 1980, of the optional retirement program, many experienced officers have left the force. They may retire at any time within five years prior to the fixed retirement age. Why are they choosing to leave the police force? Is it just a matter of taking the money and running? I do not think so. I do not think that that is the reason for all the early retirements. The job of a policeman is certainly a very difficult one.

**Mr Shaw:** It is not a happy one.

**Mr GOSS:** It is not a happy one, either, and it is probably becoming more difficult with the increasing crime rate and the ever-widening range of criminal activity with which police have to deal under traumatic circumstances.

Why are police officers leaving the force? I think that there is a degree of frustration amongst senior police officers, and that is causing many of them to give the game away and take up other activities, such as driving taxis or working for private security firms or as law clerks for solicitors or court orderlies. It is a shame that senior and experienced officers are taking other jobs rather than continuing in the force.

The sorts of problems that are causing frustration include problems with overtime, manpower, resources and administration at senior level. Clearly there are problems in all of those areas that I have mentioned, and I am sure that the Minister would wish the position were otherwise. It is probable that we would differ on the degree to which those problems affect the force; nevertheless, I think it is clear that those problems exist, and I shall refer briefly to each of them in turn.

It is quite clear that inadequate funds are provided to cover overtime. Some practices have been adopted by a small number of police officers to improperly and unnecessarily claim overtime; nevertheless, the restrictions that have been imposed on overtime seem to relate to budgetary constraints and some efficiency approach that has reduced many

aspects of the force's operation to office hours, whereas, as we know, the criminal element works other hours.

I have been told a number of horror stories, such as police officers who are about to answer a call for assistance or to attend to some problem being ordered to return to the station and sign off because if they continue they will incur overtime. As a result of that, substantial delays occur in police officers answering calls for help or a report about a suspected offence.

I know of a case in which police officers apprehended three people who had been involved in the breaking and entering of a home in one of the far-flung western suburbs of Brisbane. They were half-way through the interrogation of those individuals when they were told by the senior sergeant at the City Police Station that they had to let them go because 10 o'clock, or whatever the particular hour was, had come and that if they continued they would have to go into overtime.

They had to pick up the investigation a few days later and try to arrest the people concerned. One of them had returned home to Sydney, so one of the officers had to fly to Sydney and extradite that individual back to Brisbane for charging and for the subsequent hearing of his case. Obviously that was a most inefficient use of police resources. It indicates the sorts of frustrations that can occur, which can cause diligent and well-meaning police officers to get out of the job.

Many examples can be found of inadequate manpower. The Minister for Police (Mr Glasson) took a submission to Cabinet for an additional 520 police officers. As I recall, he received an additional 100. I am sure that he would rather it were otherwise so that he could deliver another 420 officers to the Commissioner of Police and the force. Unfortunately, Queensland has the lowest population to police ratio in Australia. Because of the much greater area that must be covered and the much greater decentralisation, the situation in Queensland is bad.

In the December/January break, at Marsden, which is a southern Brisbane suburb, police arrived quite some time after a particular incident and told complaining residents that there were not enough men to deal with the problem. The residents were told that, if they wanted to complain about it, they should complain to the Minister. That is why the police were some hours responding to a call for help. As a consequence of that delay, one of the local residents was injured when attempting to restrain one of the youths who was trying to get away.

As to resources—police complain that they have to buy their own equipment, such as tape recorders and radios. That should not happen in a modern police force, particularly with detectives, who need that type of equipment as a basic resource.

As to administration at senior level—over the last six months two highly embarrassing and unfortunate episodes have emerged. One relates to allegations involving police in cattle-duffing in north Queensland. That issue has been well and truly hashed out in this place and I will not go over it again tonight. Recently reference has been made to the issue in the press and it is a blight on the administration of the Police Department and on the Government's record. The Police Complaints Tribunal, after its most extensive inquiry to that time, presented the Government with a detailed, 125-page report that incorporated recommendations about charges and about who should be charged. In addition, speculation was voiced in the media about the names of the officers who should be charged. As I said, I will not canvass the issue, but that material was before the Minister for some weeks. It then went to Crown law, apparently unembellished and, after some delay, it was sent to the Commissioner of Police to take appropriate action. Approximately four or five months has elapsed, but no action has been taken.

What credibility can the public place on the inquiries of the tribunal and on the administration of the force by senior police when complaints are made about the role that senior police played in that issue and when the report that is supposed to deal with the issue is handed back to the police for appropriate action? No action has been taken,

and it places the commissioner above the law. The commissioner and other senior officers who were criticised are placed above the tribunal. What is the point of having a tribunal if its findings are to be ignored? I will be pleased to hear whether action is to be taken, and I would also like to know why it has taken so long.

Another unfortunate episode, which is still continuing, relates to allegations of a child pornography ring. The Opposition has received suggestions from numerous police officers that senior police knew about that ring for quite some time—for as long as two years—and did nothing about it. There has been a conspicuous lack of activity about the allegations that senior police knew about the ring. The Minister was hampered in his attempts to deal with that problem by an inadequate flow of information to him. That cannot have made his job any easier, and it was a difficult job at the outset. In a number of interviews, the Minister adverted to the fact that he had been hampered, that he had not been told all that he should have been told and that he was disappointed about that. He indicated that particular officers had some knowledge for some period, but no response to those allegations, which are of great concern to the public, has been forthcoming.

I simply refer to those matters in relation to the administration of the police force at senior levels because they undermine the confidence of the public in the force and, indeed, undermine the confidence of rank-and-file police in the force. These matters need to be addressed, and addressed by people such as the deputy commissioner and officers of a similar rank. It is that particular rank that the Bill deals with.

The appointment of people simply because the commissioner or somebody else can expect, and will get, absolute loyalty from the appointee is no good where there is a potential for prejudice to the community and the police force by any absolute loyalty that places the first priority on loyalty to those senior officers rather than on pursuing lines of investigation and inquiry that may be embarrassing. If those lines of inquiry had been diligently pursued in the beginning, I do not believe they would have been embarrassing to the Minister or the Government, nor should they have been embarrassing to the Minister or the Government and, in those circumstances, the Opposition would not have been entitled to criticise the Minister or the Government, because action would have been taken. It was a difficult area in which to operate, but it would seem that the response from senior officers has been inadequate.

What hope do the people have that this will be redressed? The Minister and the Government have made no apparent response. A Police Complaints Tribunal inquiry is under way. The chairman of that tribunal, His Honour Judge Pratt, has indicated that evidence that has come into the possession of the tribunal has been startling and shocking. The Opposition does not know how far that inquiry has gone. The other day the Minister declined an opportunity to tell the House, indicating that in his opinion it was a matter for the tribunal and that he would wait upon its report. That may well be a legitimate view and I do not intend to argue about it here tonight. However, what I say is that some response is required and, the more it drags on, the more this whole episode will fester amongst the ranks of general police.

The example of the response to the Police Complaints Tribunal inquiry into cattle-duffing does not engender confidence as to what might happen with this further report. If the report provides the potential for embarrassment, that would tend to suggest that nothing will happen with it, either.

The Bill provides for the appointment of a man who is about to turn 60 years of age; that is, he is about to retire, and the retiring age has been increased. As I recall it, the Government and the commissioner have been stressing the need for younger men. Why has there been this turn-about? Clearly because of the departure from the police force in substantial numbers of suitable candidates. Suitable candidates of the right age must exist amongst other senior officers. They would be younger and would take a more progressive approach to the administration of the police force. I will not name those who I think would fall into that category, but several would be suitable. Probably my

naming them would not assist their cause and would not assist the police force. That is the reason for my declining to do anything in that direction.

The position covered in the Bill is a most important one. As I have said, only the public and the police force can suffer if senior officers have absolute loyalty to the prejudice of proper lines of inquiry and the exposure of matters that should be properly exposed, notwithstanding that they may be embarrassing.

In relation to the provisions in the Bill for promotion for technical officers and other people with special expertise, these officers are an invaluable part of a modern police force and I am happy to support any move by the Minister that provides a satisfactory career structure for such officers, whether it be by this means, lateral entry or whatever. The development of a wide range of skills, whether it be by study of the law, the sciences or whatever, is absolutely essential to the police force in meeting the needs of the modern community and in meeting head-on the increasing skills of the criminal element.

The Opposition has no argument with the Bill. However, problems exist in the force, and the Opposition believes that those problems should be addressed. No doubt the Minister knows about them and has an appreciation of them. Unless an attempt is made to solve them, further embarrassing incidents will break out, once again to the detriment of not only the community but also the force itself. In the long term, that can only affect the morale and the efficiency of the force. The fact that things have been quiet for some time does not mean that they are not bubbling away just below the surface.

The Minister has a difficult job. In the interests of the force and of the community, I wish him success in it. I hope that the measures proposed in the Bill will be a positive step, and that everything possible will be done to overcome the problems below the surface.

**Mr McPHIE** (Toowoomba North) (11.40 p.m.): I was very interested to note that the Opposition is strongly in favour of the Bill. I also support it. Many benefits will flow from it. As it is a short Bill, my speech will be very brief and pertinent. I will not range over many and varied police matters.

The Bill adjusts retirement ages to assist in retaining experience and expertise within the Queensland Police Force. That is necessary; but the problem is not confined to the police force. Similar problems now exist in industry and in the armed services. The need to provide a proper career structure at senior levels requires a balance. A structure is definitely needed at all levels of industry, in the services and in the police force to retain the experience and expertise that has been gained over many years of service or employment.

Whiz-kids are OK in their place. On many occasions one has seen young people introduced at a much too senior level. For example, some years ago British Leyland brought out one of its 30-year-old whiz-kids, allegedly to save its Australian operation. I do not think that that was the intention. An old hand would have been brought out if it had had any real intention of saving its business. The whiz-kid came out solely to close down the operation.

Because of changes in pension rights, a number of senior men were lost from the services in the 1970s and 1980s. That led to a loss at middle level. However, there was one gain in that promotion prospects for juniors were significantly increased. In itself, that may have been a good thing. The experience and expertise needed at the top of any organisation can be obtained only by retaining the top men for as long as reasonably possible.

Too often many senior men are lost when they reach an arbitrary retiring age while still at their peak. Although that must be accepted to some extent, it should be remembered that people who can still give many years of useful service after they reach an arbitrary

retiring age can possibly find less stressful jobs—even politics, if they want to enter that field. I am surprised that the adjustments contained in the Bill have not been made before. They seem perfectly logical adjustments that should have been put in position a number of years ago.

At present, the Commissioner of Police must retire at the age of 65 years and all other officers must retire at 60 years of age. They have an optional retirement entitlement up to 5 years before those ages. The Bill raises the age for the retirement of the Deputy Commissioner of Police to 62 years, with an option for retirement from 57 years onwards. That is a wise move, because it places the Deputy Commissioner of Police, the second-in-charge, just below the commissioner and ahead of the other officers in the police force. That provision affects only one officer at a time.

The remainder of the Bill is far more significant. It affects all senior technical and scientific officers by providing realistic new additions to their rank structure. It provides for chief and principal officers in both areas at levels that are the equivalent of existing grade 3 superintendents and grade 1 inspectors respectively. I am sure that these provisions will be welcomed in the police force and will help to retain the experience and expertise at senior level for which the Queensland Police Force is renowned. The changes proposed will be for the benefit of all concerned, especially the present officers, who will have a far better career structure ahead of them.

I again congratulate the Minister and his staff on these good amendments, and I support the Bill.

**Mr YEWDAL** (Rockhampton North) (11.45 p.m.) At the outset, I state that my sentiments are in line with those expressed by the Opposition spokesman (Mr Goss). In his opening remarks he queried whether officers were leaving the force as a result of dissatisfaction, because the retirement age had been lowered and they could avail themselves of the golden handshake, or because of a combination of those things. Not only in relation to the Police Department but also in relation to legislation generally, Government members tend to fiddle while Rome burns, to use a well-known saying.

As the Minister said, the retirement age for police officers was recently lowered, but the stage is now being reached at which the retirement age for certain ranks is being lifted. The Government has double-standards when it comes to jobs for the boys. I will not name names. However, legislation is being introduced on a regular basis to raise the retirement age of people sitting on boards. I cite the case of Mr Ron Camm, who recently reached the retirement age for the position he holds. The Government decided to extend his retirement age.

The Government is inconsistent. It seems to be amending legislation on a regular basis. I qualify that by saying that my colleague and I do not disagree that the department should endeavour to retain expertise as long as possible. However, Government members must not have been thinking too clearly when they decided initially to reduce the retirement age of police officers, because a mass exodus of officers from the department resulted.

I had difficulty in finding out who was in charge of the central division. Half the time I did not know who the inspector was because the officers were being transferred so quickly. I am not being light-hearted when I say that. I would say, off the top of my head, that in the last three or four years Rockhampton has had six or seven different superintendents as a result of retirements and officers being transferred to Brisbane to take up higher positions.

I agree with my colleague the honourable member for Salisbury that all honourable members and the whole community want an efficient police force. Because of the number of times the subject has been raised in this Chamber, the Government is aware, as is the community, of the problem of undermanning.

I, along with previous speakers, do not blame the Minister for the undermanning of the Police Department. It involves the Government, the Cabinet, the Budget and the allocation of finance. It seems to me that the priorities of Government are very often astray. That is particularly so with the Bjelke-Petersen Government. Apparently the priorities of the day are decided by the Premier and Treasurer and certain senior Ministers.

In my opinion, the crime rate, drug abuse, vice and other matters that concern the community and are placed on the doorstep of the Police Department do not receive enough attention. More police patrols are needed to reduce the carnage on the roads. The Police Department needs more manpower to carry out patrols. This is a very big State and there is a very wide area to cover. However, patrols are not being carried out. The Government should reconsider the strength of the Police Department. Recently I saw a number of interesting segments on television that featured a very prominent member of the Queensland Police Union. I concur with his comments that the police force requires several hundred more officers, with the facilities necessary to enable it to function as an efficient organisation in this State.

Pushing the parish pump briefly, I touch on a couple of matters affecting Rockhampton. The department ought to be considering a reorganisation of its operations in that city. A glaring example of the archaic approach to police surveillance in Rockhampton is that there is no direct telephone line to the North Rockhampton Police Station, which is in the middle of my electorate. If anybody, including me, has to ring that police station, the call has to be made to the main station in Denham Street, from where it is transferred to North Rockhampton. It might be said that that is a simple operation that does not take long. However, that is not necessarily so. There is only one telephone line to the main station. On many occasions it is engaged. If the police force is active, it is obvious that the phone will be active. In the last few months I have written to either the Minister or the local superintendent about the matter, but no change has been made.

The North Rockhampton Police Station closes at night. All the work and the manning is then carried out from the main station, which is at the rear of the post office. Access to it is by a laneway, which is always cluttered with police cars. Police vehicles are parked in the parking areas on the street. A major hotel is nearby and the parking meters are usually occupied. Really, it is totally inaccessible to those wanting to drive.

The majority of Rockhampton's population now resides on the northern side of the river. The major development—business outlets and new shopping centres—is taking place in North Rockhampton. The Bruce Highway passes through the middle of North Rockhampton. Whenever police want to apprehend people on the highway, they must travel through two or three sets of lights before they reach the bridge to cross the river.

It is appropriate to have a police building within a reasonable distance of the courts. The lock-up ought to be incorporated in such an establishment. The present lock-up is antiquated. It is archaic. It is so old that it is not funny. Many of the people held there are intoxicated or have been involved in family brawls. However, consideration ought to be given to building a major establishment as the new police headquarters on the northern side of the river, with better access to the highway and to the road to the coast. The staff, whether civilian or uniformed, would certainly be griping about the present facilities. If he has not already done so, the next time the Minister is in Rockhampton he should spend an hour or so to inspect the building. Though it is centrally located, it is fairly old. When the development of the city is taken into account, forward planning decrees that North Rockhampton ought to have a major police establishment with provision for car-parking, vehicle repair shops and so on.

If the Minister and the department are to encourage people to join the police force and remain in it—my observations are that the working conditions are fairly good—adequate facilities ought to be provided. I ask the Minister to take into consideration the matters that I have raised.

**Mr GYGAR** (Stafford) (11.55 p.m.): The Liberal Party supports the Bill and praises its provisions.

**Mr Shaw:** Most of the Liberal Party has gone home.

**Mr GYGAR:** I suggest that the honourable member for Wynnun call for a division. It will then be seen that, as usual, the Liberal Party will be the only party that has 100 per cent of its members in attendance in this Chamber, and that is something that the Labor Party has not been able to claim for months.

As I was saying before that inane interjection was made, the Liberal Party supports the Bill, particularly in the two important aspects of it. I refer to the appointment of higher-ranking officers in the scientific sections.

In police work, as in every other field, an expanded input of science and technology has undoubtedly taken place. It is only appropriate that, as that input expands, the number of trained officers must expand, and an appropriate ranking structure and career path for appointment to higher ranks must be provided for these qualified officers. It is only appropriate that such people be able to rise to the higher ranks of the police force in a manner that is commensurate with length of service and experience.

No doubt the police scientific section will need to be expanded as years go by because police work is becoming more technical in the detail that is required, and particularly in the knowledge that is required on the part of the average policeman. No longer can the old, old story that used to be told by the anti-police elements about the ignorant flatfoot be held even to be remotely true. The modern policeman must be a scientist in his own right, and that applies to those officers who have not received a strictly scientific education.

Ordinary police duties and ordinary police training become more complex and more appropriate in their application to the world in which we live. It is therefore only fitting that the ranks to which these specialists can rise should be expanded.

**Mr Comben:** What about more policemen being located in Stafford? One never hears the honourable member asking for that.

**Mr GYGAR:** The honourable member for Windsor has mentioned the Stafford Police Station. No-one would ever know, but that police station is in his electorate. He does not look after it very well. The ignorance of the honourable member—or, perhaps, the politics of the honourable member—is demonstrated by the fact that he criticises me for not supporting the Stafford Police Station, yet he has not risen in this House to explain who it was who prevailed upon the Minister to have sections of the Stafford Police Station rebuilt and to have the number of police officers allocated to that station increased. Of course, all that occurred a little while ago before the honourable member discovered an interest in the welfare of those police officers—an interest that other people are still trying to ascertain.

I now turn my attention to the matter of retirement age. It is essential that stability be maintained in the top ranks of the police force. As the Minister has described, if a rapid turnover of officers occurs at that level, it will lead to instability, and that will be brought about by a lack of continuity in command, control and methodology. Each individual who is appointed at that level will bring his own personal stamp to the job. Constant changes of personal foibles will not be criticised by me, because in my opinion, every good leader has them. Leaders are strong-willed people, and they have to have personal foibles. However, it is a fact of life that stability is essential if the task of the police force is to be carried out effectively.

In the circumstances of police promotions and the methods that are currently operating, the Minister's solution is an appropriate one that should receive the support of all members in this House. However, if the turnover of staff in higher ranks is a

problem and is seen to be a continuing problem, I suggest to the Minister that perhaps the net should be cast wider in an effort to find a way to increase the stability at the higher levels. I suggest that in any high-stress occupation, such as that of a policeman, a high turnover of staff will probably be a continuing problem.

I recommend that the Minister be slightly radical about solving this problem. In the police force or in any other uniformed force, the criterion for appointment to the higher ranks cannot be seniority. The younger high-flyers who were criticised by an honourable member earlier have to be provided with appropriate opportunity for promotion.

I would recommend that the Minister examine some of the practices that operate in the county police forces in the United Kingdom. I understand that there the system streams police officers who have the potential for appointment to higher ranks towards that level of occupation. After a number of years of being on the beat, where such officers have learned to be basic policemen and have demonstrated an aptitude and ability at that level, those officers are then streamed towards higher ranks and undergo an intensified training system so that the higher levels of appointment can be reached at an earlier age.

Such officers are younger in terms of years of service and therefore possess the potential for a lengthened service in higher ranks, which provides the officers with an even greater level of experience when they finally reach the positions of, for instance, commissioner, deputy commissioner and assistant deputy commissioner.

*Friday, 22 March 1985*

Another point that is not directly related to the Bill concerns morale problems in the force. In this context I refer to the Police Complaints Tribunal. It has always been recognised that that tribunal has jurisdiction only over the police force. If a member should resign from the force the jurisdiction is vacated. The Government should be cautious that officers, for their own purposes, do not seek to abuse the system.

It has been rumoured that one of the methods that could be used by an officer who feels threatened by an action in the Police Complaints Tribunal, would be to resign from the force before the action comes up for consideration. That means the matter would drop off the sheet, the Police Complaints Tribunal would file all the material and the whole thing would be over.

What would be the position if, six to 12 months later, the officer applied for readmission to the force? This method of escape could be used by someone taking premature long service leave. I do not suggest that that has happened, but the point should be considered by the Minister and the administration to ensure that the reputation of the police force remains unsullied and that no-one can use that mechanism to avoid the proper consideration of complaints.

The Liberal Party supports the two major thrusts in the Bill and commends the Minister for introducing it.

**Mr PALASZCZUK** (Archerfield) (12.3 a.m.): I support the Bill. Since entering this House I have noticed that most of the legislation has been of the bandaid variety. Many Bills include measures that have not been properly thought out. This is one such Bill.

In his second-reading speech, the Minister said—

“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.”

That should have been thought of beforehand. A number of former high-ranking police officers live in my electorate. When the relevant legislation was passed, they took the

bit between their teeth and retired. After six months' retirement they did not know what to do with themselves. They bored their wives at home, and had nothing to do other than potter round the yard. As the member for Salisbury said, they took on menial tasks.

The proposals in the Bill represent a step in the right direction. Many good, experienced officers, whom the force could ill afford to lose, have retired and gone for good.

Many problems are occurring in the Inala Police Station because of acute overcrowding. The new Oxley police complex is in my electorate, but the Inala Police Station remains terribly overcrowded. The Police Academy is also in my electorate. It is very pleasing to see the police officers who are training at the academy jogging in the streets of Inala and doing all the necessary exercises to become fit, active members of the police force.

**Mr McElligott:** They are probably members of Souths Football Club.

**Mr PALASZCZUK:** I am pleased to say that I am a Souths supporter and that many policemen live in my electorate.

What happens to the members of the police force when they leave the academy? On my trips into the city I see police officers driving round in police cars. I would prefer them to be out of the police cars and on the streets.

There are too many police cars in the city. They should be moved into the suburbs. At night, only one police car services the whole of my area. I consider that to be inadequate. Last week-end, I had occasion to contact the Inala Police Station about some breaking and entering offences in my neighbourhood. A police car did not arrive for a number of hours. That is just not good enough. I think the Minister is aware that a number of homes in the suburb of Doolandella have been broken and entered. Those crimes could have been prevented if prevention methods had been adopted.

The people in my electorate and I are really annoyed when we see young police officers, wearing pistols on their hips, walk into take-away food shops. They look like a modern day urban cowboy or a modern day Wyatt Earp.

**Mr Davis:** You know that they get cut rates from McDonalds and Big Rooster.

**Mr PALASZCZUK:** In a moment I will refer to McDonalds in the city.

In my electorate, resentment is felt towards police officers as they walk into those shops. I do not think that it befits a young constable to wear a gun on his hip when he enters a shop to buy food.

**Mr De Lacy:** Would you say that a properly trained police officer should not be eating junk food?

**Mr Scott:** Is that before or after jogging?

**Mr PALASZCZUK:** That happens after jogging. I do not think that Mal Meninga or Wayne Bennett would allow that to happen at the Police Academy.

**Mr Miller:** Can I ask why the resentment is there?

**Mr PALASZCZUK:** The resentment is there because police officers walk into shops wearing pistols on their hips. I am referring to young constables of 19, 20 and 21 years of age.

**Mr Henderson:** Why do people resent them?

**Mr PALASZCZUK:** Because they wear pistols on their hips.

**Mr Miller:** They are looked upon, though, as a safeguard in the community.

**Mr PALASZCZUK:** Of course they are looked upon as a safeguard in the community, but not when they go to buy food. They are considered to be a threat.

**Mr Miller:** Are they really?

**Mr PALASZCZUK:** Yes, they are.

A few weeks ago my daughter and a number of her friends came into the city. They went into that junk food place that was mentioned earlier, McDonalds. Not only were young police constables wearing pistols in that crowded eating area, but they parked their car in a "No Standing" zone. Those young kids came to me and complained about that.

**Mr Shaw:** They are not always in a "No Standing" zone; sometimes they are on the footpath.

**Mr PALASZCZUK:** On that occasion they were parked in a "No Standing" zone.

One of the young girls said to me that the motto of the police force was, "Don't do as I do, do as I say." That a young girl 15 years of age should say that is a sad indictment of how some police officers behave. Surely a "No Standing" sign means exactly that. Police officers should be setting an example to the young people in the community.

That is my contribution to the debate, and I hope that the Minister has noted what I have said.

**Mr SMITH (Townsville West) (12.9 a.m.):** In his second-reading speech, the Minister talked a lot about early retirements. Other than that, the Bill deals with the position of one officer.

The Minister went on to talk about the effect of the turnover of high level officers. That is true. In March 1983, the Minister issued a press release in which he talked about that problem. That is two years ago. Exactly the same problems are occurring now. The Government is no further down the track.

In 1984, the police union indicated that it needed an additional 600 police. At the time, the Minister for Police indicated that he would ask Cabinet for the Budget to provide for 525 additional police. The Budget Papers reveal that the Minister was given not 525 or 325 police, but only 100 police. The police union is still saying that it needs 600 additional officers. It also claims that, because it will need experienced officers for Expo 88, 150 additional officers will be needed.

According to the police union, Townsville is the worst-policed area in the State. In making these points, I have legitimate reason for saying that the Townsville people are not very happy about the police situation.

It is often said by Government members that Queensland is a low-tax State. I do not want to ram this issue down the Minister's throat, because he does not make such comments frequently. However, if Queensland is a low-tax State—and I argue against that proposition—it must also be a low-service State. In manpower-intensive services—police, teaching and nursing—staffing problems can be found.

**Mr Miller:** While we are talking about police, have you seen Mr Wilson anywhere? He is missing.

**Mr SMITH:** I will be speaking on behalf of the honourable member for Townsville South in this debate. His family has had a bereavement and that is why he is not in the Chamber. I hope that honourable members will take note of that.

Prior to the 1983 State election, the National Party candidate for one of the Townsville seats was seen to be prevailing upon the Minister to keep the Townsville South Police Station open. An article appeared about it in the local Townsville paper. On purely political grounds, it was agreed that the police station would remain open, and, with great bravado, compliments were paid to the candidate and the station was left open. A short time later—about three months into 1984—the station was effectively closed and the men were transferred. The station was turned into a water police and dog squad station. The Minister cannot expect the community to confidently expect to get a fair go from the Government when, three months after an election promise is made to keep the station open, it is closed down.

The police station at Mundingburra, which is in the electorate of my colleague the honourable member for Townsville South, has been reduced to a 16-hour station. The Townsville South and Mundingburra areas have a very high incidence of crime. Now that the water police have taken over the Townsville South station, the residents feel very insecure because they do not have a constant police presence. In recent months, people have been bowled over one after the other and many of the older people are fearful of going outside because of those incidents. The situation will not change until local police are restored to the area. Out at Stuart, the police have been successful because they know the local people and often receive tip-offs. That used to happen at Townsville South; it does not happen now.

I must raise with the Minister the inconvenience that has been caused to people by being no longer able to renew their driver's licence at the Mundingburra Police Station. People now have to go to the licence renewal centre on Cleveland Terrace, which is a very inconvenient and inaccessible location. To have retained that facility at Mundingburra would not have created a terribly great administrative load. That really amounts to a considerable downgrading of police and ancillary services in that area.

The next matter deals with the Stock Squad. Very soon the stage will be reached at which north Queensland will be rated as being the equivalent of the old bad lands in America. The Director of Prosecutions (Mr Des Sturgess) should know all about this, because I have just read an article that states that he was one of the main defence counsel who acted on behalf of some persons charged with cattle-duffing. According to the article, the executive director of the Cattlemen's Union of Australia (Mr Rick Farley) claimed that things in the north were very serious. A very well respected grazier who is known by many people in the north, Mr Cedric Hunt, who is also known as "Banjo", recently arrived in Brisbane bearing evidence of the wide-scale cattle-duffing that was occurring in north Queensland. I admit that the area is a long way from Brisbane, but it is being increasingly neglected.

Early retirement, which has caused a procession of senior officers through Townsville, means that no officer has been there long enough to consolidate his position. I have already spoken to the Minister about this. I am getting an almost continuous input of complaints and grievances both from the public and, frankly, from internal sources within the police force. The Minister will have to address that problem and find out exactly what is wrong. By the same token, I pay credit to those senior officers, all of whom I know and get on with quite well. It is up to the Minister to find out what is wrong in that area.

What I am about to tell the Minister may throw some light on the problem. The Queensland Police Union has said that Townsville is the worst-policed area in the State. I am told that the Kirwan Police Station, which was opened only a few years ago, is short of eight men and that, at the most conservative estimates, the Townsville Police Station is short of 10 men. These figures do not express the union's point of view; this is what I have gained from the men themselves. I am informed that the Criminal Investigation Branch needs at least a detective sergeant, six men and additional cars in order to make any sort of an impact at all in the area.

As the men point out, a great deal of crime is presently being committed in the city. Townsville has no vice squad or break and enter squad. A strong case exists for the establishment in Townsville of a professional crime intelligence unit, which may be able to cover the other areas that I have mentioned.

**Mr Scott:** I do not think the Minister cares, to be honest.

**Mr SMITH:** I am giving the Minister a chance. Because I have been along this track before, I am spelling it out.

I raised a matter with the Minister on 28 September last year. At the time I said that I did not want to make it public, and I do not intend to make it public tonight. Recently I had to write to the Minister again, but I wish to make the point that something must be wrong in the Minister's department when a member of this place who does not do the sort of thing that the Minister is always complaining about—that is, go to the press and make a big noise about it—but gives to the Minister a great deal of information on a matter that requires serious investigation still cannot have it satisfactorily resolved. Whether it be the Police Department or any other department, from September till now is just too long a period for any matter to remain unresolved. I put it to the Minister that an officer of his department needs to improve his efficiency.

Townsville has some special problems. Although the city has a very attractive mall, it attracts a considerable number of undesirable people. A very strong case exists for that mall to be patrolled more frequently by officers on foot.

Townsville is trying to develop a tourist industry. It is important that people are able to take their family into such a place as the mall and not be accosted by the undesirable element in the community. At present, that is very often not possible. Those problems must be addressed. Honourable members know that Queensland's economy is failing in many areas. Townsville is trying to compensate by building up its tourist industry. Unless there is co-operation in many of those matters, the objective will be defeated. Although I would like to make many other comments, the Leader of the House (Mr Wharton) is giving me a wind-up sign. I shall conclude my remarks and ask the Minister to take some action.

**Mr Miller:** What is the difference between the Townsville Mall and the Brisbane Mall?

**Mr SMITH:** I think that it is the same old story, whether it is teachers, police or anyone else: the further the problem is from Brisbane, the less attention it receives.

**Mr MILLINER (Everton) (12.20 a.m.):** I support fully and endorse the comments of the Opposition police spokesman, the honourable member for Salisbury (Mr Goss). The Bill contains two main provisions. One raises to 62 years the retiring age for the Deputy Commissioner of Police. If a person retires at the age of 60, something must be done about filling his position. At least he will be given a couple of years in the job.

**Mr Scott:** On a reasonable salary.

**Mr MILLINER:** As the honourable member for Cook said, on a reasonable salary. I do not know the gentleman concerned, but I am sure that he is a capable officer and will perform the duties of Deputy Commissioner quite well.

**Mr Miller:** Do you think that 62 years of age is too old?

**Mr MILLINER:** No. I do not think that it is too old. Of course, in this day and age of technology there is a tendency towards a lowering of the retiring age. The retiring age in the police force is 55 years. When one considers that the Premier and Treasurer (Sir Joh Bjelke-Petersen) is 74 years of age, one can obviously see that that is far too old and that something should be done about it.

**Mr Casey:** The Leader of the House is over 62.

**Mr MILLINER:** I heard that he was only 53. I have no reason to question that.

To return to some of the pertinent matters that have been raised by honourable members tonight—everybody in the community is concerned about the shortage of police officers. It has been pointed out that at present there is a shortage of 500 or 600 police in this State. In the last Budget sufficient funds were provided to employ an additional 100 police officers. I would like the Police Department and the Minister to get together and to come up with a plan so that for the next five years there is an organised method of employing more police. That is far more desirable than bandying about a figure of 500 or 600 and for an additional 100 police to be employed following the Budget. A five-year plan should be developed so that the future strength of the police force is known.

The shortage of police officers affects some suburbs. If there are insufficient police officers, cut-backs must be made. That generally takes place in the suburbs. If more police officers were employed, smaller police districts would be possible. Recently the size of the Mitchelton Police District was reduced considerably following the opening of the Albany Creek Police Station. The opening of the new police station was welcome because it allows the police to do more work in a smaller area. Previously, Samford was included in the Mitchelton Police District. On many occasions police officers had to proceed to Samford to investigate crimes. The trip to Samford was fairly time-consuming. As that area has been taken out of the Mitchelton Police District, the police officers have been able to perform their duties more easily.

It is desirable to have smaller police districts. Many areas are affected by a shortage of police officers. A great deal of attention ought to be given to providing well-trained and suitable police officers in the Juvenile Aid Bureau. That bureau plays a valuable role in society, particularly as it deals with young persons. There are many ways of dealing with young persons. One is to adopt the big-stick attitude. However, that turns them against the police force in later years. The attention given by the Juvenile Aid Bureau to young people is the correct attitude to adopt. With a greater number of young persons becoming unemployed, the incidence of juvenile crime has increased. I hope that in the near future more attention can be given to providing more personnel in the Juvenile Aid Bureau.

The Police Department is also involved in the area of education. On Tuesday I was fortunate enough to launch a safety house campaign at the Grovely State School, which is in my electorate. Young people must be taught what to do if they are threatened by undesirable people. I congratulate everyone involved in that safety house campaign. It is an excellent idea. I am sure that the campaign will assist the police by making young people more aware of what they should do if they are threatened.

Another matter of great concern to the community is the increase in white-collar crime. Once again, highly trained and sophisticated police officers will be needed to carry out investigations into white-collar crime. In my opinion, a need will arise for greater consultation between the Queensland Police Force and the police forces in other States. The incidence of white-collar crime and computer crime is escalating. Interstate and even international crimes in that area are increasing. That problem needs to be addressed.

I note also that the Bill allows for another level of promotion in the skilled area. That is desirable. I hope that that extends far enough down the track to attract the sort of people who can conduct such investigations. Some time ago there was a small fiasco in a specialised area regarding outsiders coming into the Police Department. I refer to the police pilots. At that time I spoke to the Minister concerning the employment as the check and training pilot of a person who was not a member of the police force. He had to be sworn in as a police officer. He was sworn in as a constable. That caused conflict within the police force because he was able to give orders to higher ranking police officers. A few rather nasty incidents took place. I note that the Government Air

Wing or the "Royal Queensland Air Force" has been carved up and that the Premier and Treasurer is keeping the jet and the helicopter.

**Mr Burns:** Who is the air chief marshal?

**Mr MILLINER:** The Premier and Treasurer is the air chief marshal. The Minister is the squadron leader.

The other aircraft are to go back to the police force. As I understand it, the Police Department will be responsible for re-employing pilots. I am not sure how that will be done. I hope that the situation does not arise again in which a constable is in charge of an air wing and placed in a position in which he must give orders to higher ranking officers.

I support the comments of the honourable member for Salisbury. I hope that they lead to improvements within the Police Department.

**Mr DEPUTY SPEAKER (Mr Row):** Order! Before I call on the honourable member for Cook (Mr Scott), I point out to honourable members that the Whips' list that I have before me does not include a number of members who have indicated that they desire to speak. I expect that the Government Whip will present a list including that submitted to him by the Opposition Whip. If reasonable progress is to be made, the lists should be binding. I realise that I am obliged to call members who wish to speak. However, I would like to see more co-operation between the Whips on this matter.

**Mr DAVIS:** I rise to a point of order. The lists are purely and simply a result of co-operation between the Government Whip and me. I supply him with certain names. However, I do not stop any member of the Opposition from speaking. It is purely as a matter of courtesy to the Chair that I provide such a list. Personally, I would not care if there were no lists. It is only a courtesy to the Chair. No Standing Order says that it must be done.

**Mr DEPUTY SPEAKER:** Order! I suggest that it would be beneficial if there were more co-operation between the Whips.

**Mr SCOTT (Cook) (12.30 a.m.):** It is a shame that legislation as important as this is being debated at half past 12 on Friday morning. The Leader of the House should not look at me accusingly.

**Mr Wharton:** Speak about the Bill.

**Mr SCOTT:** I intend to. The Leader of the House is making noises about honourable members wishing to speak. We are entitled to speak. Democracy is denied too often by the Government. If it could, it would shut down every debate in the House.

**Mr Mackenroth:** They wouldn't have any.

**Mr SCOTT:** No. The Government would rather not have us here at all. Unfortunately, it has to go through the motions and it has to listen to us. The criticisms that emanate from this side of the House are balanced and fair. We do not stand to rant and rave for the sake of hearing our own voices come through the microphones.

**Mr Wharton:** You are now.

**Mr SCOTT:** The Leader of the House has provoked me into saying this. I am quite happy to speak about the Bill. I have a number of points to make about police matters, but the Leader of the House should not try to shut debate down.

I am critical of the Government's performance in police matters. It has a tiger by the tail. The police force has been pandered to too much, particularly by the Premier

and Treasurer (Sir Joh Bjelke-Petersen). The police force has a tendency to lead the Government. I say that after due consideration.

It was spelt out in 1980 in the Minister's speech on the initiation in committee of the Police Superannuation Act Amendment Bill, which introduced the optional retirement program under which police could elect to retire at any time within five years of the fixed retirement age—five years! Many senior officers are choosing to leave the force at a younger age. The Government has been instrumental in destroying morale in the police force. That worries me greatly. It is trying to absolve itself by a pettifogging Bill such as this, which increases the retiring age for one senior officer. What has the police force in this State been allowed to come to?

Opposition members have fairly and honestly criticised the Government's performance in the sphere of police. Comments have been made by members on all sides about the inadequacy of police protection in this State. Nowhere is that more starkly highlighted than in Cooktown. It is incredible. The Government has allegedly built a road in far-north Queensland to control drug-pushers, but it does not employ sufficient police to do the job. How many police are in Cooktown, and how many vehicles do they have?

If one allows for holidays, appearances in court in Cairns, in-service training, time off in lieu of overtime and all the other absences, there would be barely one full-time policeman in Cooktown. That station has the responsibility for an area between the top end of the McIvor Road and the Bloomfield area.

The Minister for Environment, Valuation and Administrative Services (Mr Tenni) constantly tells us that Cape Tribulation, which is just south of the Bloomfield River and in his electorate, is the source of almost all of the drugs that enter this State.

**An Opposition Member interjected.**

**Mr SCOTT:** What nonsense the Minister goes on with. According to him, all the drugs come ashore in the Cape Tribulation area or are grown in that area. He should be ashamed of himself. He should not be a Cabinet Minister. He says that that sort of activity is taking place in his electorate, yet he is unable to do anything about it. The Opposition has the right to criticise that. That is happening because the police force in Queensland is inadequately staffed. The retiring age has been reduced, as the Minister said, and he is sitting back and copping it. I do not think he cares. Fancy a Minister saying how dreadful it is that these activities are occurring in the Cape Tribulation area! I will read an article from this morning's "Cairns Post" It makes an absolute joke of the Minister for Environment, Valuation and Administrative Services.

A lady who lives in the Cairns area said that Mr Tenni confuses fact with fiction because his secretary, Lindsey Bower, wrote a book that was published in Kuranda three years ago and was titled, "The Crossroads—Man, Murder and Skulduggery at Cape Tribulation" That book set out the very things that Mr Tenni has said are taking place in the north, especially his reported ridiculous nonsense about the white-slave trade that has caused residents of far-north Queensland to lose their daughters at an incredible rate through abduction.

**Mr Miller:** Has Mr Tenni reported that matter at all?

**Mr SCOTT:** I intend to ask the Minister that very question.

As soon as I have informed honourable members about the contents of the book, I will ask the Minister whether Mr Tenni reported to the Minister for Lands, Forestry and Police (Mr Glasson) the dreadful occurrences that are taking place in north Queensland, such as counting four heads in an aluminium dinghy that was going out to rendezvous with a ship that was anchored off shore and counting only one head when the boat was making its return trip.

**Mr Casey:** Perhaps it could be arranged that the Minister for Environment, Valuation and Administrative Services read "Star Wars" next, and he may then go into orbit.

**Mr SCOTT:** I have no doubt that that Minister would be a supporter of Mr Reagan, and the story would truly be about star wars. However, it is all "Star Wars" in Mr Tenni's head, unfortunately.

In a very legitimate way, I wish to document the material I have mentioned in the House. I have named the book, and I point out that it was written by the Minister's secretary. It was a ridiculous, fictional story about abductions at Cape Tribulation. Now the Minister for Environment, Valuation and Administrative Services has made statements in the media. On the television program "Good Morning Australia", the Minister appeared, and the first thing that the people over the whole of Australia saw was a Minister of the Queensland Government saying that even the Premier and Treasurer's wife might be able to be abducted by the white slavers. That is the story, and I assure honourable members that I am not drawing the longbow even to the slightest extent.

I do not blame Government members for laughing at the actions of that Minister. The program "Good Morning Australia" that I refer to was telecast and it showed a Minister of the Crown saying ridiculous things that he had lifted or plagiarised from his secretary's book. The Minister was putting them across as facts to be accepted by the people of Australia.

It took approximately a half an hour for the minds of the television presenters to grasp what had happened. I understand that after that dreadful story had been told, they sat together and mulled over what had happened. Because it was a Minister of the Crown and because the presenters were loyal Queenslanders, naturally, they took what the Minister was saying to be gospel. However, the pennies eventually dropped and they said to one another approximately half an hour after Mr Tenni had appeared, "Did you realise that that was actually a Minister of the Crown talking to us about that ridiculous subject? Can you imagine Lady Flo Bjelke-Petersen bound up with barbed wire and being carted off to join some kind of white-slave trade?"

When the presenters asked Mr Tenni about the white-slave trade, he appeared not to understand the term. Surely I do not need to spell out the explanation of that term, but I will for the simple reason that people read "Hansard" and, apparently, some people do not know what the white-slave trade is about.

**Mr Casey:** I doubt whether white-slave traders would be able to stand too many of those pumpkin scones.

**Mr SCOTT:** They would find the diet slightly tough, because I believe the scones are.

The white-slave trade is allegedly a system whereby white women are stolen from either this country or any other country in which white women reside. The women are then taken to a hypothetical Middle East country where they are used for prostitution or in harems. That is the kind of thing that Mr Tenni alleges is occurring in far-north Queensland. He has said that dozens of women are missing, and I ask the Minister for Lands, Forestry and Police whether that is true. Mr Tenni alleges that the women are taken out to ships that very conveniently pause opposite Cape Tribulation and take the women on board, and then go away to the Middle East.

That is a tirade of nonsense, but the sad part about it is that if it is true, and drug-running is being conducted to such an extent in the electorate of Barron River that the Minister for Environment, Valuation and Administrative Services had to have a road constructed through the area at the cost of \$1m, why have the police not stopped such activity? The reason is that the Minister for Lands, Forestry and Police does not employ enough police officers. The Minister has therefore allowed that kind of reputation to attach itself to the State Government—a reputation that implies that the Minister is soft on drugs because he will not employ enough police officers.

Evidence of this exists in Cooktown. Senior officers of the Police Department complain in Cairns and in every other town or city that is located south of Cairns. A complaint has been received from every suburb, and mention was made of that earlier this evening. The only honourable member who had a kind word to say was my colleague the honourable member for Everton (Mr Milliner), who said that the police district in his electorate had been reduced in size because a police station had been opened recently. Thank goodness that a gleam of light exists somewhere in relation to manning levels, because it simply does not exist in remote areas.

Weipa, which is a very large police area in my electorate, has only one police vehicle. When that vehicle is out of action, the police use their own cars. A policeman told me recently that he had to buy a four-wheel-drive vehicle as a second vehicle because when the police asked him to use his car he did not want it to get stuck in the mud and thus leave his wife without a car.

Normanton, which is also the centre of a very large police area, is inadequately staffed and improperly serviced. The Normanton police have had three boats. The first one was a little aluminium boat, which was supposed to service this area that is surrounded by sea and in which so much police business involves sea voyages. The next boat was an 18-foot cat, and the police now have a 23-foot cat. Even the 23-foot boat is incapable of getting the police to all the areas that they have to serve.

Some time ago, when a rape occurred on one of the outer islands, months elapsed before the police could go there and, when they did make the trip, they used a Department of Community Services boat, the "Melbidir"

I know that the Minister is not in favour of the overtime ban that the Government requires him to impose and the shortage of staff and materials. These are very serious matters. I am sorry that I do not have my full time to tell the Minister more about what is wrong with the Police Department.

**Mr PRICE** (Mount Isa) (12.42 a.m.): I agree with the comments made by the member for Cook. In my electorate of Mount Isa, the situation is much the same. I should like a little latitude tonight to comment on police matters in my district. When we debated a police Bill almost 12 months ago to the day, I raised these problems with the Minister on a number of occasions but, in the intervening period, very little has been done. I have written to the Minister about several problems, but, unfortunately, I have always received the same reply. Each time, my letters must go to the same clerk, who always replies in the same vein.

In the Dajarra district one policeman serves on a temporary basis. Although I understand that six police officers, including the constable serving temporarily have applied, no officer has been appointed permanently.

The Mount Isa area has 66 police officers. I have told the Minister over and over again about the Doomadgee community and its 1 200 residents who are without police. Although I have written to the Minister on many occasions about appointing police to the community, I have always been told that there are no plans to do so. When my predecessor approached the Minister, he was successful in having an additional policeman appointed to Burketown, which has 200 residents, two permanent policemen and one temporary policeman. The temporary policeman is supposed to travel fortnightly to Doomadgee to look after 1 200 of my constituents. The six native policemen at the community have had no State police training, and they have no powers of arrest. When I visited the community on the last occasion, two of the six native policemen were on leave, two off duty and each of the other two had a broken arm.

**Mr Miller:** Why?

**Mr PRICE:** They received the broken arms when they tried to carry out the work of a State policeman during a domestic argument.

**Mr Lane** interjected.

**Mr PRICE:** The Mount Isa Police District has never recovered from the days when the Minister for Transport was there.

**Mr Lane:** Under your party, we were living in tin sheds and tents.

**Mr PRICE:** By the time I have finished, the police will not be living in that sort of accommodation.

**An Opposition Member:** Do they still run the SP book-making out there?

**Mr PRICE:** There is very little of that about now.

Under the new legislation the native policemen will be given extra powers. However, at present they do not have the power of arrest. If they want to arrest a person, they have to take him to Burketown to get a State policeman to arrest him. The condition of the road between Burketown and Doomadgee is such that, at times, particularly during the wet season, it is impossible for the police constable to visit the area. On one occasion when I visited the area I found the administrator of the community was frightened to stay there overnight because an incident, involving a knifing, had occurred in the community during the day. I wrote to the Minister about that matter.

**Mr KATTER:** I rise to a point of order. That is a reflection on me. I am the relevant Minister in charge of that area. The by-laws have been sent out and they have been passed by every council. The police now have the power of arrest.

**Mr DEPUTY SPEAKER (Mr Row):** Order! The Minister has implied that, because of his involvement in the area, the member for Mount Isa caused him concern. I did not detect any personal reflection in the member's comments, so I really cannot accept the point of order.

**Mr PRICE:** By contrast, the community of Mornington Island, which is north of Doomadgee, has four State policemen for 900 people. In the letter that the Minister wrote to me, he mentioned that State police had been sent to Aboriginal communities, including Edward River. They are communities of approximately 450 people. Doomadgee has 1 200 people and no State police. It is not that the native police are not good at their job or that they do not have the power of arrest; the presence of a State policeman, or a European, would be sufficient to maintain law and order in a relatively passive community. Such a presence is necessary. All that is required at Doomadgee is one policeman, and I am sure that law and order would be maintained to the Minister's satisfaction.

I know that the Minister will not allow only one policeman to be stationed in these communities. If the Minister visited the community and got a feel of it, he would realise that one policeman would be sufficient. Good accommodation could be made available for one policeman. There would be a problem in providing accommodation for a policeman with a family or for more than one policeman. Housing is being provided in that community. In this 12-month period, about 30 houses will be built. Surely one of them could be set aside for a policeman.

There is a lack of housing for police in Mount Isa. I have written to the Minister's department and also to the Department of Works and Housing in an endeavour to have extra housing provided for police in Mount Isa. To afford accommodation in Mount Isa, one policeman with a wife and young family—she is expecting again—has to share a flat with another constable. They were advised, as are other police officers in Mount Isa who cannot obtain accommodation or cannot afford the accommodation that is available, to put their names on the Housing Commission list. That list is 160 strong, which means a delay of 14 to 16 months in being placed in a Housing Commission house. Generally the turnover of police in the region is every 12 months or 2 years. It is a waste of time putting their name on the Housing Commission list.

I wrote to the Housing Commission to discover whether a house could be set aside for police, and I mentioned the houses that were to come from Gunpowder after that town had been auctioned. I was told that the police had not applied for Housing Commission housing. The police union representative in Mount Isa and the inspector of police told me that they had applied to the Police Department for additional housing but the Police Department had not communicated with the Works Department in order to get a house set aside on a guaranteed rental basis. That is another bum that needs to be kicked. The North Queensland Electricity Board has handed over one of its guaranteed houses to the police to try to ease their housing shortage.

My district has 66 police. I was incensed recently to read of complaints by the honourable members for Southport and Surfers Paradise that the ratio on the Gold Coast was one policeman to 750 people. A community in my electorate has 1 200 people but no policemen. No-one wants to go there to live; yet the teachers will work there on the usual transfer basis. I would like to know why a policeman cannot be put into the community on the same basis.

Cloncurry is another case in point. I congratulate the inspector of police in Mount Isa on taking the trouble to form liaison committees with the Aboriginal communities in Mount Isa and Cloncurry. Recently, complaints were made about racial discrimination in Cloncurry. A public meeting was held, to which the Minister for Northern Development and Aboriginal and Island Affairs (Mr Katter) and his father, who is the Federal member for the area, were invited, but they neglected to turn up. I was present at that meeting.

**Mr KATTER:** I rise to a point of order. I object very strongly to those remarks. I was not invited to that meeting, and I resented not being invited. I was involved in the lead-up work.

**Mr DEPUTY SPEAKER (Mr Row):** Order! The honourable member for Mount Isa did mention the Minister for Northern Development and Aboriginal and Island Affairs directly. The Minister has objected to those remarks. I will take his point of order. I ask the honourable member to accept the Minister's explanation that he did not receive an invitation.

**Mr PRICE:** I will accept his explanation. If the Minister obtains the minutes of that meeting, he will find that the chairman claimed that the Minister was invited to that meeting and neglected to turn up.

**Mr Scott:** We can obtain them and table them in the House.

**Mr PRICE:** Yes, they could be tabled if necessary. The Minister knows who the chairman of the meeting was and a simple telephone call would clear the matter up.

As a result of that public meeting, a liaison committee was set up by the inspector. Unfortunately, some disturbing incidents were related about the local police in Cloncurry. Two of the incidents that had occurred in that town pointed to definite racial discrimination. Both sides of the story were aired that night.

**Mr GLASSON:** Mr Deputy Speaker—

**Mr PREST:** Mr Deputy Speaker—

**Mr DEPUTY SPEAKER (Mr Row):** Order! I call the Minister.

**Mr PREST:** Mr Deputy Speaker—

**Mr DEPUTY SPEAKER:** Order! I have no wish to curtail debate in the House, but Standing Orders provide that the Chair will give the call to the person who rises first in his place. I am quite certain that on this occasion the Minister was the first to rise.

**Mr PREST:** I move—

“That the member for Port Curtis be heard.”

Question put; and the House divided—

AYES, 26		NOES, 41	
Casey		Ahern	Lickiss
Comben		Alison	Lingard
D'Arcy		Austin	Littleproud
De Lacy		Bjelke-Petersen	McKechnie
Eaton		Booth	McPhie
Fouras		Borbidge	Menzel
Goss		Cahill	Miller
Kruger		Chapman	Newton
Mackenroth		Cooper	Powell
McElligott		Elliott	Randell
McLean		FitzGerald	Simpson
Milliner		Gibbs, I. J.	Stephan
Palaszczuk		Glasson	Stoneman
Prest		Goleby	Turner
Price		Gunn	Wharton
Scott		Harper	
Shaw		Henderson	
Smith		Innes	
Underwood		Jennings	
Vaughan		Katter	
Veivers		Knox	
Warburton	<i>Tellers</i>	Lane	<i>Tellers</i>
Warner, A. M.	Davis	Lee	Kaus
Yewdale	Campbell	Lester	Harvey

Resolved in the negative.

**Hon. W. H. GLASSON** (Gregory—Minister for Lands, Forestry and Police) (1.4 a.m.), in reply: I thank all honourable members for their contributions to this debate. The legislation contains two principal amendments to the Act. One amendment provides for an increase in the retiring age of the Deputy Commissioner of Police. The second principal amendment provides for greater reward for officers in the technical service of the department.

The Opposition spokesman expressed concerns that have been aired in this Chamber before. He stated his concern about the early retirement of police officers.

I will reply also to the comments made by the honourable member for Toowoomba North (Mr McPhie). The Government was not led up the garden path, as the honourable member for Cook (Mr Scott) said. The police union, on behalf of its members, sought an earlier retiring age for police officers. That was granted, and it was a very popular decision within the police force.

Prior to the amendments last year to the Police Superannuation Act, very few police officers, other than extremely loyal officers, would remain in the force upon reaching retirement age. That was because if an officer was killed on duty or died in service his wife received a pittance compared with the commuted superannuation benefit that the officer would have received on his retirement. That anomaly was rectified in the amendment that I introduced. In my opinion, that was a significant move towards stabilising the higher echelon of the Queensland Police Force, that is, the senior officers.

I have answered many questions that were asked by Opposition members who are concerned about the lack of stability of officers serving in their electorates. The honourable member for Rockhampton North (Mr Yewdale) raised the matter. Three or four Opposition members said that they hardly got to know their inspector or superintendent before he moved on. That occurred because of consequential vacancies when an officer near the top made his decision to retire from the Queensland force.

The honourable member for Salisbury (Mr Goss) expressed concern about the Police Complaints Tribunal. The Police Complaints Tribunal is one of the best public relations

success stories for the Poice Department in the last decade. The tribunal was set up by my predecessor, the Minister for Local Government, Main Roads and Racing (Mr Hinze).

The honourable member expressed specific concern about the investigation by the Police Complaints Tribunal into allegations of cattle duffing in north Queensland. I gave the media an unqualified assurance that the report of the Police Complaints Tribunal as a result of its investigation will be tabled in the House when it is completed. My purpose in tabling the report—it is known as the Mickey Bull report—is to put to rest any doubt in anyone's mind about how thoroughly that investigation was carried out by the Police Complaints Tribunal.

I pay tribute to Judge Pratt, to Mr Rogers, the magistrate from Redcliffe, and to Senior Sergeant Col Chant, the president of the Queensland Police Union, for the thoroughness of their investigation. I am sure that Opposition members and Government members will appreciate the work that has gone into compiling the report.

Honourable members opposite have expressed concern about the number of officers in the Queensland Police Force. They also noted my submission to Cabinet seeking 500 additional police officers. That would have brought the Queensland Police Force up to an optimum figure. The Police Department was granted an additional 100 police officers in the initial Budget. Recently, the Premier and Treasurer announced that approval had been given for the appointment of an additional 50 police officers, making a total of 150 in this financial year.

To give an indication of the extent to which police forces in other States are under strength, I indicate that the police force in Victoria has 1 200 fewer than establishment. As Queensland is not at full establishment, a double tribute is due to the officers of the Queensland Police Force for the thoroughness with which they carry out their duties. No-one is suggesting that the staffing is at a level desired by communities round the State. However, Queensland holds the best clean-up record of any police force in Australia. I pay that tribute to the officers of the Queensland Police Force.

The member for Toowoomba North (Mr McPhie) made the valid point that the introduction of the measure allowing for early retirement on superannuation led to a large number of early retirements.

The member for Rockhampton North (Mr Yewdale) touched on the change-over of police. He raised matters of concern in the police district of Rockhampton and in his own electorate. I take his comments on board. Obviously, the research and training section will investigate whether adjustments ought to be made.

The member for Stafford (Mr Gygar) said that stability was necessary in any organisation. That is accepted.

The member for Archerfield (Mr Palaszczuk) supported the Bill but spoke about the lack of space at the Inala Police Station. Let me say that the building program carried on by the Works Department on behalf of the Police Department in the last three years is second to none in Australia, both for police stations and for police housing.

**Mr Lane** interjected.

**Mr GLASSON:** As my colleague the Minister for Transport said, in the days when Labor was in Government, the police lived in tents.

The member for Archerfield spoke about the Oxley academy, which is in his electorate. The achievements of the academy are something of which all honourable members can be proud. The academy is turning out some of the best police officers in Australia. It is a credit to the officers, the instructors, the commissioner and the police force as a whole. It would be beneficial for members of the Opposition to witness a graduation ceremony at the Oxley academy.

The honourable member for Archerfield mentioned also the repugnance felt by some people at the sight of police officers carrying guns in public. Probably none of us

thought the day would come when we would have to put guns on the hips of police officers in the course of their general duties. However, there are now many places in the city of Brisbane that I would not visit without wearing a gun.

**Mr Davis:** Oh, come off it!

**Mr GLASSON:** Obviously the member for Brisbane Central has never been to all areas. If he were to accompany police officers for one night, he would have his eyes opened.

**Mr Davis:** McDonalds and Big Rooster?

**Mr GLASSON:** I am not talking about that. I am talking about areas that they must patrol. If a police officer leaves his vehicle for refreshments, what does he do with his revolver? He most certainly does not leave it in the vehicle.

I accept that it is repugnant to many people to see police officers walking round armed. In some areas, guns are not necessary. I accept the point and realise that, in the opinion of many people, it tarnishes the image of the force. Their reaction is, "Why do I have to have a police officer with a gun on his hip to control me?"

The honourable member for Townsville spoke about the need for 500 additional police officers, and I have already referred to that. The honourable member also mentioned the Townsville South Police Station and the fact that the Government had said that it would remain open. That statement was not a political gimmick; I emphasise that. In Townsville, a requirement emerged for water police and a dog squad. The decision was based on an assessment of whether a dog squad and the water police would be better for law enforcement in Townsville or whether we should provide an additional officer who would be based across the river and less than half a mile from the Townsville headquarters.

I do understand that the people of Townsville South came to know their local police officer, and that is a very important point that must be remembered. However, the alternatives had to be examined realistically, and it should also be borne in mind that accommodation for the water police and the dog squad could not have been provided if the Townsville South Police Station had not been utilised for that purpose.

**Mr McElligott:** But the point is that you changed your decision before an election.

**Mr GLASSON:** That is right, and that occurred soon after I became the Minister. I undertook a trip to the far-northern regions with Mr Atkinson, and that is when that promise was made. At that time it was said that police stations would not be closed in the north.

However, let us be fair. To accommodate the water police and the dogs quad, the Townsville South Police Station had to be utilised. I ask honourable members to bear in mind that it was simply the local policeman that the local residents missed. Ample opportunity exists for local residents to travel less than half a mile to the new police headquarters. Despite the fact that a brand-new police station has been opened in Townsville, I can see that I have not satisfied the honourable member for Townsville West. The honourable member also referred to policing of the area at Mundingburra.

**Mr McElligott:** But that is 15 km away.

**Mr GLASSON:** That may be so, but when the Kirwan station was built, the pressure was taken off Mundingburra. Although I cannot quote the numbers of the increase off the cuff, a general upgrading has taken place and the police strength for the Townsville district has been increased.

The honourable member for Everton referred to the role of the Juvenile Aid Bureau. In my opinion, no more important section exists in the Queensland Police Force than

the Juvenile Aid Bureau. I pay great tribute to each of the officers who have an understanding of the work of the Juvenile Aid Bureau. That section is of tremendous importance to the work of the Queensland Police Force. In discussions that I had with the Commissioner of Police recently, it was agreed that crucial sections of the police force were in need of additional manpower, and the Juvenile Aid Bureau is very high on the list of sections that require additional personnel.

Unemployed youth has added to the problems of society in general, and I have become aware of representations that have been made by the honourable members for Surfers Paradise and Southport about a neighbourhood watch scheme that has been implemented because of the increase in crime. Young people now have idle time and have been introduced to the drug scene. Many satisfy their needs by becoming involved in break-and-enter activities. The incidence of idle time and the increase in crime dovetail, and it is a sad but true fact of life that young people who are involved in the drug scene resort to crime.

I am sure that no-one would argue against the proposition that white-collar crime is a slur on society.

The honourable member for Cook could undoubtedly win a part in a play, if the way he told the story about my colleague the honourable member for Barron River is any indication. He referred to white-slave trading and heads that disappear in the night, but I do not take his comments seriously. I do not believe that the honourable member for Cook doubts the sincerity of the statements made by my colleague that far north Queensland is a tremendously vulnerable area for activities in the drug trade.

If honourable members were aware of the clean-up rate in north Queensland over the last two years, half of which has never been the subject of media attention, they would not doubt the sincerity of the Minister's statements. However, in many cases, the media revels in knocking the Queensland Police Force. When drug raids take place, hardly a mention is made of the achievements of members of the Queensland Police Force, particularly the drug squad.

Since the Premier and Treasurer decided to locate a helicopter in North Queensland, the efforts of the Queensland Police Force have been lifted in its ability to handle or cope with the drug trade in north Queensland that centres on the growth of marijuana.

**Mr Scott:** If you promise to supply an extra vehicle for Cooktown I will believe that you are genuine.

**Mr GLASSON:** I will not promise an additional vehicle for Cooktown at this time but I will consider the request realistically.

The member for Mount Isa expressed concern about Dajarra and Doomadgee mission. This is a different field. I said that the department would take responsibility at Lockhart and Edward River. Discussions took place recently between my colleague's officers and the Commissioner of Police. Quite obviously the police will have to move into the other areas. That will not happen overnight. It will depend on the funds available. When funds are available the responsibility will be shifted from the Aboriginal community to the Queensland Police Force.

I thank honourable members for their contributions.

Motion (Mr Glasson) agreed to.

#### **Committee**

Clauses 1 to 8, as read, agreed to.

Bill reported, without amendment.

#### **Third Reading**

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

**DEVIATION OF RAILWAY AND NEW BEENLEIGH RAILWAY STATION****Initiation**

**Hon. D. F. LANE** (Merthyr—Minister for Transport): I move—

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

‘That the House approves of the working plans, sections and book of reference for deviation of the railway and a new station at Beenleigh.’”

Motion agreed to.

**Committee**

**Hon. D. F. LANE** (Merthyr—Minister for Transport) (1.23 a.m.): I move—

“That the House approves of the working plans, sections and book of reference for deviation of the railway and a new station at Beenleigh.”

Honourable members would be aware of the Government’s commitment to provide efficient public transport facilities. Electrification of the Brisbane suburban area is nearing completion at an expected total cost of \$380m.

On 3 November 1984, electric train services to Beenleigh were officially commissioned. Electric train services to Caboolture will commence in June 1986.

The redevelopment of the Roma Street rail complex is now under construction. This will provide a modern interchange facility for interstate and intrastate rail services as well as bus and coach services and the suburban rail network.

The Government is also committed to the construction of a high speed rail link between Brisbane and the Gold Coast at an estimated cost of \$136.8m. Major survey work for this project will be completed by November this year.

The relocation of Beenleigh Railway Station is a major part of the Government’s overall scheme not only to provide an efficient bus/rail and car/rail interchange for Beenleigh but also to facilitate the extension to the Gold Coast.

This project involves the construction of a deviation to the west of the existing station and the construction of a 100-metre-long tunnel beneath the traffic roundabout at the junction of George, Main, Kent and James Streets, Beenleigh.

The relocation project includes the construction of about 1.7 route kilometres of new electrified track, including an 800-metre extension beyond the existing station.

The estimated cost of the entire project is \$8.9m, including interchange facilities that will cost \$480,000.

New station facilities will be constructed to the east of the roundabout, including interchanging facilities for cars and buses.

Relocation of the station as proposed will release valuable commercial land in the centre of Beenleigh for commercial redevelopment purposes in accordance with the Albert Shire Council’s town-planning proposals for Beenleigh. Albert shire is one of the fastest-growing local authority areas in Queensland.

Suburban rail patronage on the Beenleigh line showed an increase of 15.4 per cent last financial year over the previous year. Beenleigh station recorded an increase in journeys of 15 per cent for the same period. There is an obvious demand for improved interchange facilities, and it is proposed to provide initially about 200 car-parking spaces.

On 4 November last year, a Metrolink bus/rail passenger transport system was introduced at Beenleigh as an alternative to existing bus services between Brisbane and the Gold Coast. The idea was to give Gold Coast residents direct access to the Brisbane electric Citytrain network until the Gold Coast railway is built. The rail portion of the

journey links Central Station with a bus/rail interchange at Beenleigh, where passengers board a coach terminating at Coolangatta.

Queensland Railways figures show that the number of Metrolink passengers travelling through Beenleigh in the ninth week of operation was three times that of the first week.

The bus company, McCaffertys, was operating up to 10 services a day to cater for the demand for bus/rail transport.

I commend this proposal to the Committee.

**Mr CASEY (Mackay)** (1.27 a.m.): I know Beenleigh very well. When I first knew it, it was a small country town. At that stage, its best commercial industry was the bakery that sold bread to visitors to the Gold Coast. As the road traffic built up, the railway line to the Gold Coast was closed. That was not accepted very happily by the people of Beenleigh. The highway bypass was built and that eased some of the congestion in Beenleigh. Once more traffic is building up in the town. Beenleigh has virtually become a satellite city of Brisbane.

The Committee has before it what is known locally as the tunnel proposal. It will be built under the main intersection in Beenleigh. As well the Beenleigh Railway Station will be shifted. Quite a deal of money will be spent. Under the proposal, the railway line will be extended only 800 metres beyond the end of the existing track. On the costs that have been placed before us, that will work out at almost \$12,000 a metre. That is a lot of money and the Committee should really look at what is happening. It is really only a single track that is being constructed.

In his report to Parliament, the Commissioner for Railways referred to the fact that working expenses as a ratio to revenue earnings will probably be the same as those for the rest of south-east Queensland. The report shows that for coaching traffic, earnings in the south-east corner were approximately \$332 per train kilometre and expenses were about \$1,992 per train kilometre. In other words, there is a return of 16.62 per cent. Under this proposal, an additional \$8.9m will be spent but no further revenue will be earned. The railways will not charge any more for the journey from Beenleigh to Brisbane. It is of little use until the Gold Coast line is built—or rebuilt. Certain considerations relating to that will be dealt with by my colleague the honourable member for Ashgrove (Mr Veivers).

Since the proposal was first placed before the House, the parking plan has been changed completely. Certain people who have a vested interest in the area, and who are closely aligned with the National Party, were not happy about losing some of their property. As a result, it will be a whole new ball game. Plans must be reorganised and earthworks will be altered. The new proposal will mean that several supporters of the National Party will be the main beneficiaries. One beneficiary is the honourable member for Albert (Mr I. J. Gibbs).

As a result of the proposal, the Beenleigh business district will be altered. Those businesses that are established on the southern side of City Road and on the southern side of George Street will benefit. At this stage, the main business area of Beenleigh is on the northern side, which is opposite the railway station. All honourable members know how railway stations engender traffic. Some people have been in the know a little longer than others, and they have ensured that they will be advantaged by the new proposal.

It was reported in "The Albert and Logan News" of 7 December 1984 that—

"Owners of properties near the site of the new railway station are worried about its exact location and are uncertain of whether their sites may be needed by the Railway Department.

Representations both to the Railway Department and to Albert Shire Council for clarification of the position have been fruitless and they still do not know whether their properties will be resumed."

In December 1984 the property-owners in the area did not know what was going on.

The date reveals that a mix-up must have occurred in liaison with the Railway Department, because the initial plans and drawings were tabled in Parliament 10 days earlier, on 28 November 1984. A Federal election was about to be held and everyone was busy concentrating on making sure that Bob Hawke was returned as Prime Minister of Australia. I am sure that the property-owners in the area who were concerned about resumptions had other things on their mind in that 10-day period. However, the people who were in the know knew about the proposal much earlier than that.

In August 1979, Ivan James Gibbs, the honourable member for Albert, was promoted into Cabinet. I ask honourable members to listen to the subsequent sequence of events. On 5 February 1981, 1 550 square metres of what is now lot 1 on registered plan no. 181495 on George Street, on the south side of City Road—the area that I referred to as benefiting from this proposal—was purchased for \$90,000 by Carl Henry Holm, one quarter share; Stereo Type (276) Pty Ltd, one quarter share; and Barker and Gibbs Investments Pty Ltd, one half share.

Carl Henry Holm is otherwise known as Charlie Holm, and is a senior vice-president of the National Party of Queensland. The honourable member for Ashgrove will refer to some other skulduggery that Mr Holm has been involved in. Stereo Type (276) Pty Ltd was the company of Paul Michael Flann, a former campaign director of the honourable member for Albert, Ivan James Gibbs. The principal of Barker and Gibbs Investment Pty Ltd was Ivan James Gibbs of Reserve Road, Coomera, who is the honourable member for Albert and the Minister for Mines and Energy. At this stage I will not name the other directors of that company. The address for the postage of documentation for that company and for documentation relating to this parcel of land was Reserve Road, Coomera. That is shown clearly on the certificate of title that relates to that property.

On 9 December 1982, some 22 months later, the same syndicate purchased a further 548 square metres for \$32,498. That gives a total purchase price of \$122,000-odd for the land that is now known as Lot 1 of registered plan 181495, containing a total area of 2 098 square metres.

On 27 August 1984, the owners were Barker and Gibbs Investments Pty Ltd with a half share, Mr Holm with a quarter share and the other quarter share had passed into the hands of Arthur William Smith and Vida Lois Smith. I do not wish to go into the circumstances and problems that had beset Mr Flann. The certificate of title is volume 6440, folio 93. On that date, 27 August 1984, the land was sold for \$240,000.

I will now indicate to the Committee the escalating value of this land. On 5 February 1981 it was worth \$58 per square metre. By 9 December 1982, some 22 months later, the value had increased to only \$59.30 per square metre, an increase of only 2.2 per cent. All honourable members know that land prices have been depressed. However, 20 months later, on 27 August 1984, which is when the contract of sale was negotiated, the value per square metre had almost doubled to \$114.39, an increase of 93 per cent in that period compared with 2.2 per cent in a similar previous period. What a tremendous difference! Why was there that difference? Because the land is opposite the proposed railway station!

Although a number of accusations could be made and conclusions drawn, it is not my intention to do that. This morning I am placing the bare facts before the Committee. To amplify those facts, I will quote from "The Albert and Logan News" of 3 August 1983. The article reads—

"The member for Albert and Mines and Energy Minister, Mr Ivan Gibbs, welcomed State Cabinet's decision this week to proceed with design, estimates, documentation and delineation of land requirements for the new Beenleigh Railway Station.

Mr Gibbs said he has pressed strongly in Government for a decision to proceed with the new railway station which would become a model for the rest of Australia.

In addition to the tunnel concept which will give complete flexibility for the design of road systems and inner commercial development we will also achieve the aim of having the new station located virtually in the centre of town."

I remind honourable members that the Beenleigh Railway Station has always been located in the centre of the town. However, at a cost of \$9m to the people of Queensland, by means of a tunnel, it is now to be moved to the new centre of town, right opposite a piece of land half of which happened to be owned by the family company of Mr Ivan James Gibbs. I stress a part of that quotation from the Minister for Mines and Energy (Mr I. J. Gibbs) in "The Albert and Logan News" The article stated—

"Mr Gibbs said he has pressed strongly in Government for a decision to proceed with the new railway station which would become a model for the rest of Australia."

That was on 3 August, 1983, when he knew full well that he was the owner of the property right opposite the land for the new railway station. I stress that the Minister had a pecuniary interest in this matter.

**Mr I. J. GIBBS:** I rise to a point of order. The information given by the honourable member for Mackay is basically correct, except that the block of land is nowhere near the railway station in George Street—on the northern side. When that land was purchased, no decision had been made about the railway line in any way, shape or form. I think the Minister for Transport will support that. Because the honourable member's comment is absolutely incorrect, is offensive to me and, because he is being dishonest, as usual, I ask that he withdraw his statement.

**The TEMPORARY CHAIRMAN (Mr Booth):** Order! The Minister claims that the information is incorrect and asks for a withdrawal.

**Mr CASEY:** If the Minister is offended, I withdraw the statement. He cast an aspersion on me. I am not concerned about that. However, I am concerned that the Minister condemned himself in this Chamber out of his own mouth. He said that when he purchased the land there was no intention to build a railway station. He is now on record as saying that in this Assembly. I repeat that in August 1983 the Minister for Mines and Energy (Mr I. J. Gibbs) said that he had pressed strongly in the Government for a decision to proceed with the new railway station, which would become a model for the rest of Australia. He condemned himself out of his own mouth.

**Mr I. J. GIBBS:** I rise to a point of order. I thank the honourable member very much for the credit that he has given me for having the railway line to the Gold Coast reinstated. That is something that I tried to do, and I have achieved it with the help of many people, including the Minister for Transport. I thank him very much for his comments.

**The TEMPORARY CHAIRMAN:** Order! There is no point of order.

**Mr CASEY:** That was a pathetic point of order.

I have before me a map of what is proposed. The Beenleigh Railway Station is clearly indicated on the map. It is also clearly indicated that opposite the main entrance to the railway station, where the road will come into the major parking area, is the land that was owned by the Minister. He has just condemned himself quite clearly and irrevocably in this Chamber. He had a pecuniary interest in this matter. He says now that when he bought the property there was no proposal for the railway station. In "The Albert and Logan News" he confirmed that he pressed to get the railway proposals through. There are several other quotations in that newspaper, to which I could refer, that clearly indicate the praise that he gave to the proposal for a new station to be built and a tunnel to be constructed, in a central location. The Minister virtually walked away with \$120,000 profit.

**Mr I. J. GIBBS:** I rise to a point of order. The honourable member's statement is totally incorrect. I ask him to withdraw it. I do not mind the honourable member saying anything that is honest and correct. However, what he said was incorrect, and I ask him to withdraw it. He said that I was a quarter owner. That is a fact of life. If he adds up the interest and how much it costs to hold land for that time, which he would not be able to do, it can be seen that he has been rather dishonest. The honourable member is not going to say anything dishonest while I am here.

**The TEMPORARY CHAIRMAN:** Order! The Minister has given an explanation and has asked for a withdrawal of the words "\$120,000" He has given a sufficient explanation.

**Mr Comben** interjected.

**Mr I. J. GIBBS:** I rise to a point of order. The honourable member for Windsor just called me a scab and said that I was dishonest. I ask for a withdrawal of that comment.

**The TEMPORARY CHAIRMAN:** Order! I did not hear that. I cannot accept something that I have not heard.

**Mr I. J. GIBBS:** He said it, and I must ask for a withdrawal. I heard it, and that is sufficient.

**The TEMPORARY CHAIRMAN:** Order! I cannot ask for a withdrawal, because I did not hear it. However, I have asked for a withdrawal by the honourable member for Mackay.

**Mr CASEY:** I withdraw the figure \$120,000——

**Mr I. J. GIBBS:** I rise to a point of order. I heard the honourable member, and that is sufficient.

**The TEMPORARY CHAIRMAN:** It is not sufficient for me. I would have to hear it. If I heard it, I would ask him to withdraw it.

**Mr I. J. GIBBS:** Your being hard of hearing is not my fault.

**The TEMPORARY CHAIRMAN:** Hopefully, I am not. The Minister has tested my patience a little. Had I heard the honourable member, I would have asked him to withdraw it. I ask the Minister to accept that sincerely. I call the honourable member for Mackay.

**Mr CASEY:** Mr Booth, I respect your authority in this Chamber. I withdraw the figure "\$120,000". I am trying to do some quick mathematics. \$122,498 from \$240,000 must be about \$117,502. So I withdraw "\$120,000" and substitute "\$117,502"

**The TEMPORARY CHAIRMAN:** Order! That is not the point. The Minister said that he had only a quarter-share. I think that there is ample proof of that.

**Mr CASEY:** I did not say that the Minister had a quarter-share. I said that the Minister's company, which I named, held a half-share in the property.

**Mr I. J. GIBBS:** I rise to a point of order. The honourable member has laid it out in his own words. He has said that there were four people involved. If he reads "Hansard" tomorrow, he will find that they were his words. That is a fact of life, and I ask him to withdraw the remarks on that basis.

**The TEMPORARY CHAIRMAN:** Order! That is the point, that it is a quarter-share. I think that the honourable member for Mackay should accept that. There is ample proof in his own words, and I ask him to withdraw.

**Mr CASEY:** I accept what the Minister said and I will withdraw, but I will table documents showing who does and who does not own the property. The Minister can then argue about who owns his own company.

He is the man who is today starving Electrical Trades Union members and their families. He is the man who used his office to make a profit. He has admitted that in this Assembly today.

**Mr I. J. GIBBS:** I rise to a point of order. I ask that that be withdrawn. The honourable member's remarks were objectionable. He said that I used my office for profit. That is incorrect, and I ask him to withdraw it immediately and apologise.

**The TEMPORARY CHAIRMAN:** Order! The Minister regards the remark as a personal reflection and asks for a withdrawal.

**Mr CASEY:** If the Minister regards it as a personal reflection, I withdraw it, but I suggest that he hang on to his seat because there is more to come. Perhaps what is good for the goose is good for the gander, and that is how he was operating.

All members know that the construction of railway stations creates people movements, and people movements attract retailers. The property was purchased by Scurr Bros Pty Ltd, who owned the adjoining property. On the other side of the property, Franklins are now building a supermarket. Yet the Minister is trying to allege that the value of the property did not increase. In the Minister's own words in "The Albert and Logan News" he pushed the project along. The commercial and business centre of Beenleigh is moving south, away from the old station towards the new station. The Minister knew the advantages of that shift. The price of the property must have increased, because property values in the area have now doubled. The values of other properties to be resumed will also have doubled. The result is that the people of Queensland will have to pay the increased resumption prices while the Minister walks away with the profits. Despite the economic slump in Queensland, there is no economic slump for the Minister, who has deliberately used his office to make a commercial profit. Under the Westminster system he should immediately be sacked. It should be remembered that two Federal Ministers were sacked because they used their offices in order to illegally import television sets.

*Time expired.*

*Whereupon the honourable member laid on the table the documents referred to.*

**Sir Joh Bjelke-Petersen:** Why don't you pay your workers' compensation?

**Mr CASEY:** I rise to a point of order. The Premier just made an interjection. I will pay an amount to the State Government when he pays all those people he rorted in Cape Hillsborough. He obtained money from those people for his own purposes, and he did it fraudulently.

**Mr VEIVERS (Ashgrove) (1.48 a.m.):** I have a special interest in Beenleigh. As the honourable member for Mackay has just said, the proposal under discussion, because it involves the expenditure of \$8.9m, is very important and deserves to be debated at some length.

Because I was born there, Beenleigh is important to me and provides me with a good reason for speaking in this debate. Although the people of Beenleigh are fast asleep at this hour, the points raised by my colleague the member Mackay are very serious, and need to be exposed in this Assembly. The Minister for Mines and Energy (Mr I. J. Gibbs) agreed with the substance of the remarks of the member for Mackay, because the land in question is opposite the proposed railway station.

**Mr I. J. GIBBS:** I rise to a point order. That is quite incorrect. The station is a long, long way away from that land. That does not matter. I do not mind as long as

the honourable member is telling the truth. He said that he was born in Beenleigh, so he should know the area. If he is truthful he will be OK, but he should not continue to tell fibs.

**The TEMPORARY CHAIRMAN (Mr Booth):** Order! The Minister has stated that the land is situated much further away than the honourable member suggested. Does the honourable member accept that explanation?

**Mr VEIVERS:** No, I do not. It is opposite the proposed station. I could bowl underarm from the proposed station to the block of land. I will not enter into a debate on it. In my book, it is opposite the development. Surely it is important to raise the matter when Parliament is dealing with such an important project as this one. We are dealing with the involvement of a Minister of the Crown and a senior administrative officer of the National Party. Involved in the same company as the Minister for Mines and Energy is Mr Charlie Holm, the senior vice-president of the National Party.

I do not intend to debate precisely how much money was made out of the deal. In 1981-82 the land, the details of which were given by my colleague the member for Mackay (Mr Casey), was purchased for \$122,498—and the Minister cannot dispute that—yet 20 months later it was sold for \$240,000. That is fact. I do not intend to debate how much the Minister made out of it; but boy, oh boy, he has to be considered lucky. I have never seen so much commercial luck in my life. Surely the Minister must have known that the Beenleigh Railway Station was to be redeveloped. That is fact. I am not making any direct accusations, but honourable members can make up their own minds. Many of us would like to have that much luck.

The proposal for a railway line to the Gold Coast, which has been discussed since 15 January this year, involves a number of other railway stations. The Beenleigh Railway Station will be very important. Because of the growth in the area, it will be a key station, connecting the urban area of Brisbane with the Gold Coast hinterland.

Charlie Holm lives at Ormeau. He has been involved in the purchase of railway land previously. On 10 December 1973, he bought 9 acres, 2 roods, 6.5 perches from the Railway Department at Ormeau for \$2,600. At the same time, blocks of land in the Ormeau/Pimpama area were listed for sale at approximately \$8,500. A similar size block of land nearby, but further up towards Pimpama, was sold for \$17,000 in January 1974—not long after Mr Holm's purchase. Obviously he purchased that old Gold Coast railway line land at a very good price indeed.

Mr Holm is a director of Canowindra Pty Ltd, which is responsible for a real estate development in the Ormeau/Pimpama area, as many honourable members would be aware. That land was subdivided at the time that Mr Holm was on the Albert Shire Council. I understand that Canowindra is to be a station on the proposed Gold Coast rail link. As that will be the next station after Beenleigh, obviously his subdivision is favourably positioned. I suppose it might be called luck. It will certainly be of great benefit to him. All these things have fallen to that gentleman and constitute as fortuitous a deck of cards as any person could deal himself. I suppose that the matter can be looked at in that way.

**Mr Mackenroth:** Perhaps the Government could bring in a continuation of profits Bill.

**Mr VEIVERS:** Perhaps it could. All along the line from Beenleigh to the Gold Coast, many of the National Party members and supporters will benefit. Further down the line from Beenleigh, the Minister for Local Government, Main Roads and Racing (Mr Hinze) has already purchased a piece of disused land from the Railway Department, and it is not not very long ago that that occurred. I understand that it has been added to the Oxenford Tavern property.

It will be seen that National Party supporters are continuously involved in land deals, particularly of railway land in that area. Tonight it is important to mention that

because Beenleigh is the hub of the land dealings. Honourable members ought to be concerned about the matter because, on many occasions in this House, the issue of conflict of interest between ministerial and Government responsibility and personal gain has risen to unparalleled levels in the history of Queensland. Time after time and day after day, so much evidence of that conflict emerges. I believe that the gross abuse of power or privilege and the promotion of self interest—and that is what it all boils down to—is unrivalled by any other kind of democratic Government. Even in England, under the Government led by Mrs Thatcher, if the slightest smell or taint of any abuse of privilege emerges, the Ministers of that Government automatically step aside. The point made by the honourable member for Mackay (Mr Casey) about the Minister for Mines and Energy (Mr I. J. Gibbs) is that, whilst a suspicion surrounds the activities of the Minister, the Minister has an obligation to stand aside, and an investigation should be conducted.

**Mr Mackenroth:** The Minister should resign.

**Mr VEIVERS:** The Minister should resign, because those allegations are quite serious. Members of the public and the residents of Beenleigh are entitled to know.

In supporting the remarks made by my colleague the honourable member for Mackay, I certainly suggest that the Minister should stand aside while an investigation takes place.

**Hon. D. F. LANE** (Merthyr—Minister for Transport) (1.57 a.m.), in reply: I have listened with interest to the debate, and the contributions made by two honourable members opposite who seem to have devoted none of their time to the benefits that will result from the proposed extension of the railway line.

The benefits of a new railway station and the siting of the new railway station and surrounding facilities will be of interest to members of the public. Those benefits are positive and are the kind of Government actions that are not featured in headlines.

In accordance with the usual practice, Opposition members seem to think that character assassination is the thing to do. Irrespective of the subject of the debate and regardless of the excuse that is used, the Opposition invariably undertakes character assassination and personal attack. Although that has always been a feature of the Opposition's conduct, it is more pronounced since the old guard members took charge of the Labor Opposition upon the election of the Leader of the Opposition (Mr Warburton) and the Deputy Leader of the Opposition (Mr Burns). It seems that the Opposition has adopted a new Trades Hall tactic and is using it in the Chamber, and that is a tactic of head-on confrontation and personal attack and—to use the common expression—bucket-tipping.

I suggest that the siting of the new railway station will be of great benefit to the people who live at Beenleigh. The site was very carefully chosen by officers of the Railways Department and myself, in consultation with members of the Albert Shire Council. I can remember attending the Albert Shire Council chamber at Beenleigh in about 1982 and presenting the shire council with two plans. One plan showed the route of the line through the showgrounds, and the other showed the alternative proposal for construction of railway facilities under the site of the present roundabout in the centre of Beenleigh where the monument stands and through a tunnel, with siting of the station being shown in approximately the position in which it now stands.

When I handed the plans to the Albert Shire Council I suggested that it determine which site was most acceptable to the people of Beenleigh—which site would fit in best with the town plan. The two plans were put on display in the Albert Shire Council chambers, and members of the public were invited to inspect them and suggest where the station should be sited. The majority of the people who took an interest in this matter—people without any pecuniary interest—indicated that they favoured the existing site. That is how the site of the new Beenleigh Railway Station was determined.

In talking to the chairman of the Albert shire I undertook to observe and respect the wishes of the people of Beenleigh. I suggested that the public should participate in the siting of the station, and that is what happened. I was advised by the shire chairman that the people favoured this site. On that basis, the Railway Department proceeded with the detailed design and the preparation of the book of reference that have been tabled. Those are the matters that should have been debated.

The member for Mackay alleged that my colleague the Minister for Mines and Energy had done something quite improper by making an honest profit with some friends of his from the purchase and sale of a block of land at Beenleigh. To honourable members opposite, profit is a dirty word, but it is not a dirty word to the majority of people in the community. I suspect that under their political facade many members opposite have occasionally made a profit on the purchase and sale of a block of land in this great State of Queensland. I do not spy into their business to attempt to concoct tales about them.

**Mr Fouras** interjected.

**Mr LANE:** I know that the honourable member for South Brisbane has no initiative. He could not make a profit if he tried. He has not the brains to do so.

It is common for honourable members opposite to condemn initiative. It is their general policy to redistribute wealth in a false, artificial way by using legislation and political power. That indicates how foreign initiative is to them.

I have yet to hear anything from honourable members opposite to suggest that my colleague has misused his position in any way—and no evidence to that effect has been put forward. Opposition members have only said that my colleague and his friends bought a block of land in the middle of Beenleigh and sold it a few years later at a profit. People do that every day of the week.

Honourable members opposite have said that the railway line may benefit people who are members of the National Party. It would be virtually impossible to build a railway line anywhere in Queensland without benefiting someone who is a member of the National Party. Most people with initiative, most achievers, most people who make things happen, and most who do anything to improve their areas are sensible enough to be members of the National Party.

**An Opposition Member** interjected.

**Mr LANE:** Perhaps the National Party has not a large membership in Inala, but National Party membership in the Albert shire is certainly high.

**Mr Prest** interjected.

**Mr LANE:** The honourable member hates anyone to make a profit. The honourable member is very jealous. He is too mean in the way he lives; he is too mean in his lifestyle to appreciate anyone who makes a quid honestly.

**Mr Prest:** How did you get your quid when you were in the police force?

**Mr LANE:** Through my fortnightly salary cheque. I got it doing an honest day's work—something that the honourable member has never done.

**Mr Prest:** You got it all through prostitutes—girls at New Farm—and you know that.

**The TEMPORARY CHAIRMAN (Mr Booth):** Order!

**Mr LANE:** It is well known that the honourable member used to pocket the union fees of his mates in the railways. He would collect them and not hand them in to the

union office. That is the performance of the honourable member, and it is well known throughout the State.

**Honourable Members** interjected.

**The TEMPORARY CHAIRMAN:** Order! I will not allow continual cross-firing in the Chamber. I ask the Minister to proceed.

**Mr PREST:** I rise to a point of order. I would like that statement made by the Minister withdrawn.

**Mr LANE:** You are a sensitive little flower. You say any filthy thing you like but you can't take it.

**The TEMPORARY CHAIRMAN:** Order! I ask the Minister and the honourable member for Port Curtis to discontinue the cross-firing in the Chamber.

**Mr Prest** interjected.

**The TEMPORARY CHAIRMAN:** Order! I warn the honourable member for Port Curtis under Standing Order No. 123A.

**Mr LANE:** The attempts by Opposition members to make something of nothing will not wash in this Chamber any more than they will wash in the public arena. Perhaps some elements of the yellow press will have fun with it, but it will not have any broad appeal. Tonight, the honourable member for Mackay wasted his time by raising that silly nonsense.

Motion (Mr Lane) agreed to.

Resolution reported and agreed to.

#### **FACTORIES AND SHOPS ACT AND ANOTHER ACT AMENDMENT BILL**

**Hon. V. P. LESTER** (Peak Downs—Minister for Employment and Industrial Affairs), by leave, without notice: I move—

“That leave be given to bring in a Bill to amend the Factories and Shops Act 1960-1983 and the Industrial Conciliation and Arbitration Act 1961-1985 each in certain particulars.”

Motion agreed to.

#### **First Reading**

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

#### **Second Reading**

**Hon. V. P. LESTER** (Peak Downs—Minister for Employment and Industrial Affairs) (2.9 a.m.): I move—

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

The Gold Coast is internationally acclaimed as a major tourist area and, as such, there is an ever-increasing demand by visiting overseas tourists for facilities to accord with those provided in other major tourist areas of international standard.

High on the list of desirable facilities of a major tourist centre is the freedom to shop at any time. To gauge the viability and need for a greater expanse of shopping hours, the Government has decided to introduce, on a trial basis for six months, a system whereby individual shop-keepers can set the hours of trading which are best suited for their particular establishment.

The legislation now before the House will enable the Governor in Council to remove trading-hour restrictions on shops in a designated area thereby giving shop-keepers in that area the option of trading whenever the demand requires.

I point out that the legislation will enable any premises from which goods are sold to have the option of opening 24 hours a day. This will include, in addition to normal retail outlets, wholesalers, factories selling direct to the public, hair-dressers and service stations.

The legislation will be applied by means of an Order in Council declaring all shops, other than exempted shops, in an area to be designated in the Order in Council as being special shops.

It is intended initially to seek the approval of the Governor in Council for the issue of an Order in Council that will stipulate the boundaries of the designated area on the South Coast and specify the six-month period during which the trial is to be conducted. At the end of the trial period, an assessment will be made as to the overall effect of the extended trading hours.

In conclusion, I add that care has been taken to ensure that shops that now must close on Good Friday, Anzac Day and Christmas Day will remain closed on those days.

I commend the Bill to the House.

Debate, on motion of Mr McLean, adjourned.

The House adjourned at 2.11 a.m. (Friday).