

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 9 APRIL 1985

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

ASSENT TO BILLS

Assent to the following Bills reported by Mr Speaker—

City of Brisbane Town Planning Act and Another Act Amendment Bill;
 Noise Abatement Act Amendment Bill;
 Police Act Amendment Bill;
 Primary Producers' Organisation and Marketing Act and Another Act Amendment Bill;
 Railways Act Amendment Bill;
 State Government Insurance Office (Queensland) Act Amendment Bill;
 Valuation of Land Act and Other Acts Amendment Bill.

RESERVATION OF BILL FOR ROYAL ASSENT

Governors' Pensions Act Amendment Bill

Mr SPEAKER reported the receipt of a message from His Excellency the Governor intimating that the Governors' Pensions Act Amendment Bill had been reserved for the signification of Her Majesty's pleasure.

Mr R. J. Gibbs interjected.

Mr SPEAKER: Order! I warn the member for Wolston.

FILMING AND VIDEOTAPING OF PARLIAMENTARY PROCEEDINGS

Mr SPEAKER: Order! I advise the House that further videotaping of proceedings for the educational film on the Parliament of Queensland will be undertaken from 11 a.m. on Wednesday, 10 April 1985, by a departmental film unit. I seek the co-operation of all honourable members in that matter.

PAPERS

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

Report of the Co-ordinator-General, Queensland, for the year ended 30 June 1984.

The following papers were laid on the table—

Queensland Government Gazette Extraordinary of 4 April 1985

Proclamations under the Forestry Act 1959-1984

Orders in Council under—

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

Forestry Act 1959-1984

Harbours Act 1955-1982

By-laws under—

Harbours Act 1955-1982

Harbours Act 1955-1982 and the Port of Brisbane Authority Act 1976-1982

Harbours Act 1955-1982 and the Gold Coast Waterways Authority Act 1979-1982

Report of the Queensland Grain Handling Authority which trades as Bulk Grains Queensland for the year ended 30 June 1984.

MINISTERIAL STATEMENT

Commonwealth Funding of Queensland Tertiary Institutions

Hon. L. W. POWELL (Isis—Minister for Education) (11.10 a.m.), by leave: I wish to draw the attention of honourable members to the serious shortage of tertiary education places for Queensland students. This lack of places is the result of Queensland's receiving a disproportionately low share of Commonwealth funds for the three areas of tertiary education—universities, colleges of advanced education and technical and further education.

This statement is timely, given recent uninformed and misleading comments by some members of the Opposition in this House last week, and the release of the Commonwealth Grants Commission's recommendations for tax-sharing grants. These events have occurred against a background of the Opposition's deafening silence and its repeated failure to come out and fight on behalf of the rapidly increasing number of Queensland students who are unable to undertake tertiary studies that are their right. This year, in excess of 30 000 Queenslanders applied for entry into Queensland universities and colleges of advanced education. Of these, only 10 000 were successful. Many of the 20 000 unsuccessful students possessed the academic requirements to complete their preferred university or college course.

Queensland tertiary institutions have suffered an underallocation of Commonwealth financial resources and restrictions on entry to courses since the Commonwealth assumed total responsibility for their funding in 1974. As a result, the participation rate in university education in Queensland has fallen from the highest among the States in 1971, at 4.2 per cent of the 15 to 29 year old population when funding was a State responsibility, to the lowest in 1983, at 3.6 per cent under Commonwealth funding.

Of grave concern to the Queensland Government is the Commonwealth funding imbalance between the various States. The discriminatory funding of Medicare by the Commonwealth Government has been well documented by my colleague the Minister for Health. In a similar manner, the Commonwealth has discriminated against Queensland in tertiary education funding. This funding imbalance has been the subject of repeated representations to Commonwealth authorities by the Honourable the Premier and me. I have had prepared a document highlighting the inequitable treatment of Queensland in the allocation of Commonwealth funds for tertiary education.

This document reveals that Queensland's proportion of the Australian population continues to grow. Excluding the ACT, it now stands at 16.3 per cent, compared with 14.6 per cent 10 years ago. More importantly, among the younger age groups—that is, prospective tertiary students—the proportion of the Australian population in Queensland is much greater than 16.3 per cent. Of those aged 15 to 29 years, Queensland has 16.4 per cent, and for the age group 5 to 9 years, Queensland has 17.3 per cent.

The proportion of Commonwealth grants provided to the State for tertiary education remains below 16.4 per cent of that provided throughout Australia. For 1984-85, Queensland received—

14.3 per cent of Commonwealth total grants for universities;

15.2 per cent of Commonwealth total grants for colleges of advanced education;
and

11.1 per cent of Commonwealth total grants for technical and further education.

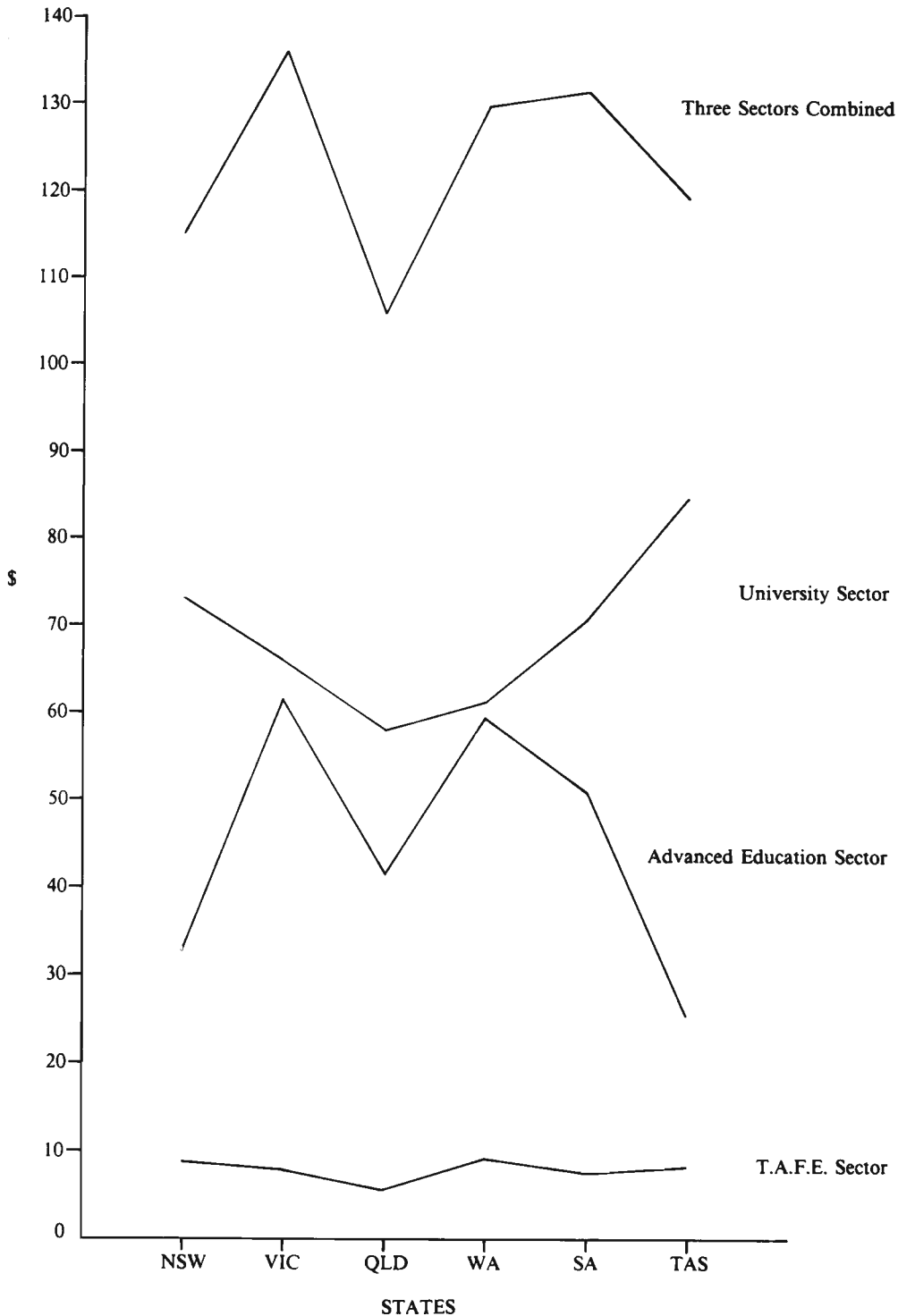
In 1983, this funding imbalance resulted in only 3.6 per cent of Queensland's 15 to 29 year olds attending university, compared with an Australian average of 4.2 per

cent, and 3.8 per cent of Queensland's 15 to 29 year olds attending colleges of advanced education, compared with an Australian average of 4.3 per cent.

This inequality of funding is further emphasised if Commonwealth tertiary funding to the States and the ACT is calculated on a per capita basis. The following per capita figures have been calculated from information contained within the Commonwealth Budget Papers 1984-85, and the Australian Bureau of Statistics publication "Australian Demographic Statistics". I seek leave to have a graph and table of these figures incorporated into "Hansard".

Leave granted.

Commonwealth Funding per Head of Population for States for Tertiary Education 1984-1985



Commonwealth Funding per Head of Population for States and A.C.T. for Tertiary Education
1984-85

1984-85	N.S.W.	Vic	Qld	W.A.	S.A.	Tas	Six States	A.C.T.
Total Population (June 1982)	5 405 100	4 075 900	2 505 100	1 382 700	1 353 000	437 300	15 159 100	245 600
	\$	\$	\$	\$	\$	\$	\$	\$
University Expenditure (\$'000)	392 776	271 100	146 478	83 978	95 722	37 139	1 027 193	134 976
Per Capita University Expenditure	72.67	66.51	58.47	60.73	70.75	84.92	67.76	549.58
C.A.E. Expenditure (\$'000)	177 118	249 708	105 911	82 137	69 941	10 984	695 799	23 789
Per Capita C.A.E. Expenditure	32.77	61.26	42.28	59.40	51.69	25.12	45.90	96.86
TAFE Expenditure (\$'000)	48 986	34 831	14 058	12 960	11 472	3 903	126 210	32 482
Per Capita TAFE Expenditure	9.06	8.55	5.61	9.37	8.48	8.93	8.33	132.26
Per Capita Total Tertiary Expenditure	114.50	136.32	106.36	129.50	130.92	118.97	121.99	778.70

Source: Population Data—Australian Bureau of Statistics “Australian Demographic Statistics—June Quarter, 1984”

Expenditure Data—Commonwealth Budget Paper No. 7 1984-85
Commonwealth Budget Paper No. 2 1984-85 (for A.C.T. data)

Mr POWELL: These figures reveal that, for university, TAFE and for a combination of all three tertiary education sectors, Queensland receives the lowest amount of Commonwealth tertiary education funds per head of population. Of particular interest is the lavish funding of tertiary institutions in the Australian Capital Territory. For example, in 1984-85, Queensland universities and colleges of advanced education and TAFE colleges received only \$106.36 per head of population, compared with \$136.32 for Victoria, \$130.92 for South Australia, \$129.51 for Western Australia and \$778.69 for the Australian Capital Territory.

In 1984-85, an allocation of Commonwealth funds to Queensland based on 16.3 per cent of the Australian population would have provided an increase in funding to Queensland universities and colleges of \$34.9m. To bring Queensland tertiary education participation rates up to the national average will require in excess of 6 000 extra student places and associated funding for the university and advanced education sectors alone.

What these figures do not show is the disillusionment faced by the rapidly increasing numbers of qualified Queensland students completing Year 12 who are unable to gain entry into our tertiary institutions. The time has come for the Commonwealth Government to move past the rhetoric of "participation and equity" to a firm financial commitment to redress this national disgrace. For a Government that promotes non-discrimination policies, the Commonwealth stands condemned by its continued, blatant discrimination against Queensland in the funding of tertiary education.

QUESTIONS UPON NOTICE

Totalisator Administration Board; Information Additional to Answer to Question No. 1 on Wednesday, 3 April 1985

Mr HINZE: I refer to my answer given in reply to question No. 1 asked by the honourable member for Lytton on 3 April 1985. Paragraph (14) of the question and answer referred to extracts of TAB minutes. I gave an undertaking to the House to table the relevant documents and minutes. Mr Speaker, with your permission, I do so accordingly.

Whereupon the honourable gentleman laid the documents on the table.

Questions submitted on notice were answered as follows—

1. Industrial Disputes and Man-hours Lost

Mr McLEAN asked the Minister for Employment and Industrial Affairs—

With reference to industrial relations in Queensland, what is—

(1) The number of disputes and man-hours lost in 1980-1981, 1981-1982, 1982-1983 and 1983-1984?

(2) The break-down of disputes and man-hours lost on an industry basis over those years?

(3) The break-down of those figures between public and private sectors?

(4) The number of disputes and man-hours lost within SEQEB in the same years?

(5) The number of disputes and man-hours lost within the work-force of all other electricity boards within Queensland in the same years?

Answer—

(1 & 2) The details sought by the honourable member require the presentation of a number of statistics. I have therefore incorporated the main information sought in a chart, which I will table. The chart shows the total number of disputes and total working days lost. This information is also provided in respect of individual industries. The information is published on a calendar year basis from 1980 to the latest available figures, which relate to 1983.

I have frequently pointed out that the major sources of working days lost owing to industrial disputes in Queensland are the coal-mining industry and the construction industry. The table shows that, between them, those industries accounted for 67 per cent or two-thirds of all working days lost in 1980, and 43 per cent in 1983. I emphasise that those industries are both covered by Federal awards and are not subject to Queensland's arbitration system.

(3) There is no break-down of figures available that specifically refers to public and private sectors. However, figures are available in respect of a category titled "public administration, defence and community services". These figures are also presented in the chart, as are comparable figures for Australia as a whole for 1980 to 1983.

Queensland can be seen to have an exemplary record in this regard. Disputes are few, and working days lost are very low by comparison with those for Australia as a whole. Indeed, the table shows that, in not one of the four years between 1980 and

1983, did Queensland account for more than 5.8 per cent of the total Australian days lost in this area.

Mr McLean: Why did you bring in your recent legislation?

Mr LESTER: I make it clear that the Government was provoked into introducing that legislation. It had to act in the interests of Queensland as a whole. The statistics that I have referred to do not relate to the current thuggery that has been embarked upon by the unions. The average figure was only 4.7 per cent of the Australian total. So the Opposition has to take that. It cannot ever say that the industrial relations record of the Queensland Government has not been good.

Answer (continued)—

(4 & 5) There is no separate information published by the Australian Bureau of Statistics on the number of disputes and man-hours lost by employees of electricity boards in Queensland.

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

2. **Illegal Exploitation of Fishing Grounds**

Mr JENNINGS asked the Minister for Primary Industries—

With reference to recent press articles which related to Queensland fishermen in general and Gold Coast fishermen in particular who have expressed concern at the recent appearance of Japanese long-line fishing vessels in close proximity to the coast—

What is proposed to ensure the protection of the State's fishing grounds and the fishing industry from illegal exploitation by foreign fishing boats?

Answer—

The authorisation for Japanese bilateral foreign fishing in waters of the Australian fishing zone falls within the jurisdiction of the Commonwealth Government under the terms of its Fisheries Act. Queensland fisheries law applies only in territorial waters that cover three nautical miles from the baseline.

The initial agreement was signed on 17 October 1979. Under that agreement, the Japanese vessels are required to remain at least 12 nautical miles seaward of the baselines, and this is policed by officers of the Boating and Fisheries Patrol. These agreements are renewable annually, and the current agreement commenced for 12 months from 1 November 1984. In concluding these agreements, consultation is undertaken with the State departments with fisheries responsibilities. My department, as well as the Queensland Commercial Fishermen's Organisation (QCFO) and the Amateur Fishing Council, was consulted in this regard. The particular matter of gear conflict between Japanese long-line vessels and Australian fishermen in the waters adjacent to Fraser Island and Moreton Island was addressed in the 1984 negotiations, on the initiative of the Queensland Fish Management Authority and the QCFO. Japan undertook to instruct masters to exercise particular caution in this area. The Japanese were made aware that recurrence of this conflict would cause Australia to review areas of access in any subsequent agreements. Any concrete instances of conflict should be reported to the Chief Inspector of Fisheries in my department.

3. **Payments to Subconsultants, Financial Study of Queensland**

Sir WILLIAM KNOX asked the Deputy Premier and Minister Assisting the Treasurer—

With reference to question No. 5 asked by my colleague the member for Sherwood on 2 April and to his reply that Sir Edward Lyons and Mr Phillip Miskin received no payment for their services in relation to the establishment of a secondary mortgage

market but that Mr Miskin was engaged to provide a study on Queensland as a major financial centre and received payments on account of subconsultants and expenses—

- (1) Will he table a copy of the study?
- (2) What were the amounts paid to each subconsultant and the names of the subconsultants?
- (3) What were the items and amounts of the expenses referred to?

Answer—

- (1) No.
- (2) The matter of subconsultants and fees charged is one of private contract in this instance.
- (3) Accommodation, meals, telephone calls, office administration, air travel and airport transfers—\$36,498.91.

4. **Mini-steel-mill**

Sir WILLIAM KNOX asked the Minister for Industry, Small Business and Technology—

- (1) When were expressions of interest first invited from companies interested in establishing a mini-steel-mill in Queensland?
- (2) What were the names of the companies who responded to that invitation?
- (3) Which company was approved and invited to submit further proposals?
- (4) How many extensions of time have been granted to that company?
- (5) What Government assistance or guarantees have been given to that company?
- (6) Were other interested companies offered the same incentives?
- (7) Where is the mini-steel-mill to be established?

Answer—

- (1) By letter to eight persons, dated 6 August 1984; and to one person, dated 14 August 1984.
- (2) BHP, Hancock and Wright, North Star International Australia and Quest Corporation.
- (3) Quest Corporation—to submit a firm proposal by 31 December 1984.
- (4) Extension to week ending 8 March 1985.
- (5) Offer of developed land at Carole Park Industrial Estate for the plant and a Government guarantee of \$27m.
- (6) All interested companies were offered the same incentives. One of the incentives offered to all stated that the Government was prepared to consider an application for a guarantee made in accordance with the requirement of the Industrial Development Act 1963-1981. No amount of money was nominated.
- (7) Carole Park Industrial Estate in Moreton shire.

5. **Water Supply, Lockyer Valley**

Mr FITZGERALD asked the Minister for Water Resources and Maritime Services—
With reference to the lack of seasonal summer rainfall in the Lockyer Valley in 1984-85—

- (1) When was the level of ground water last measured?
- (2) What did these readings indicate concerning the present level of water in the aquifer in relation to that in previous years?

Answer—

(1) Ground-water levels in the Lockyer Valley are measured at three-monthly intervals by the Queensland Water Resources Commission. The last set of measurements was taken in January. A further set of levels is now being taken.

(2) It is difficult to make exact comparisons between one year and another, because of variations between the times when level measurements are taken and when rainfall occurs. In the Lockyer Valley, such comparisons as are made look at volume of potentially usable supply available in the ground-water storage at any time. The January 1985 levels indicated the usable supply available at 60 per cent of full storage. This compares with 72 per cent in February 1984 and only 25 per cent in February 1983.

6. Report on Conservation Requirements, Southern Moreton Bay

Mr UNDERWOOD asked the Minister for Mines and Energy—

(1) Has an interdepartmental committee chaired by him completed a report on conservation requirements for southern Moreton Bay?

(2) What are the recommendations of this report?

(3) When will Cabinet consider the recommendations of this report?

(4) When will the report be made public to enable public input into the plans for conservation requirements of southern Moreton Bay?

(5) Will the Government give a commitment that any lease applications or development applications in key conservation areas of southern Moreton Bay will be deferred until the report on conservation requirements is released to the public?

Answer—

(1) No.

(2) See (1).

(3) When it is available.

(4) The matter has yet to go before Cabinet for consideration.

(5) Any decision regarding applications will be considered on the merits of the application.

7. Prescription of Contraceptive Pill to Girls Under 16 Years of Age

Mr LITTLEPROUD asked the Minister for Welfare Services, Youth and Ethnic Affairs—

With reference to an allegation that a Federal Government secret report advises doctors to prescribe the contraceptive pill to girls under 16 years of age without parental knowledge or parental consent—

Is this a serious intrusion by the socialists into the rights of parents and the role of the family?

Answer—

I thank the honourable member for his question and his concern in drawing the matter to the attention of the House. Let me assure him that the Government is seriously concerned about the allegations reported in the "Daily Sun"

Last year was declared Year of the Family in Queensland to create an awareness of the role of the traditional family unit in society. As the House knows, the year was an outstanding success. As a result, the traditional family, increasingly under threat, is again being seen in its rightful place in society.

If the press reports are correct, the Hawke Labor Government is openly encouraging teenage promiscuity and its inherent social ills. As well, it is encouraging the erosion of parental authority.

No law exists in Queensland to prevent doctors from placing children under 16 on the pill, but I and other Ministers of the Government have made appeals to the medical profession to act responsibly when dealing with such matters.

Contraception for minors is a matter for parents, not the medical profession. It is a question of moral values, not one of a person's state of health.

Doctors should realise that increased sexual activity between a number of partners can lead to a greater incidence of venereal disease. The pill is most effective in preventing unwanted pregnancies; however, it does not stop the spread of VD. Education on the dangers of pre-marital sex is a more positive way of helping to overcome the growing incidence of teenage pregnancies.

The Federal Government must be stopped from trying to intrude on personal family matters. Governments have no role to play in such delicate family matters. It is a matter for parents and their children.

Encouraging young people to engage in sexual activity is also inviting trouble with the law. Under the Criminal Code, the age of consent in Queensland is 16. Parents who allow minors to have sexual intercourse could face a charge related to carnal knowledge.

8. Dalby Bypass Road

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

(1) Does the Main Roads Department have plans to build a bypass round Dalby and, if so, do these plans include a link-up with the Warrego Highway via Yaralla rather than the existing route via Rangers Bridge?

(2) If such plans exist, when will these new schemes be commenced?

Answer—

(1) The Main Roads Department has no firm proposals for a bypass of Dalby. One option for a future bypass could include a deviation of the Warrego Highway via Yaralla. That would alleviate the serious flooding problem that occurs west of Dalby. Investigation of the proposals is only in the preliminary stage and no plans have been drawn.

(2) No provision exists in the current five-year planning program for funding of any bypass.

9. Ethanol Research

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

With reference to his comments during debate on 2 April wherein he gave his unqualified support to the Queensland Government's decision to grant Queensland Science and Technology Limited, a listed company headed by National Party State management committee member and defeated Senate candidate, Alan Miles Metcalfe, \$2m of public funds to develop an experimental ethanol project at the Tully sugar-mill—

(1) Is he aware that the Federal Government, between 1978 and 1982, through the National Energy Research and Development Council, invested \$7m in ethanol research with the money going to some of the most respected research organisations in Australia?

(2) Is he also aware that the NERDC refused an application from Queensland Science and Technology Limited in 1984?

(3) How does he rationalise his support for this project which, according to the director of sugar research, Dr Allen, would produce fructose for which there is no overseas or local market?

(4) If the project has a multimillion-dollar potential for the sugar industry, how is it that Uniquet sold the development rights to the small family company, Metcalfe Holdings, for a mere \$38,000?

Answer—

(1) Yes.

(2) I am aware that NERDC refused an application from Queensland Science and Technology Limited for research funds to develop the sucrotech and biowastech processes.

(3 & 4) The University of Queensland developed the sucrotech process, which will extract ethanol, fructose or sorbitol from cane juice or molasses. It also developed the biowastech process, which will convert the waste from ethanol production into a protein that can be used for stock feed. Both processes were patented by the university.

I have received advice from Uniquist sources that the rights to the two patents were sold to Queensland Science and Technology Limited for about \$1m. The company now owns the rights until the patents expire after 16 years from the date of patent.

Ethanol is in use in a number of countries as an additive to petrol. Fructose made from corn is taking over a substantial part of the United States of America sugar market. Fructose is banned from entering Australia to protect the sugar industry. That is why there is no market in Australia. I am advised that markets for fructose exist outside Australia, and I am also advised that some major international companies marketing softdrinks world-wide now use fructose as a sweetener. Concern has been expressed in the sugar industry that the production of fructose may affect the domestic market for sugar in Australia. I believe that if fructose is to come onto the market in Australia, it would be better if it was produced from sugar than from corn.

The commercialisation of research is always difficult to fund. The two processes under consideration may prove to be the most economical way of producing ethanol, fructose and sorbitol and of converting the resulting waste, which is very difficult to handle, into a stock food.

The Government proposes a joint venture with Queensland Science and Technology Limited to build and test the pilot plant and carry out the study into the commercial viability of the two processes. Australia's oil reserves are diminishing rapidly, and, even if new fields are found, our oil imports will increase in the late 1990s. Australia should be investigating cheaper ways of making alternative fuels, and ethanol is one of those fuels. It is hoped that other products besides ethanol that can be produced by the processes will ensure the profitability of the venture.

If the venture is profitable and the processes can be sold world-wide, the Government will get its share of the profits. The Government is not committing itself to force ethanol or fructose on the sugar industry. If the processes can be commercialised, the Queensland sugar industry can invest in the use of the processes if it so desires.

As to the preamble to the question, I advise the honourable member that he is in error. Alan Metcalfe is not a member of the NPA Management Committee. The company is not a proprietary limited company. It is listed on the Brisbane Stock Exchange and the share-holders are principally Queenslanders.

10. National Party Vote, Townsville City Council Election

Mr SMITH asked the Premier and Treasurer—

With reference to the massive rejection of the National Party in Townsville at the local government election on 30 March, in which the National Party polled only 30 per cent of the vote, compared with the ALP's 70 per cent, and the National Party mayoral candidate's giving as the reason for that rejection the unpopularity of the Premier and Treasurer and some industrial issues—

(1) Will he now ask his Minister for Local Government to set aside his decision to overrule the elected Townsville City Council in the matter of the rezoning of the Roseneath quarry?

(2) In considering his answer, will he also take into account the fact that Mr Setter, the National Party's aldermanic candidate for the ward in which the quarry is located, received a mere 7 per cent of the popular vote?

(3) Will he also confirm that National Party campaign director, Terry Bolger, asked the then zone vice-president, Alan Metcalfe, to stay away from the campaign because of the adverse public and party reaction to him?

Answer—

(1 to 3) No.

11. Roma Office, Aboriginal Development Commission

Mr COOPER asked the Minister for Northern Development and Aboriginal and Island Affairs—

With reference to the recent decision to close the Roma office of the Aboriginal Development Commission largely because of harassment by sections of the Aboriginal community—

Does he agree that this decision highlights the inadequacies of the Federal Government's over-indulgent handling of the Aboriginal question and points to the wisdom of the State Government in its treatment of the Aboriginal people?

Answer—

I would certainly agree that this recent decision by the ADC to close its Roma office clearly highlights the inadequacies and intellectual confusion of the Federal Government's Aboriginal affairs policies. The ADC is probably one of the best examples one could draw on to illustrate the continuing conflicting roles and inefficient management practices that characterise much of the Commonwealth's approach to this question, which was recently the subject of an extensive inquiry by the Commonwealth parliamentary committee itself. Massive losses, welfare expenditure, non-development community welfare and no repayment demands on loans have been a characteristic of that organisation. I am very pleased that changes have lately appeared on its horizon. It is to be hoped that it will change its role even more in the future. The latest proposals for so-called land rights would again illustrate the shortcomings of its approach.

Mining rights, mining controls, traditional ownership, remote administrative controls, no provision for private ownership and land being off limits to other Australians are characteristics of the policy being pursued by the Federal Government at present and, unfortunately, exemplified in the past by the ADC. In the Northern Territory, only one commercial venture is operating—a motel which is, on the information given to me, wholly financed by the ADC. One cattle operation is the result of a superhuman effort by one individual. Those are the only operations carried on in one-half of the surface area of the Northern Territory.

In contrast, the Queensland Government's decision to issue deeds of grant in trust for the State's Aboriginal and Islander communities provides a form of tenure which guarantees security and local control for people of Aboriginal descent whilst at the same time draws on existing provisions of State land tenure laws that are available to any person or group regardless of racial or ethnic background. This approach is based on the most fundamental aspect of Queensland's Aboriginal affairs policies, which is to dissolve any social, economic or legal barriers separating people of Aboriginal descent from the mainstream of Queensland's society.

12. National Party Mayoral Candidate, Townsville City Council Election

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

With reference to an article in "The Townsville Daily Bulletin" of 2 April, which said that the defeated National Party mayoral candidate, Mr Baldwin, had threatened to resign because of the public statement by the Minister for Water Resources refuting

every statement made by Mr Baldwin over the water supply issue during the election campaign and also to Baldwin's statement that all facts he used in the election were based on information provided by the Minister's department—

Did his department conspire with Mr Baldwin to mislead the voters of Townsville in an attempt to boost Mr Baldwin's electoral chances or did Mr Baldwin lie about the advice which he received from the department?

Answer—

No.

13. Report of Inquiry into Brisbane Prison Administration

Mr McELLIGOTT asked the Minister for Welfare Services, Youth and Ethnic Affairs—

(1) Has the report of the inquiry into the administration of Brisbane prison been received by Cabinet?

(2) Does the report make serious charges against three superintendents?

(3) Why has the report not been tabled in the Parliament as he promised it would be?

Answer—

(1 to 3) No doubt the honourable member is referring to the inquiry being undertaken by Sir David Longland, CMG. I have not yet received Sir David's report and therefore I am not aware of what it contains.

14. Borrowings, Caboolture Shire Council

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

What are the projected borrowings of the Caboolture Shire Council over the next five years and for what purpose will the money be used?

Answer—

The projected borrowings of the Caboolture Shire Council for the financial years 1984-85 to 1988-89 inclusive are—

Water supply	\$6,176,000
Sewerage	\$3,984,000
Roadworks	\$7,720,000
Buildings	\$4,720,000
Total	\$22,600,000

15. International Youth Year

Mr NEWTON asked the Minister for Welfare Services, Youth and Ethnic Affairs—

(1) What positive steps is the Government taking to make International Youth Year a success in Queensland?

(2) How will Queensland youth benefit from this observance?

Answer—

(1 & 2) I thank the honourable member for his question. The theme adopted in Queensland for International Youth Year is "A Year for Action" and I am determined to see that they are not hollow words. Our broad objectives are designed to create opportunities which enhance young people's capacity for growth and development; increase the participation of youth in decision-making; and encourage harmony and tolerance towards securing peace. Therefore, IYY provides a unique opportunity for youth to promote their hopes, ideas and aspirations. The Government is willing and eager to listen and to assist where possible.

Queensland had an advantage over the other States in that IYY was a natural follow-on to our highly successful Year of the Family last year, with youth, of course, being a vital element of the family. The Government took the initiative early and established a State co-ordinating committee to spearhead observance of the year throughout Queensland and then set up seven subcommittees willing to hear what youth has to say on such important issues as employment, accommodation, law, income security, health, recreation and education.

I anticipate receiving some very constructive and worthwhile proposals from the committees, all of which are being urged to consult with youth. Young people throughout the State will have another opportunity to voice their views later in the year at a Queensland youth conference in Brisbane, which is being organised by the co-ordinating committee and my department. I personally wrote to all local authorities throughout Queensland, requesting them to form local committees so that young people in all corners of Queensland have the opportunity to participate. The response to date has been gratifying, with almost 50 committees up and running.

Another major Government initiative for IYY is the expansion of the highly successful Youth Employment Support Scheme to 14 centres throughout the State. Five more offices are being opened this year in Beenleigh, Roma, Maryborough, Mackay and Cairns at a cost of \$400,000.

We want people in all age groups to participate in International Youth Year, although one quarter of the population is aged between 12 and 25 years, the target group for IYY. We encourage them to take a hand in their destinies by becoming involved in activities that include their families, schools, work-places and the community. An extensive advertising campaign to promote greater awareness of the year's objectives and to encourage wide participation will commence in the next few weeks, and I am confident that an overwhelming response will be received.

16. Queensland Milk Board; QUF Industries Ltd

Mr KRUGER asked the Minister for Primary Industries—

(1) Why were the Queensland Dairy Product Manufacturers Co-operative Association's nominations for appointments to the Queensland Milk Board and the Milk Entitlements Committee rejected whilst QUF had all of its nominees for the same positions appointed by the Minister despite two of the appointees, namely, Mr W. Keys and Mr A. D. Hollindale, being rejected by the processor groups?

(2) As the above clearly shows the influence that QUF holds over the industry, and QUF's intention to obtain a franchise to service Brisbane with milk instead of an annual licence, could it be seen that an application by other processors to obtain 27 per cent of the requirements of the No. 1 milk zone of Brisbane would be thrown into the waste paper basket?

(3) Does QUF receive favoured treatment because QUF subscribes to the Bjelke-Petersen Foundation to the extent of a six figure amount?

(4) Has the retiring Milk Board chairman been presented with a Ford Fairlane as a parting gift and, if so, who met the cost of the car?

Answer—

(1) Appointments to the Queensland Milk Board and the Milk Entitlements Committee are made by the Governor in Council on the recommendation of Cabinet. The Milk Supply Act prescribes that a certain number of persons shall be appointed to represent producers, processors, vendors and consumers, and appointments were made in accordance with the legislation.

(2) At a recent hearing by the Milk Pasteurisation Tribunal, a group of processors applied for 46 per cent of the Brisbane milk market. The tribunal has decided to recommend to the Governor in Council that the franchise be allocated to Pauls Ice Cream and Milk Ltd. All parties have been notified of this decision.

(3) The Milk Pasteurisation Tribunal is an independent body, constituted specifically to hear applications in accordance with provisions laid down by legislation. I am confident that the tribunal meticulously observed those provisions. The honourable member's question is therefore irrelevant.

(4) The former chairman of the Queensland Milk Board has been retained by the board as a consultant for a period of three months. The car he is driving is owned by the Milk Board, and has not been given to him.

17. Auditor-General's Report on Queensland Pork Producers Organisation

Mr KRUGER asked the Premier and Treasurer—

With reference to the negative answer that I received from the Minister for Primary Industries when seeking the tabling of the Auditor-General's report on the troubled Queensland Pork Producers Organisation and considering that other organisations' problems have been covered in a similar way by this Government, particularly the Peanut Marketing Board scandal, the milk quota manipulations and the cane-growers fertiliser company cover-up—

Is he prepared to table the abovementioned report to clarify fully the situation and, if the Minister for Primary Industries has given the correct answer, completely clear up any doubts associated with the actions of previous executive members of the association, namely, Messrs Bryant and Wilde?

Answer—

No. This audit was undertaken by the Auditor-General at the request of the State president of the Queensland Pork Producers State Council following an internal disagreement within the organisation. The report is the property of the Queensland Pork Producers Organisation.

The honourable member should direct his inquiries to the Queensland Pork Producers State Council, as it is a matter for the council to decide whether to release the report or any parts of it.

18. School Uniforms

Mrs HARVEY asked the Minister for Education—

With reference to "The Courier-Mail" report regarding the refusal by the family of ALP Senator Colston to comply with the uniform policy of his department—

(1) What is his department's policy on uniforms?

(2) How does he view the recent criticism of this policy?

Answer—

(1) The wearing of school uniforms is considered desirable, and no student is excluded from normal school activities for failing to wear the recognised uniform. However, there are certain occasions when it is considered necessary for students to appear in the school uniform, if such a uniform exists. Such an occasion may occur when a school photograph is being taken, and this was the particular case in the instance referred to.

(2) I am unaware of any widespread criticism of this policy and believe the great majority of parents actively support the wearing of school uniforms, and I regret that Senator Colston uses his own children in his continued attack on discipline within Queensland schools.

19. Electoral Swing Against Australian Labor Party

Mrs HARVEY asked the Deputy Premier and Minister Assisting the Treasurer—

With reference to the Labor Party being rejected so emphatically by the voters of Queensland in the local authority elections—

Is this an anti-Labor swing that will have repercussions against Labor members of this Parliament at the next State election?

Answer—

One would think that the recent local authority elections would serve as a warning to the Labor Party that it should take a long, hard look at itself and start standing up for Queenslanders.

People generally are sick and tired of irresponsible and intimidatory union tactics which interfere with essential services, thereby jeopardising businesses, jobs and family life generally.

Members of the Australian Labor Party have been closely associated with support for militant trade union leaders, and the party has paid the price through a reduced vote at the local authority elections.

The actions of Labor parliamentarians since then have shown that they still have not learnt their lesson.

While Labor members continue to support law-breakers, or participate in illegal harassment for the benefit of cheap publicity, they will continue to be scorned by the Queensland electorate.

The willingness of some Labor members to associate themselves and their party with representatives and actions of the socialist Left will not go unnoticed by the electorate, and I can assure this House that the Government will be reminding Queenslanders of the irresponsible actions of Labor Party members at the next State election.

I believe the recent action of various Labor members and the party's general support for union law-breakers will continue to have severe electoral repercussions against the Labor Party in Queensland.

Mr Wilson: What are you sounding off about?

Mr GUNN: Hello, the Scarlet Pimpernel is back again! They seek him here, they seek him there!

QUESTIONS WITHOUT NOTICE

Electricity Authorities Industrial Causes Tribunal

Mr WARBURTON: In asking a question of the Minister for Employment and Industrial Affairs, I refer to the tribunal to be set up under the Electricity Authorities Industrial Causes Act. During the debate on that legislation, which took place on Thursday, 21 March—almost three weeks ago—the Minister for Mines and Energy (Mr I. J. Gibbs) said that the tribunal would “handle all matters that related to the electricity industry, including awards”. I understand that the said Act has been assented to, but there seems to be no evidence of its having been proclaimed. I ask: Is it correct that the Act has not been proclaimed and, if not, why not? What is the situation in respect of applications for the 2.6 per cent national wage flow-on? Does the Minister expect that the tribunal set up under the said Act will hear the current applications affecting all Queensland electricity industry workers?

Mr LESTER: I understand that the Act referred to by the Leader of the Opposition is the responsibility of another Minister, and I cannot see any point in his questioning me on it.

Mr Vaughan interjected.

Mr SPEAKER: Order! The question has been answered. The Leader of the Opposition will ask his second question.

Mr WARBURTON: In view of the fact that the Minister for Employment and Industrial Affairs is unable to answer a simple question relating to his area of responsibility, I will, if I may, direct the same question—

Mr LESTER: I rise to a point of order. I find offensive the Leader of the Opposition's statement that I am incapable of answering the question. The Act is the responsibility

of another Minister, and I cannot see any point in answering the question. I believe that the Leader of the Opposition should withdraw the question.

Mr SPEAKER: Order! The Leader of the Opposition has every right to put his question to another Minister if he so wishes.

Mr WARBURTON: Mr Speaker, on a point of order, first, if you do not mind—the second part of my question referred to applications currently before the Industrial Commission relative to the 2.6 per cent national wage flow-on. I have every reason to believe that that matter is within the Minister's area of responsibility.

Mr SPEAKER: Order! I have told the House on many occasions that the way in which a question is answered is the prerogative of the Minister concerned. The Leader of the Opposition will ask his second question.

Mr WARBURTON: I will direct a question to the Minister for Mines and Energy. Do I need to repeat the question, Mr Speaker?

Mr SPEAKER: Yes.

Electricity Authorities Industrial Causes Tribunal

Mr WARBURTON: I direct a question to the Minister for Mines and Energy. In view of the fact that, during the debate which took place on Thursday, 21 March, the Minister told me that all awards would be handled by this mysterious tribunal, I ask: Has the Act, which I understand has been assented to, been proclaimed and, if not, after a period of almost three weeks why not? What is the situation in respect of any application for the 2.6 per cent national wage flow-on? Will that be heard by the tribunal and, if so, who are the members of the tribunal?

Mr I. J. GIBBS: The question requires a correct answer, and I do not have sufficient detail with me to enable me to give such an answer, especially in respect of the second very important part of the question. I therefore ask the honourable member to put the question on notice.

Mr WARBURTON: I do so accordingly.

Building Industry

Mr NEAL: I ask the Premier and Treasurer: Has he seen reports that Queensland building contractors have welcomed the results of a survey by the Master Builders Federation of Australia showing that the Queensland building industry recorded an on-site employment growth in the December quarter of 6.5 per cent, the second highest in Australia behind the Australian Capital Territory? Does he agree that those figures are further positive proof of the success of the economic policies of this Government?

Sir JOH BJELKE-PETERSEN: I did see a statement today relating to a survey that showed that Queensland had the second highest on-site employment growth rate for the March quarter. The Master Builders Federation of Australia made that statement yesterday.

Mr R. J. Gibbs: Mr Premier, straighten your collar, you look untidy.

Mr SPEAKER: Order! I warn the honourable member for Wolston under Standing Order No. 123A.

Sir JOH BJELKE-PETERSEN: Mr Speaker, thank you very much. The honourable member ought to straighten up a lot of things. The first thing is his thinking. If he did that, he would not get into all the trouble that he does.

Jobs in Queensland have received a big boost. There is no question that Queensland has received bright economic news, which is contrary to the statements of gloom and doom made by the Opposition members. Queensland is now performing better than any

other State and exceeds the national average in two key areas—job vacancies and housing costs. The latest figures show that the number of job vacancies in Queensland has risen by 58 per cent over the last three months and by 51 per cent over the last year. Of course, that is what the Government has been saying for a long time about the building industry generally in Queensland. In spite of the doom and gloom that is being preached by so many people, particularly Opposition members, Queensland is well ahead of the national average in the building area, as it is in so many other areas.

Forthcoming Federal Budget

Mr NEAL: In directing another question to the Premier and Treasurer, I refer to numerous statements emanating from the leaders of the Australian Council of Trade Unions about the forthcoming Federal Budget and economic matters in general, and I ask: Can he indicate what input the Federal Australian Labor Party Government will have in the formulation of the Budget?

Sir JOH BJELKE-PETERSEN: One of the amazing things that are happening in this nation today, which seem to pass without a great deal of comment from certain persons who are very lavish in their condemnation of this Government—I will not say who those people are because honourable members know them—is that the ACTU, the ALP generally and all the factions that go to make up the ALP are determining Federal Government policy. That is the most amazing thing. The Prime Minister will do something if the ACTU will let him; on the other hand, he might not be able to get the ACTU to agree to his doing something.

Incredibly, Australia has reached the point at which there is no independent Government in Canberra. The ACTU and all the factions of the ALP make the decisions for the Government in Canberra. It is no wonder that Australia is down on its knees in so many economic areas, including inflation and high interest rates. The ACTU and the factions in the ALP have no interest in or concern for Australia as a whole. They are concerned only about their own particular interests. That is something that the people should keep to the forefront of their thinking.

Dr Shrian Oskar

Mr BURNS: I ask the Minister for Justice and Attorney-General: Is it true that one of the worst crimes committed against the judicial and court system is the crime of perjury? Is the Minister aware that Dr Shrian Oskar, who was granted, in principle, a \$6m loan guarantee by the Queensland Cabinet to assist him to establish a Queensland oil-seed processing plant, stated on oath in the Supreme Court of Queensland that he was a Paraguayan businessman on a Paraguayan passport and quoted the passport number? Is it true that the same Shrian Oskar is being held in Wormwood Scrubs Prison by Scotland Yard on a charge of operating on a false passport and that that is the same passport that he used when visiting the Premier and Treasurer in Queensland and which he quoted on oath in the Supreme Court of Queensland? Will the Minister investigate this act of perjury by Shrian Oskar and either join with Western Australia in seeking his extradition to face criminal charges in this State, or initiate his own extradition procedures to see that Dr Oskar faces the Queensland court for this act and other acts of perjury?

Mr HARPER: If Dr Oskar is extradited to Australia, consideration will be given by the Government to future action that might be taken against him. My understanding is that the Western Australian Government is interested in having Dr Oskar extradited to Western Australia. If that occurs a decision will be taken as to any further action that the Queensland Government will take.

Mr L. Connell

Mr BURNS: In directing a question to the Minister for Local Government, Main Roads and Racing, I refer to Mr Laurie Connell, who is the founder of Rothwells Bank and was reported to be one of the biggest buyers at the Trentham yearling sales in New

Zealand this year when he purchased nearly \$2m worth of stock. I ask: Can the Minister advise whether this is the same Laurie Connell who was allegedly warned off racecourses in Western Australia for two years?

Mr HINZE: I think that the question should have been directed to the Minister for Police. I do not know the answer to it, and there is no use my saying that I do. In fact, I do not know whether I am the responsible Minister in this matter, so I ask the honourable member to put the question on notice.

Mr BURNS: I do so accordingly.

Aid to Bangladesh Sugar Industry

Mr CAMPBELL: In directing a question to the Minister for Primary Industries, I refer to an article entitled, "Cane Grants Leave A Bitter Taste" in the "Sylvia on Sunday" column in "The Sunday Mail" of 7 April. It outlined the unfounded but bitter criticism of aid to Bangladesh by the Australian Government. I ask: Is it not true that this project was begun on humanitarian grounds in 1977 by the Liberal/National Party Federal Government? Is it also not true that this project will cost a total of \$20m—of which \$13m was provided at June 1984—and not \$100m, as members of the National Party believe? Is it also not true that the Queensland Government has fully supported this project by providing personnel from the Sugar Research Institute at Mackay to improve the technology of the sugar-mills in Bangladesh, and from the Bureau of Sugar Experiment Stations to improve technical skills in growing sugar crops? Why does the State Government now condemn this self-help aid project for the starving people of Bangladesh, given that the National Party, at both State and Federal level, supported the commencement of the project and that the State Government continues to provide the expertise of people in the sugar industry to complete the project?

Mr TURNER: I did not see the article to which the honourable member referred, and I am unaware of when the project started. I am pleased that he is taking an interest in the sugar industry, and it will be interesting to note whether he can get the Federal Government to contribute more to assist the ailing sugar industry in this State. The honourable member is correct in saying that the Queensland Government gives assistance, through the Department of Primary Industries, to Third World countries for many projects. Australia generally assists countries to develop their own projects. However, because I did not read the article in question, I ask the honourable member to put his question on notice so that I can give him a more detailed answer.

Mr CAMPBELL: I do so accordingly.

Assistance to Victorian Dairy Industry

Mr LINGARD: In directing a question to the Minister for Primary Industries, I refer to a meeting last week at Warwick at which a large crowd of dairy-farmers from south Queensland showed their opposition to the Federal Minister for Primary Industry (Mr Kerin). Expansion in the Queensland dairy industry has been strictly controlled, but the Victorian industry has expanded without suitable controls. As a result, Queensland dairy-farmers pay a levy of 1.5c a litre to support Victoria because of the excess milk that it produces and to fund market support payments. I ask: Is there any chance that the decision by the Federal Government to impose a levy can be reversed?

Mr TURNER: I understand the honourable member's concern on this matter, and I share it, as do dairy-farmers in Queensland and throughout Australia. I realise the concern, frustrations and disappointment that they must feel at the prospect of the implementation of the Federal Government's proposals for the Australian dairy industry. In many instances, that implementation will place at risk a lifetime's work.

As a result of the proposals, in the next few years in Queensland and all over Australia many thousands of dairy-farmers will be forced off their farms. The Australian

Dairy Industry Advisory Council plan that was proposed by dairy industry leaders and supported by all State Ministers was rejected by the Federal Government even though it had received acceptance by the industry. It would have solved many of the problems.

I take note of the honourable member's comment that Queensland has had a controlled industry, whereas in Victoria and Tasmania the industry was allowed to expand. However, provided an entitlement scheme was put in place, the farmers in the industry were prepared to pay a levy, but the Federal Government's present proposal places a levy on the industry and gives no entitlements. The Federal Government proposes to deregulate the dairy industry and to use import/export parity as a benchmark to establish a price for milk here in Australia. The Federal Government intends to go as far as withdrawing the unproclaimed Federal legislation that would have protected market milk in the States in the event of a milk war.

In relation to the meeting that Mr Kerin attended in Warwick last week—I can well understand what happened there. Mr Kerin's attempt to sell the Federal dairy industry plan to dairy-farmers was like attempting to sell refrigerators to Eskimos. Dairy-farmers and farmers in general are not fools. All they ask for is a fair go—equal to that given by the Federal Government to many secondary industries, such as the steel and motor vehicle industries.

In recent days, the Premier and Treasurer has referred a number of times to what has happened in relation to the cut-back in funding to State Governments. I consider those cut-backs to be appalling. I do not know when the Federal Government will ever wake up to the fact that primary industries are the backbone of this nation. They provide the greatest amount of national export income earnings, which over a long period have raised the standard of living in this country. In the final analysis, when the mines are mined out and when Australia is not exporting a great number of products from secondary industries, the only thing that will save this country is primary industries, which are the backbone of this nation. It is a pity that the Federal Government was not aware of that and did not do more to assist primary industries.

In answer to the last part of the question—meetings are continuing to take place. I have been invited to a meeting of State Ministers, which will try to put forward a proposal to kill the Federal plan, so to speak. Dairy industry leaders in all States are also meeting. Following the type of meeting that occurred at Warwick and other meetings round the nation, one can only hope that sanity will prevail and the Federal Government will see fit to implement the plan that was acceptable to all States and to all members of the dairy industry.

Appointments to Queensland Milk Board

Mr De LACY: In asking a question of the Minister for Primary Industries, I take up the recent appointments to the Queensland Milk Board, which were raised by the honourable member for Murrumba (Mr Kruger) this morning. He asked why the nominations from the Queensland Dairy Product Manufacturers Co-operative Association were rejected. In reply, the Minister said that they were rejected in line with legislation. However, I repeat the question: Why were the three names submitted by the Queensland Dairy Product Manufacturers Co-operative Association, which were selected by ballot at the request of the Minister, ignored in favour of three appointments from south-east Queensland? Further, why was Mr Harry Rankin, who was nominated by the Atherton Tableland Co-operative Dairy Association along with the Queensland Dairy Product Manufacturers Co-operative Association and the Market Milk Processors Association, not appointed? Does that represent discrimination against far-north Queensland? Is the Minister aware that north of Murgon there is no representation on the Queensland Milk Board, either for the farming or the processing sectors, in spite of the fact that one-third of the State's milk is produced in central and north Queensland?

Mr TURNER: I answered this question earlier, when I pointed out to the honourable member for Murrumba (Mr Kruger) that nominations were received from a number of

groups in a number of areas. Cabinet and Executive Council made a decision about the appointments to that particular committee. The number of persons nominated would be far greater than the number appointed to that committee. On the basis of the honourable member's question, one would expect that any person who was not appointed would feel aggrieved and that that person should be appointed to the committee and somebody removed from it. A decision was taken. There is no doubt that the honourable member was not listening when I answered the question asked earlier by the honourable member for Murrumba.

Mr De Lacy: It is not only the cane-farmers in north Queensland who want you sacked; it's now the dairy-farmers as well.

Mr TURNER: If the honourable member talks about representation, one would think that he would talk about representation that Queensland has received from the Labor Party in relation to the appointment of Ministers in Queensland. I do not think that the honourable member has any basis for talking about representation. The whole industry is looked after. I am sure that the persons appointed to the committee referred to by the honourable member will do a fantastic job, because all of them have an adequate knowledge of the industry and its problems.

Banning of Books from School Libraries Controlled by Inner London Education Authority

Mr CAHILL: I ask the Minister for Education: Has his attention been drawn to a story on page one of this morning's "Courier-Mail", wherein the London Education Authority has been reported as having banned certain types of books from its school libraries and having ordered them to be burnt? Would the Minister inform the House whether the books banned in London, such as "The Adventures of Tom Sawyer", "King Lear", "Robinson Crusoe", "Jane Eyre", "Peter Rabbit" and "Benjamin Bunny", are likely to be considered dangerous in Queensland? Given that Queensland's Education Department is under constant attack for the sort of curricula that this Government is urging be tried, would he care to comment on the seeming analogy between the order to burn the books written before 10 years ago and the order to burn the books given in the early 1930s by Nazi Germany?

Mr POWELL: I thank the honourable member for his question. In fact, earlier today I received a telephone call from the "Telegraph" to comment on that particular article.

Mr Fouras interjected.

Mr SPEAKER: Order!

Mr POWELL: Mr Speaker, it saddens me that people would go to the lengths that obviously the folk in the Inner London Education Authority have gone to in an attempt to get rid of such classics as "The Adventures of Tom Sawyer", "The Adventures of Huckleberry Finn", "Robinson Crusoe" and "Jane Eyre"

I make the following comments because I think that they are relevant. The classics that are mentioned in the article are classics because they are well-written. They are children's stories that have a very good plot. The language used is very descriptive and very good. One would imagine that those books will be replaced by some of the contemporary books that do not have a good plot, that use sensationalism and bad language that children can hear in the gutters round the place——

Mr Fouras interjected.

Mr POWELL: Even by Opposition members who interject.

It is fairly clear that children ought to be given books that show enhancement of the English language. The books to which I have referred uphold worthwhile values. It

has been suggested that other books, such as "Biggles" and books by Enid Blyton, should be destroyed. "The Adventures of Tom Sawyer" and "The Adventures of Huckleberry Finn" have a good story line. They uphold worthwhile values in the community. The books to which I have referred are all non-violent.

If one examines some of the books that were referred to by way of interjection by the honourable member for South Brisbane and are being urged to be put into schools, one will see that they are violent and use language that does not enhance the English language. The books referred to in the newspaper article give children a worthwhile sense of adventure. One can imagine that children who have only the streets of inner London suburbs in which to play might delight in reading "The Adventures of Tom Sawyer", "The Adventures of Huckleberry Finn", "Robinson Crusoe" and other such classics. However, the Inner London Education Authority wants to ban them. Surely, those stories would help children. Children do not analyse characters as to their motives. They take the story at face value, and that is the way in which those books ought to be used.

Perhaps, in common with other honourable members, I have been twisted by those classics and the encouragement to use good language. Perhaps I have been twisted because I have been encouraged to respect others. Perhaps I have been twisted because I have been taught and encouraged by those books to respect the property of other people. However, in my opinion, such books are the type of material that the majority of parents in Queensland want their children to read. There is no way in the wide world that I would move to have those books banned from Queensland schools. It is sheer nonsense to suggest that books such as those mentioned—the "Biggles" series, Enid Blyton edited books, "Tom Sawyer", "Huckleberry Finn", "Robinson Crusoe", "Oliver Twist", "King Lear" and so on—will pervert children. What those books will do is reinforce correct use of language, positive attitudes and the much-maligned work ethic.

Petrol Rationing Tickets

Mr VEIVERS: I ask the Minister for Environment, Valuation and Administrative Services: Is it true that the State Government Printing Office is at present printing petrol rationing tickets? If so, who authorised the printing, and for what purpose are the tickets being printed?

Mr TENNI: I heard also that the honourable member was writing a joke book and that that was to be the leading joke. That is what it is—a joke! No such thing is taking place at the Government Printing Office. The honourable member can sleep peacefully at night. This State has plenty of petrol.

Withdrawal of Post-graduate Medical Education Committee Grant

Mr VEIVERS: I ask the Minister for Health: Is he aware that the Post-graduate Medical Education Committee of the University of Queensland has had its annual grant of \$9,600 from his department withdrawn? Is the Minister aware that that important body arranges post-graduate education of doctors in city and country areas, and that the grant assisted in funding those country tours? Is he aware that Dr R. P. Schmid, the director of that committee, has written to medical practitioners in the State advising them that the committee was not informed of the withdrawal of that financial aid after 37 years of continual assistance? Would the Minister tell honourable members the reason for that action?

Mr AUSTIN: I will have to be cruel to be kind to the honourable member. I recall last week answering exactly the same question, or near enough to it, from the honourable member for Windsor (Mr Comben). I realise that everybody in the community knows that the ALP has many factions. However, I did not realise that the ALP is so divided that one Opposition member could ask a question and another Opposition member could sit here and not even understand the question or hear my answer.

For the benefit of the honourable member, I point out that it is true that \$9,600 was withdrawn from the Post-graduate Medical Education Committee. The reason for that—and I will not call the honourable member for Ashgrove what I called the honourable member for Windsor—is that the money was coming from the charities part of my budget. Knowing that that money would be reduced——

Mr Davis interjected.

Mr AUSTIN: The honourable member for Brisbane Central is the only honourable member who is neither losing his hair nor going grey. He gets blacker each day.

Mr DAVIS: I rise to a point of order. I find that remark offensive. It is based purely and simply on the jealousy of old skinhead.

Mr AUSTIN: Mr Speaker, the honourable member for Brisbane Central has had his head in the Indian ink for too long.

I had discussions with the chairman of the Medical Board of Queensland. The board has decided to increase the grant and to pick up where we left off. The amount given was \$15,000. I wish the honourable member would check his facts and read "Hansard"

Toowong Railway Station Development Project

Mr BAILEY: I ask the Minister for Transport: Now that the Toowong Railway Station development project legislation has made that project a reality, has agreement been reached with all parties involved in the development and, if so, when will the project begin?

Mr LANE: At the time of signing what will become a historic document—the agreement involving the construction of a massive development using air space above the Toowong Railway Station—the Premier and Treasurer and I were given assurances by the principals of Girvan Brothers that work would begin as soon as possible. They expected that it would be in May this year. They expect the first part of the commercial development to be available by about the middle of next year.

The Government's intention for the development is twofold: firstly, to provide an opportunity for the interchange and co-ordination of passengers between public and private motor transport and rail; secondly, to provide the employment that will flow from the construction and the management and operation of the project.

Air-conditioners in Public Service Houses

Mr PRICE: In directing a question to the Minister for Northern Development and Aboriginal and Island Affairs, I remind him of a public statement by him, which was disseminated by the Premier's Department during the week 8-14 October 1984, that fully integrated home air-conditioning systems would be used to replace mobile evaporative coolers being installed by the State Government in public service houses. I now ask: Could he inform the House of the progress of that initiative?

Mr KATTER: Unlike the member for Mount Isa, the Government actively and positively pursued this subject for a considerable period. The honourable member's only involvement has been to denigrate the Government for giving small air-conditioners to people living in public service houses.

For some months, discussions have taken place between the Minister for Works and Housing (Mr Wharton) and me in an attempt to resolve the position. Obviously, it would be enormously wasteful of public resources to discard air-conditioners that are in good working order. By the time they wear out, we hope to have arrived at a formula that will enable them to be replaced by a more adequate system. I am informed that the air-conditioners have a life of a couple of years; so that is the time-frame to be

borne in mind. More detailed information can be provided by my colleague the Minister for Works and Housing.

Disturbances at Gununa; Controls over Alcoholic Drink

Mr PRICE: In directing a further question to the Minister for Northern Development and Aboriginal and Island Affairs, I point out that it is alleged that, during recent disturbances at Gununa on Mornington Island attributed to the liberalisation of drinking laws, quantities of liquor were flown to the settlement to supplement beer supplies. The Community Services Bills introduced last year created the anomaly that, although the councils of the Mornington shire and other Aboriginal communities have wide powers to control the sale and drinking of beer, they have none to restrict the introduction, sale and supply of other forms of alcoholic drink. I now ask: Will he consider correcting the position? If not, why not? Will he consider correcting the further anomaly of prejudicial favouritism shown to white residents of the communities in relation to the introduction and consumption of liquor within the communities?

Mr KATTER: It is a shame to waste the time of the House. The matter mentioned by the honourable member for Mount Isa was covered by regulations introduced three or four months ago. The member has a monumental ignorance of Queensland Acts and the way in which they operate. Gununa is not under my control. It is under the control of the Minister for Local Government, Main Roads and Racing. The decision to introduce alcohol was a decision of the council, and that decision related to the widening of liquor consumption laws in Gununa.

In answer to the honourable member—firstly, the difference in treatment between white people and black people is non-existent. It was never the case of people being white or black, but the case that people, be they white or black, were public servants who were recruited from outside the community. That distinction was removed when the regulations were changed some months ago.

The second part of the honourable member's question should be directed to my colleague the Minister for Local Government, Main Roads and Racing (Mr Hinze).

The third part of the honourable member's question can be answered by pointing out that it was a decision of the people on the reserve to widen the application of drinking laws. I think I speak for everyone on the Government side of the House when I say that the Government will not take responsibility every time a person on a reserve wants to get drunk. Such people will be treated the same as people in other areas of Queensland and, if people choose to misbehave in such a manner, they will be treated in exactly the same manner as everyone else. If people choose to get drunk, the Government cannot stop them. All that can be done is to treat them in the same way that everyone else is treated, and that is to punish them for misbehaviour.

Barge Operation, Karumba

Mr STONEMAN: I ask the Minister for Northern Development and Aboriginal and Island Affairs: Is he aware that the Australian Labor Party members for Cook, Cairns and Mount Isa have consistently attacked the Government for attempts to establish a barge operation at Karumba because it was just a lot of hot air, because it will never happen, and because it will result in job losses in Cairns? Could the Minister advise whether or not such criticism is justified?

Mr KATTER: The Government has been subjected to such criticism over a long period. The net result of such criticism has been that a barge now operates from Gununa to Karumba.

Mr PRICE: I rise to a point of order. Firstly, I object to the question. I have never criticised the establishment of a barge service in the area of the Gulf of Carpentaria. Secondly, I am delighted that an area of my electorate, namely, Mornington Island, has a barge service in operation, which was introduced by people in the community on an

independent basis. Establishment of that service had nothing to do with the Minister, and I request that the part of the question that refers to Mount Isa be withdrawn.

Mr SPEAKER: Order! I rule that no point of order has been made out.

Mr KATTER: For the sake of saving time, I will move on to answer the remainder of the question.

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

STAMP ACT AMENDMENT BILL

Second Reading—Resumption of Debate

Debate resumed from 28 March (see p. 4689) on Mr Wharton's motion—

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

Mr BURNS (Lytton) (12.17 p.m.): Naturally, the Opposition does not object to the Bill, which seeks to rectify drafting mistakes relating to the Schedule, but we do object to stamp duties as a form of tax, because stamp duties are a most unfair tax and fall most heavily on the poor and others least able to pay.

It is typical of this Government that, instead of taking an opportunity to reduce stamp duties and replace them with a more equal tax, it brings forward a Bill that seeks to ensure that the Government extracts as much revenue as possible. The Queensland tax system is in a mess, and there is no better indication of that than the stamp duties fiasco.

Stamp duties are a hotchpotch of narrow-based taxes. Individually, most bring in small amounts of revenue. Although the items liable for duty are set out under the one tax Act, they have little in common.

There is no economic or regularity justification for the taxation of legal and commercial documents and transactions. The only obvious justification is that such taxes raise money. There is good economic argument for scrapping all stamp duties, and replacing them with a more broadly based and lower tax.

Most stamp duties are raised on just a few items—property transfers, insurances and registration and transfer of motor cars.

Mr DEPUTY SPEAKER (Mr Row): Order! The Chamber is in disarray. Honourable members are standing up and engaging in conversation all round the Chamber. The Chamber will come to order before the debate will continue. Will honourable members who are standing kindly resume their seats or move out of the Chamber?

Mr BURNS: As I was saying, stamp duties are the second most important source of State taxation after pay-roll tax, which is another bad tax, because it discriminates against employment.

This year, the Government will get \$330m from stamp duties, which is 36 per cent of total State taxation. Most people who pay stamp duties are the ones least able to afford it.

Every expert condemns stamp duty as a form of taxation. The Campbell Report on the Australian financial system very clearly condemned stamp duty. It recommended that stamp duties be abolished.

Stamp duties are not equitable, that is, they are not fair taxes, because they fall more heavily on the poor than on the rich.

In taxation studies, land transfer, insurance business and motor vehicle registration stamp duties have all been shown to be regressive. But what happens in Queensland?

Stamp duties in those categories are not reduced so they do not fall so heavily upon the poor. Instead this Government increases them!

Last year, stamp duties on general insurance were increased by 60 per cent to make them the highest in Australia. Queensland's motor vehicle registration charges are by far the highest in Australia. The fire service levy, which has the same characteristics as stamp duty, is also structured to increase taxation on the poor and reduce it on the well off. And, true to form, what was introduced after last year's hoax Budget? Legislation to abolish stamp duties on property transfers for a few selected farmers. It is otherwise known in some areas as the Bjelke-Petersen family stamp duty avoidance Bill.

So the situation in Queensland is that taxes which affect the poor and the needy are increased, while the taxes which affect the rich and well off are reduced or abolished.

On the second criterion of efficiency, stamp duties also fail the test. Stamp duties raise the cost structure of industry, increase the expenses of buying a home and hinder the mobility of funds in the capital market, to name just a few of their bad side-effects.

Surely for a tax to be effective it must be simple to collect. Stamp duties are anything but simple to collect. There is a multitude of stamp duties, each with its own rate. Each must be administered separately. The different forms and follow-up requirements, and the evasion and avoidance problems unique to each kind of stamp duty, make administration a complex and demanding task. The State taxation system is therefore less simple, and collection costs are greater.

The difficulties multiply with the large number of duties that collectively raise small amounts of money. Fraud is also a problem. Undervaluation of motor vehicles is common and, with regard to the registration and transfer of motor boats, evasion of duties is probably the norm.

Now let me deal with how the Queensland Government is quite happy to take in the money from the middle-income-earners and low-income-earners. Let me again remind the House and the people of Queensland that Queensland has the highest tax in Australia on general insurance and the highest motor vehicle registration charges.

The Commonwealth Grants Commission report also shows that Queensland has the highest per capita stamp duty taxes on conveyances and business and the second highest on life assurance, cheques, bills of exchange, promissory notes, mortgages and lease securities.

Queensland may have fewer taxes than some other States, but the taxes and charges it does impose are among the highest in the nation. Indeed, many are the highest.

So much for Queensland's low taxes myth! It is just that—a myth—and whenever the Premier and Treasurer is called on to justify his low-tax claims, all he can say is, "By golly gosh and goodness gracious me, don't you worry about that." The truth is that the Queensland taxation system is a disgrace on both moral and economic grounds.

The Queensland Government taxes essential commodities and transactions at exceedingly high levels and gives concessions and abolishes taxes for the benefit of the wealthy few. The ordinary Queenslander who buys an average car, buys a modest house, takes out average insurance cover or relies on credit is slugged to the hilt. At the same time, tax concessions are given to wealthy rural interests who can transfer property without paying stamp duty.

It should not be forgotten that last year the Government tried to abolish stamp duty, for the sole benefit of 20 or so stock-brokers and their businesses, even though it was pointed out at the time and later proven that it would not have created any extra business, but also would only put extra dollars in a few wealthy pockets.

The Opposition would accordingly support the abolition of all stamp duties, but it will not stand by and see the selected abolition of stamp duties for the wealthy few, to be paid for by increased stamp duty taxation of the ordinary Queenslander who is

struggling to meet his commitments. Queensland needs its own tax summit as a first step to sorting out its tax mess. Queensland is not a low-tax State, but a high-tax State.

On average, both South Australia and Tasmania have lower taxes per person than does Queensland, although the Deputy Premier and Minister Assisting the Treasurer (Mr Gunn) likes to say, "We have not got such and such a tax in Queensland." It is true that Queensland may have fewer taxes, but the Government certainly does not miss the Queensland tax-payer with the taxes that it does impose. Stamp duty is high on the list, not to mention the literally thousands of individual charges that are imposed on anything that walks, talks and breathes.

Queensland's tax system is in a mess, and the average Queenslander is paying much more than he would pay if the tax system and structure were fair to all Queenslanders and met the economic criteria for a good and fair tax system. If Queensland had a fair tax system, the State taxes that Queenslanders pay could be reduced substantially.

Queensland's unfair tax system is sending many ordinary Queensland businessmen and families to the wall. Every three months the average Queensland family takes a financial beating when the electricity bill arrives and they know they are paying the highest electricity charges in the nation. Every time anyone saves up to buy a car, he is slugged hundreds of dollars extra for stamp duty, and he knows that he pays the highest motor vehicle registration charges in Australia. Every time a Queenslander receives a loan to buy goods, he knows he pays the highest stamp duty charges in Australia.

Every time Queensland families get their fire levy charge, they know that Queensland has the highest rates and that they pay three times what people in New South Wales pay. The list is endless.

The Queensland Government's unfair tax system is driving families to the wall and is taking goods and services beyond the reach of many Queensland families.

If the Queensland Government had the interest of Queenslanders at heart, it would do something urgently to spread the tax burden evenly and fairly, and not load it onto the ordinary Queenslander and average Queensland family, as it is doing at the moment.

A full-ranging inquiry and review of Queensland's tax system is needed, and a tax summit should be held before the State Budget is introduced so that changes, which so urgently need to be made, can be made.

Mr FOURAS (South Brisbane) (12.26 p.m.): I am aware that this Bill only seeks to rectify some drafting mistakes, but I wish to make some general comments on taxes and stamp duty. For many years I have been saying in this Chamber that Queensland has too narrow a tax base.

The Queensland Government Gazette, which sets out the receipts of the Consolidated Revenue Fund, reveals some interesting facts. Comparing the six months to 31 December 1984 with the same period in 1983, those funds increased by \$278.8m. Included in those funds was \$110.4m from the railways and \$85.5m from the Commonwealth. The hand-outs that Queensland receives from the Commonwealth appear to be slowing down; but, in the same period, total State taxation increased by \$23m. Included in that taxation increase was a substantial increase in stamp duty from \$153.7m to \$179.2m.

As the Deputy Leader of the Opposition (Mr Burns) said, stamp duty is horrendous because it is not based on ability to pay. In many ways the imposition of stamp duty is an attack on employment. It is not based on any criteria of equity. The highest stamp duty in this State is imposed on insurance policies, motor vehicle registrations and fire insurance.

Recently, I was interested to read what the executive director of the Queensland Confederation of Industry, Mr Siebenhausen, said about the new industrial laws. Instead of expressing concern about stamp duty, he puts on his ideological blinkers, which allows him to override the commercial judgments that he should make in the interests of the people whom he represents. On 4 April this year, he said that widespread use would be

made of the new amendments to the industrial legislation that allow unions to be sued for damages caused by strikes.

Obviously Mr Siebenhausen does not care about what happens to industry in this State. He wants confrontation. He does not want any sanity in industrial relations. Although he has not paid \$30 to join the National Party, he has lost his soul to that party. Every time an issue arises, he forgets his commercial judgment and speaks out as a pure National Party crony. He supports at any price the ranting and raving of Government members. It is ludicrous for him to suggest that industry will benefit from those new laws. They will be totally ineffective in recovering damages, as has been proved in other countries in which they have been introduced.

Mr Siebenhausen is now saying publicly, "With these laws, we will nail the individual. Somehow we will get money back from those bad unionists." Industry would be better served if Mr Siebenhausen were to tell the Government that it ought to be doing something about reducing stamp duty which, as I say, is a tax on employment. Instead of doing that, Mr Siebenhausen is supporting laws that would have been right at home with the Nazis. The harsh legislation that he is supporting will not help people affected by strikes to get their money back. I am sick and tired of Mr Siebenhausen, the so-called spokesperson for industry in this State, using any avenue he can to be nothing more than a boot-licker for the National Party. He does not act in the interests of the people he represents.

The figures that appeared in the Government Gazette show why the State will be in trouble. Commonwealth funding increased and the money collected from the railways will not be repeated. Over that six-month period, that revenue amounted to almost \$200m of the increase in revenue of \$278m. Because of the very narrow tax base, the Government will have to increase taxes that affect the little person.

Mr Innes: What taxes do you advocate?

Mr FOURAS: I am suggesting that Queensland has a very narrow tax base, and that the Government should consider a much broader base. The Government collects much less in land tax than the Victorian and New South Wales Governments do. On a per capita basis, Queensland probably collects about one-third of that collected in those States. Although the taxation appears to be levied in a similar manner, something must be wrong with the Queensland system.

The Government will have serious problems trying to balance the books for the next Budget. The Deputy Premier and Minister Assisting the Treasurer (Mr Gunn) should try to get rid of these iniquitous stamp duties. The Government skites about Queensland being a low-tax State; yet it is ludicrous that high stamp duties are imposed on things such as mortgages and insurance policies. It is time that the Government rethought stamp duties. I hope that in the next Budget the Government will introduce more broadly based tax measures, but I will not suggest to the Government what it should do. I point out to the honourable member for Sherwood (Mr Innes) that the Labor Party will put its alternative policies forward before the next election.

I conclude by sounding a note of warning to Mr Siebenhausen. He should be concerned about what will be likely to happen to industry in this State, right across the board, if industrial sanity does not prevail. He keeps adding fuel to the fire by telling the Premier that, now that he has had a victory over the SEQEB workers, he should go hell for leather to bring in legislation that will confront the unions, cause blockades and result in losses for industry. That will make it more difficult for the State Government to collect taxes so that it can run the State. If Mr Siebenhausen does not think about what will happen, he will do a disservice to the industries that he represents and to the people of Queensland.

Mr INNES (Sherwood) (12.33 p.m.): I will raise a couple of points on an issue on which I have spoken many times in this place. The Liberal Party supports the Bill

insofar as it deals with anomalies that have been discovered in the legislation. However, points must be raised about stamp duties and the broader issues involving stamp duties.

On a theme on which I have spoken on a number of occasions—it has been said in the House today and many times in the past that stamp duties are very pervasive duties; they intrude into all aspects of commercial life.

Mr De Lacy: Have you got your gags on?

Mr INNES: I do not understand what the honourable member means. He must have noticed from the frequency with which Liberal Party members speak that there are no gags on us.

Mr Underwood: That's not what Mr Moore said on the week-end.

Mr INNES: It depends upon the topics on which honourable members speak. Stamp duties are imposed largely on commercial activities.

Mr Underwood interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! If the honourable member for Ipswich West continues to interject from other than his usual place, I will warn him under Standing Order No. 123A.

Mr INNES: The incidence of stamp duty relates directly to the amount of commercial activity. Almost all commercial transactions that involve the raising of loans or dealing with property involve stamp duty. It also applies to transactions, such as insurance, undertaken by the average person. It has been rightly said that the level of stamp duty on insurance in this State is higher than that in other States. I have frequently made the point that stamp duties have a consequence for the average person because the commercial activities, which I have referred to as the central activities creating the incidence of stamp duty, themselves relate to the consumer market. Hire-purchase agreements, bills of sale and anything else relating to the raising of credit raise the question of the incidence of stamp duty. Therefore, as with all matters, there is an interweaving of the interests of little people with the interests of medium-size businesses and large businesses.

Because businesses wish to give their services to consumers at the most competitive price, it is in the interests of business to keep down the incidence of stamp duty and other Government charges. There is no point in making one killing in one big transaction a year if a business can operate on a daily basis by doing tens of thousands of transactions.

Of course, that is where the Labor Party absolutely fundamentally fails to understand matters relating to economics. Members of the Labor Party somehow are always able to divorce the activities of the person they call the developer—the big person or the multinational—from the interests of the little person. As the Liberal Party made the point in this House relating to the development policies of the city of Brisbane, developers go to where they can produce land at the lowest possible cost to sell to the little guy—the average person. In these cases, it is the same with some of the biggest commercial enterprises in our nation; it is also in their interests to keep down the unit costs so that they can give their services at the lowest cost to the average person, thereby generating more transactions. That is what modern business is all about.

The incidence of stamp duties should be monitored constantly. The claim that Queensland is the low-tax State does not survive detailed scrutiny to any significant extent. Some of the taxes are low, but for every low tax one can find another tax that is equal to or higher than that in another State. Regardless of whether one is speaking about stamp duty, freight rates or land tax, if one is balanced against the other, one finds that this State has higher taxes than those imposed in other States. In some key areas the rates of stamp duty in Queensland are higher than those in other States. That has a direct impact upon the average Queenslander.

I find it extraordinary that a Government, elements of which believe in a flat tax, can maintain a regressive form of taxation—the bigger the transaction, the greater the amount of stamp duty on property transfers. That might appeal to socialists as a method for income redistribution but, frankly, it does not appeal to me. I do not believe in increasing the rate of stamp duty according to the size of the transaction.

I would be grateful if, in his reply, the Minister would deal with the most recent amendments to this legislation and give the House an up-to-date statement on the concessions given to dairy-farmers, graziers and others in primary industries. I wish to know whether those are in action and, if so, the extent to which exemptions are being given for those transactions at this point in time.

I would be interested also to hear an up-to-date report on the concessions that will be allowed to small businesses and what small businesses will be classified or declared by regulation to be exempt from stamp duty on transactions between family members; in other words, receiving the benefit of the proposed amendments to the Stamp Act.

In its present form, the Act is an example of the most highly discriminatory use of taxing provisions. Because of the nature of particular transactions, certain people were treated in one way and people in family relationships were treated in a different way.

In an earlier debate on the Act, I used the illustration of the widowed mother who wanted to leave her house to her daughter, who had even forsworn marriage to look after her mother during her lifetime. As an act of charity and a return of favour, the mother wished to leave her property to her daughter. Under the Act, the transfer would not have been exempt from stamp duty.

The Act was highly sectional and drafted deliberately in the interests of the person on the land. It divorced the person on the land from all other persons, save those lucky persons who came up in the lottery in the exercise of discretion and the categorisation in the field of small business. As honourable members know, professional practitioners were excluded completely. That was an exercise in logic that could not be supported. It was only an exercise in friends and favourites.

Mr Gunn: It was in the area of greatest need, of course.

Mr INNES: I would think that the Deputy Premier's suggestion would not bear any investigation, either. No distinction was drawn between the millionaire farmer and the pauper farmer.

Mr Gunn: Show me one of those.

Mr Burns: Russ Hinze, Joh Bjelke-Petersen——

Mr DEPUTY SPEAKER (Mr Row): Order!

Mr INNES: The ranks of this Assembly would provide some successful farming records; that is for sure.

It was a blatant exercise in discrimination that removed many worthwhile Queensland businesses from the benefits of the exemption. It meant that many other well-deserving family relationships were denied the benefits of that exemption. Eventually, so many persons will be acquainted with the discrimination that the political effects will be felt.

During previous debates on stamp duty legislation, I have developed the theme of the use of such legislation to fine-tune Queensland to give some advantage to companies doing their business in Queensland. I noted with interest the answer given this morning by the Deputy Premier in reply to a question asked by the honourable member for Nundah (Sir William Knox). The question related to Mr Phillip Miskin having carried out a study on Queensland as a major financial centre.

In the past, I have suggested that stamp duty could be used to increase the attractiveness of Queensland as a financial centre. I ask the Deputy Premier whether he is reluctant to inform the tax-paying public at large whether that study dealt with the issue of stamp duties and, if so, what is said about the use of stamp duties. I am sure that any study that looked at the development of Queensland as a financial centre would have had to address itself to the vital issue of stamp duties. In many illustrations in the past, I have pointed out that that was the reason why business was conducted in places such as Canberra. Queensland business was taken to Canberra because business transactions did not attract stamp duty in the ACT.

I am sure that any worthwhile study of the development of Queensland as a major financial centre has to address itself to the issue of stamp duties. I would be most interested to hear what Mr Phillip Miskin said in his study about stamp duties and what he proposed for the future of stamp duties in Queensland.

I would like an update on the use of the latest amendments to the Stamp Act, which dealt with exemptions for small business. I would like also an update on any stamp duty proposals that the Government has in relation to Queensland's development as a financial centre, following Mr Miskin's study.

The honourable member for South Brisbane (Mr Fouras) made reference to the latest figures on revenue derived from land taxes as disclosed by the Government Gazette. He referred to the low incidence of land tax in this State. One matter of particular interest that the honourable member referred to is that the land tax element went up by 200 per cent over the period in question. There was an absolutely phenomenal increase in the revenue raised from land tax.

As State taxes are being dealt with—and a certain level of tax-raising must be achieved in the State—I ask the Deputy Premier whether the land tax increase was a one-off increase because of a particular quirk during the period under review or whether it is a growth that can be expected to be reflected in the future. The latter would suggest a source of revenue that might ease the burden on stamp duties.

From a reading of the same document, the continued growth in the incidence of stamp duty would suggest that commercial activity in the State and the financial transactions of ordinary Queenslanders are still subject to growth at a rate that is certainly no less than inflation and probably greater than inflation, and that, therefore, the incidence of State taxes is aggravating the problems faced by average people in drawing up their budgets in the modern world.

Hon. W. A. M. GUNN (Somerset—Deputy Premier and Minister Assisting the Treasurer) (12.47 p.m.), in reply: I thank honourable members for their contributions. The amendment to the Stamp Act is, of course, a very small amendment. It was brought about because of some errors that became apparent in the First Schedule of the Act. The Parliamentary Counsel advised that in the course of arranging for the current reprint of the Stamp Act those errors be corrected.

Honourable members had a Cook's tour right round the Stamp Act, the Land Tax Act and so on. However, stamp duty in Queensland does compare favourably with stamp duty in other States. The instance of motor vehicle transfers was raised.

Mr Burns: General insurance.

Mr GUNN: I will deal with that in a moment.

In Queensland, the stamp duty is 2 per cent, as it is in New South Wales. In Victoria, the stamp duty on new vehicles is 2.5 per cent and on second-hand vehicles it is 4 per cent. In South Australia, the stamp duty is also 4 per cent.

Turning to general insurance—the only State that has a system comparable to that of Queensland is New South Wales. The rate in both Queensland and New South Wales is 0.07 of the sum insured, limited to 25 per cent of the premium.

Mr Burns interjected.

Mr GUNN: New South Wales is the only State that can be compared with Queensland.

The honourable member for Sherwood (Mr Innes) asked a question about the new regulations covering the classes of business that are exempt from paying stamp duty in the case of transfer from parent to child or from grandparent to grandchild. The classes of business are as follows—

- “(a) manufacturing, processing, packaging;
- (b) engineering workshop operations;
- (c) retailing and wholesaling, whether or not in conjunction with the repair and installation of goods;
- (d) restaurant or cafe operations;
- (e) bus service operations;
- (f) service station operations;
- (g) repair and service workshop operations;
- (h) newsagencies, travel agencies and real estate agencies;
- (i) printing and publishing services;
- (j) rental business as defined in section 35;
- (k) excavation and earthmoving contract operations;
- (l) beauty salon and barber shop services;
- (m) picture theatre operations;
- (n) upholstery, boot and shoe repairing, picture framing;
- (o) undertaking, funeral directorship and crematorium operations;
- (p) sports complex and gymnasium operations;
- (q) warehouse and bulk storage operations;
- (r) laundry and laundrette operations;
- (s) carrying on the trade of a locksmith or a gunsmith.”

As the honourable member for Sherwood would agree, the regulations cover a very wide range of businesses.

The increased collection of land tax in 1984 was mentioned. A great deal was happening in the State in 1984 and there were many transactions. As the honourable member well recalls, the Government has legislated for valuations to be phased in over a five-year period.

The Bill makes a minor amendment to tidy the Act up. No loss of income will result. It was thought that the matter ought to be corrected now.

Motion (Mr Wharton) agreed to.

Committee

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

QUEENSLAND COAST ISLANDS DECLARATORY BILL**Second Reading—Resumption of Debate**

Debate resumed from 2 April (see p. 4741) on Mr Gunn's motion—

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

Mr BURNS (Lytton) (12.53 p.m.): In his second-reading speech, the Deputy Premier and Minister Assisting the Treasurer really said that the Bill's contents related to Murray Islanders. He referred to—

“ . . . an action in the High Court on 20 May 1982 against the State of Queensland and the Commonwealth of Australia to challenge the annexation to Queensland in 1879 of three of the Torres Strait islands. The islands are Murray, Dowar and Waier in the Western Group of Torres Strait islands.”

It appears that the Government feels that the best way to overcome the risk of those Islanders winning in the High Court is to avoid defending the legislation in the High Court by acting as it is now.

Until approximately five years ago, the Murray Islanders thought that they owned their own land. Until the Torres Strait Treaty, they believed that they had a system of ownership of their own plots. At that time they discovered that what they and a succession of Queensland Governments had accepted was not the rule.

Mr Scott: All Torres Strait Islanders thought the same thing. This Government had led them along.

Mr BURNS: They all believed that they owned their own land; that the islands were theirs. They believed that they were part of Queensland and were being treated in the same way as other Queenslanders.

History shows that, before annexation, Murray Islanders had separate plots with their own gardens and houses. Boundaries were marked out. They are not nomadic, as Australian Aborigines are. They do not move from one camp to another. They had their own organised system of land control. The Murray Islanders had a local court, both before and after British settlement. Prior to annexation, the head man made the decisions, and the local court dealt with land claims arising from arguments between one native and another about ownership of a particular block, whether it be a house block or a garden block. The people who inhabit the Murray Islands are gardeners and fishermen. Until now, successive Queensland Governments have not disturbed that local system.

At the time of preparing the Torres Strait Treaty, discussions centred around whether people of the Murray Islands should be part of Papua New Guinea, or Australia. The people were told that Papua New Guinea law recognised native title, and they replied that they had always owned their land. At that time, it was made clear to them that that was not the case. Whereas Australian Governments were telling the people of the Murray Islands that if they stayed as part of Australia, they would enjoy all of the benefits of benevolent Governments handing out social welfare payments—I suppose that is the best way to describe it—the Papua New Guinea Government was promising land rights.

In response to the promise of land rights, the people said that they had always owned their own land. However, it was again pointed out to them that was not the case, and at that stage the people began to talk about taking action against the Queensland Government. The people protested that no legislation had been enacted that would have had the result of abolishing title to the land that had been owned by the Murray Islanders since long before annexation, and also owned and controlled by those people since annexation.

The people of the Murray Islands do not claim that the islands are not part of the State of Queensland. The people want to be part of Queensland and part of the Queensland

system. However, they are saying that the rights that have continued after annexation, which had never been extinguished, should be maintained. They are saying that the same rights that continued to exist after 1879 and that were recognised up until 1979 ought to continue to be recognised; that for over 100 years, recognition has been maintained. The people now ask why rights and title to the land will be changed.

It should be remembered that the British always respected the principles upon which the people of the Murray Islands now rely. As the British extended the practice of colonisation round the world, in places such as Africa, the traditional ways of controlling land were built into the legal system of each new colony. Land rights did not cease to exist when annexation occurred, and rights to a plot of land that had been owned by a family before annexation, before letters patent had been issued by Queen Victoria on 10 October 1878 that authorised the Governor of Queensland, by proclamation, to declare the islands of the Torres Strait to be annexed to and form part of the said colony, were retained. Traditional land rights did not cease to exist, and they continued to exist after 1 August 1979. Successive Governments in Queensland, of all political colours, have accepted the obligation of maintaining those rights, and the people who inhabit the Murray Islands are asking why that now should be changed.

In 1982, the people issued a writ out of the High Court. The plaintiffs were a group of inhabitants of the Murray Islands in Torres Strait who sought to establish traditional land rights. For that purpose, the plaintiffs sought a series of declarations and injunctions, and compensation for any impairment of the claimed rights. I understand that legal representation comprised some of the nation's top legal counsel. Leading counsel for the plaintiffs was Mr Ron Castan, QC, of the Victorian Bar, whose instructing solicitors were Messrs McIntyre & Co. of Cairns. The Solicitor-General was briefed by the Commonwealth Government. The Queensland Government briefed Mr David Jackson, QC, who also appeared for the Queensland Government in Koowarta's case.

The important part of the plaintiffs' case involved reopening important issues considered in the Gove land rights case, *Milirrpum v Nabalco Pty Ltd*, in 1971. That was a decision of the Northern Territory Supreme Court, and, although criticised by some sections of the community at the time, it was not taken to appeal. In that case, aboriginal groups claimed the existence of traditional land rights, but were unsuccessful. Although the decision could have rested simply on the effect of the relevant legislation, at the request of all parties, Blackburn J made a lengthy analysis of the land rights position generally.

That was the situation as at May 1982, when the people of the Murray Islands decided to issue a High Court writ seeking a reconsideration of the land rights issue based on the determination of the Gove land rights case. The case was heard in October 1982, and the Queensland Government asked for all the facts to be made known. The plaintiffs went away and assembled all the facts, and the research took approximately 12 months. The facts of the case constituted such a large document that the plaintiffs arranged for it to be presented in a properly bound form. The file of documents contained official Queensland Government documents and historical documents that were obtained from libraries in places as far away as London. A complete book of Murray Islands court records was also compiled.

Sitting suspended from 1 to 2.15 p.m.

Mr BURNS: Before the luncheon recess I was speaking about the problems of the Murray Islanders and the reason for the Government's introducing this Bill. I had just reached the stage where I was talking about the 1982 action taken in the High Court by the Murray Islanders against the Queensland Government.

The point I was trying to make is that the Torres Strait Islanders are different from the Australian Aborigines. The Aborigines are nomadic; the Islanders are gardeners. They farm their own small plots on the Murray Islands. They have always owned their own house and garden plots and had never worried too much about the debate in

Australia over Aboriginal land rights and the land rights legislation generally, until the debate about the Torres Strait Treaty began.

At that time people from New Guinea said to them, "If you came into New Guinea and if the Torres Strait Treaty boundary went round the Murray Islands you would have your land rights recognised." But the Murray Islanders said, "We always have had land rights. We own this land and always have owned it." But they discovered that that was not so. Before and after annexation the Murray Islanders had their own court system, in which they handled land appeals; they settled arguments between the island people about the ownership of land. The ownership of that land has been recognised by successive Governments of all political colours since 1878.

In 1982, the Murray Islanders found themselves being frustrated by the Queensland Government and having to go to court. The Government did everything that it could to frustrate them and in October 1982 they finally went to the High Court. When that occurred, the Queensland Government asked for all sorts of documentation. The Murray Islanders were forced to do 12 months' research.

They obtained historical documentation from libraries in London and all over Australia. They checked the records of the Queensland Government and produced a whole book of Murray Islands court records dating back to before 1879. They produced details to prove that, over a long period, the ownership of land on those Torres Strait islands had not been in question. They submitted the documentation required by the Queensland Government in bound form, but the Government did not answer. The Islanders met with Queensland Government representatives in October 1984 who said, "OK, but you should put it in a different form. We want it indexed in a different way."

The Murray Islanders had done everything requested of them, but the Queensland Government delayed even further. It said that it could not agree or disagree so, in November 1984, the parties appeared before Mr Justice Gibbs. Again the Queensland Government asked that all the material supplied be incorporated as part of the court documents, so the Murray Islanders did just that. The Queensland Government said that if that was done it would respond. I am told that three weeks ago the people representing the Murray Islanders were told that the Queensland Government could not respond.

So it seems to me that the purpose of this Bill is to frustrate the Murray Islanders proceeding with their case in the High Court. Like every other Australian citizen, they have a right to go to court to defend something in which they believe; something they have stood for all their lives. The Queensland Government has appeared before the court and given every indication of proceeding with the case, so this legislation is really a cowardly act by a Government that is not prepared to face the independence and integrity of the High Court.

This legislation attacks the integrity of the High Court and if the Government believes that it will prevent the plaintiffs—the Murray Islanders—from proceeding, it is wrong. This legislation will become the issue, not the point that the Murray Islanders have been litigating—"We have lived here for centuries. During all that time the ownership of our own little garden plots and homes has never been denied, not even after Queen Victoria annexed it as part of Queensland." They are not saying that they do not want to be part of Queensland. They are saying, "We want to be part of Queensland, but we want to continue in the same way that we have over the years." I cannot see that the land rights argument in Australia affects those people, because there has been no great white settlement on the Torres Strait islands. There has been no great movement of Australians into the area to develop all sorts of properties; if anything, it has been just the opposite.

Mr Scott: Only three islands—Thursday Island, Prince of Wales Island and Horn Island.

Mr BURNS: That is right.

These days, only 13 of the islands in the Torres Strait group are populated. If anything, the population has drifted away. It has centralised, and people have left many of the smaller islands. It is not as if there has been fighting—blacks versus whites—over who owns the land. Over a long period the land has been theirs and has been maintained by them under an orderly court system, and they have determined their own arguments over land.

Mr Veivers: Hundreds of years.

Mr BURNS: Yes, hundreds of years. This legislation will become the issue in the future. The Murray Islanders will not give up their determination to own their little blocks of land and to operate in the way in which they and their forefathers have operated.

I was looking through some material in the Parliamentary Library and I saw a document dealing with the ownership of land in the Torres Strait islands. A postscript by Jeremy Beckett, in a document entitled "Aborigines, law and anthropology", states—

"Early in 1981 the newly re-elected Government of Queensland announced its intention to repeal the Torres Strait Islanders Act. Realising the far-reaching implication of such a move, the Torres Strait Islanders Advisory Council, an official State body composed of the three representatives of the Eastern, Western and Central Groups, waited upon the Premier and secured his agreement that no action would be taken until they had tested the feelings of Islanders in the Strait. Consultations conducted during the month of August 1981, revealed 1047 in favour of inalienable freehold, 44 favouring freehold, 10 favouring perpetual leasehold, and 1 favouring leasehold. The Premier had meanwhile expressed a preference for 50 year leasehold against his Minister's preference for perpetual leasehold.

Early in 1982 The Queensland Premier (Mr Bjelke-Petersen) came forward with a new proposal, that the Queensland Government should issue deeds of grant in trust for existing Aboriginal reserves. Although apparently acceptable to the Federal Minister for Aboriginal Affairs, Senator Baume, other opinion challenged his assertion that the title would, in fact, 'be for ever'. The scheme also proved unacceptable to the Torres Strait Islanders, according to a press report in May, which is worth quoting at length.

Residents of Thursday Island in Torres Strait had rejected the Queensland Government's new Aboriginal land legislation, the area's National Aboriginal Conference delegate, Mr Billy [presumably Ben] Nona, said yesterday.

Mr Nona said Islanders wanted inalienable freehold title. About 30 Thursday Islanders discussed the new land policy with the State Minister for Aboriginal and Island Affairs, Mr Tomkins, and his senior adviser at the weekend."

Today, the Government is dealing with this matter in a shonky way. It should have allowed the matter to be tested in the court. The Aborigines at Gove did not win their case, and I am not sure whether the Murray Islanders would have won this case. In common with other Australians, they should have the right to go to court to test their case. On what I have read since this Bill was presented to the Parliament, I think that it is a good case. Before and after annexation, Governments of all political colour have accepted the role that the Islanders have played in determining their own land issues. As there seems to be no push for anyone else to move in and take the islands from them, I cannot understand why the Government is taking these steps today. It seems to me to be a shonky way of dealing with the matter. It is a smart little trick by the Government to get out of its responsibilities. It is not allowing these Islanders to test the case in court, as any other citizen would be able to do.

Hon. W. D. LICKISS (Mount Coot-tha) (2.23 p.m.): I agree that there is some degree of uncertainty as to why this legislation should be introduced into this Chamber. The short title of the Bill is "To allay any doubts that may exist concerning certain islands forming part of Queensland". On that basis, the Liberal Party is prepared to support the legislation. When dealing with land, one thing that is necessary is to establish

certainty. In spite of what the member for Lytton (Mr Burns) said, the Murray Islands are part of either Australia or Queensland; they are not an independent realm of their own within Australia.

Mr Scott: We are not claiming that.

Mr LICKISS: If the honourable member listens, I will try to explain it to him.

It must be established with certainty not only how the land status in that area can be dealt with but also the type of government that is to administer that area.

Presumably, those islands are within Queensland. Some people may be uncertain about that, but I would have thought that the letters patent issued by Queen Victoria on 10 October 1879, followed by the Queensland Coast Islands Act of 1879, which the letters patent demanded be passed, and the subsequent proclamation of that Act by the then Governor confirmed that those islands were part of the colony of Queensland. Two reasons can be found for that.

Pursuant to the legislation and the letters patent, the Governor was authorised, by proclamation, to describe in the schedule those islands that were to be part of Queensland. That was done. It must be remembered that, when the proclamation was made, the islands of the Torres Strait included all the islands between Queensland and Papua New Guinea. In this modern day and age, the proximity of some of those islands to New Guinea could have caused problems relating to ownership and responsibility for administration of those islands. However, that situation having been catered for, it is without doubt that the Murray Islands and the other islands mentioned in the Bill are within Queensland.

Mr R. J. Gibbs: That is a profound statement.

Mr LICKISS: This is an area of doubt.

The honourable member for Lytton quite properly raised the question of the rights of the occupants to the land that they have occupied traditionally over the years. The form of tenure has been that of occupation, which has been established by the people, using their own methods, and when a doubt has arisen about occupation, it has been dealt with by the court.

The question of title over part of Queensland or part of the Commonwealth, had it been a Commonwealth matter, concerns the laws pertaining to the realm controlling those islands, which in this case is the realm of the State of Queensland. Before definite tenure can be applied, the islands must be acknowledged as being part of a sovereign State so that the laws applying to the alienation of Crown land can be applied. That is part and parcel of the certainty that this legislation provides.

I have no doubt that the letters patent, the Queensland Coast Islands Act of 1879 and the subsequent proclamation placed the islands in the Torres Strait under the laws of Queensland. Lest anyone should feel that that is not so, I will read section 1 of the Queensland Coast Islands Act of 1879, which states—

“Governor to issue Proclamation. Schedule. From and after such day as His Excellency the Governor of Queensland shall by such proclamation under his hand and the public seal of the Colony as is authorized by the said letters patent mention and appoint for that purpose the Islands described in the schedule hereto shall be annexed to and become part of the Colony of Queensland and shall be and become subject to the laws in force therein.”

Those laws deal with the alienation of land. Unless those laws apply to the people on those islands, they cannot obtain rights to the land. Those islands are part of the sovereign State of Queensland and title to the land can only come under the laws of Queensland. I do not think that the laws of adverse possession apply in that case.

Mr Scott: What about what existed prior to that Act?

Mr LICKISS: If the honourable gentleman will follow what I am saying, he may find that the legislation gives the solution to that problem.

The schedule to that Act is identical with the schedule in the proclamation. Any reading of that schedule shows that the islands in question come within the schedule and, therefore, would be part of the land so described. I will now quote for honourable members part of the preamble to the proclamation—

“ . . . do hereby notify and proclaim that from and after the first day of August, in the year of our Lord one thousand eight hundred and seventy-nine, the Islands described in the Schedule hereto shall be annexed to and become part of the Colony of Queensland, and shall be and become subject to the laws in force therein.”

That the wording of the schedule to the proclamation is identical with the wording of the schedule to the Act is not a coincidence. Those schedules are provided to describe the lands included therein.

I think it is quite clear that, subsequent to the issue of the letters patent, the Torres Strait islands were, and always have been, part and parcel of the Colony of Queensland, and after federation, remained as part of the State of Queensland. Therefore, I believe there is no doubt about the realm that controls those islands—that is, the Crown in the right of the State of Queensland.

I now come to the burning question of the rights that can be given in relation to the occupation and ownership, as mentioned, of the lands in these three islands. I believe that the legislature of this State would be able to prescribe any title it so desires for any of the lands in the State of Queensland, the Murray Islands being no different from the land west of Southport or the land north of Mackay. It is all part of the State of Queensland; it comes within the realm of the State of Queensland and, therefore, the laws of the State of Queensland. I cannot see any reason why the Government of the day would want to interfere with the rights of the people on the islands if they are living happily, controlling their own destiny and looking after their own wants.

Mr Scott: That is a totally paternalistic attitude.

Mr LICKISS: It is no more totally paternalistic than saying that the Government of the day would want to take the honourable member's land in Cairns. Why would a Government suddenly want to take his land or, instead of giving title in fee simple, give him an occupational licence?

I say to the honourable member for Cook that this legislation does not take from, or give to, these people any rights whatsoever. It establishes the present position and clarifies it as a matter of certainty. The laws of Queensland have in the past provided, do now and will in the future provide what tenure and security of tenure might be given over the lands of these people. If it is to be a deed of grant in fee simple, that can be done. If it is to be a perpetual lease, that can be done. If it is a question of alienating the land in such a way that it is brought under the Real Property Act, that can be done. If that certainty of right of the realm is acknowledged, in dealing with land tenure there is nothing that cannot, or should not, be done.

The question now is the tenure that will be granted to these people. The way in which the land will be administered will now be matters for the laws of this State. That is far and beyond the provisions of the Bill now under discussion, which are to declare with certainty the correct position. The question of the title, the way the lands will be administered and who shall own them are matters for separate legislation, and are issues which will obviously revolve round the policy of the present Government.

Mr SCOTT (Cook) (2.35 p.m.): As the member for Brisbane Central interjected, honourable members have just heard another example of a wishy-washy Liberal speech from the honourable member for Mount Coot-tha. It is incredible that someone who

was so involved with the legal administration of this State not so many years ago should have such a narrow and blinkered vision of the whole matter to which the Bill relates.

The Bill is important. It is special and specialist legislation. I believe that the matter is sub judice. I have heard that ruling made on many occasions in this Chamber. Members are not allowed to debate matters that are before a court. Not only are honourable members debating such legislation; the Queensland Government, in its very limited wisdom, has introduced legislation that must confound totally—

Mr McElligott: It changes the rules.

Mr SCOTT: Absolutely. The Government changes the rules as it goes along. But that is typical of the Government.

The only way to describe the position is to say that, as far as the Government is concerned, dog and goanna rules apply in Queensland. At present, the matter is sub judice. However, if the administration of the Parliament is not worrying about that, I will not worry about it. The Opposition is in the process of telling Government members why it is vehemently opposed to the legislation.

I compliment the Deputy Leader of the Opposition (Mr Burns) on the approach that he adopted to the Bill. The Deputy Premier and Minister Assisting the Treasurer does not know very much about the Torres Strait area. He was not aware that the Murray, Dauar and Waier Islands are in the Eastern Group of Torres Strait islands. Although that is a minor point, that is not what the Deputy Premier said in his speech, and I will not be too picky about that.

The Deputy Premier referred to the purpose of the Bill. His speech was not lengthy. I was not present in the Chamber when he made his second-reading speech; however, I read it in the "Hansard" pulls. I was astounded by the meagre justification given for introducing the legislation. I can only jump to the conclusion that the Government feels extremely guilty about the whole situation.

The Deputy Premier stated the purpose of the Bill in the following terms—

"The purpose of the Queensland Coast Islands Declaratory Bill 1985 is to make it clear and to declare that the intention of the 1879 legislation was—

(1) that the lands in question be vested in the Crown in right of Queensland; and

(2) that the land was freed and discharged from any right, interest or claim that the occupants of the land may have claimed to have existed prior to annexation."

I hoped that the honourable member for Mount Coot-tha (Mr Lickiss) would develop that latter part. I am happy to accept the former of those two parts; that is, "that the lands in question be vested in the Crown in right of Queensland" That is fair enough. However, it was not necessary to introduce the Bill to say that, because it is clearly set out in the Act. The honourable member for Mount Coot-tha referred to sections of the Queensland Coast Islands Act of 1879, which I will repeat shortly. Under that legislation it was clear that the lines that were drawn in those days, whether it was right or wrong to draw those lines, were accurately and properly drawn. There is a more nefarious purpose behind this Bill. It is not admirable for this Assembly to be using its time debating legislation that is not proper. I repeat that this legislation is not quite proper.

The schedule to the proclamation, which was made so long ago on 21 July 1879, states—

"... all Islands included within a line drawn from Sandy Cape northward to the south-eastern limit of Great Barrier Reefs; thence following the line of the Great Barrier Reefs to their north-eastern extremity near the latitude of nine and a half degrees south. . ."

It then goes on to take in all the cays and the islands by that very definition.

It was clear at the time when the proclamation was made and when the Act was passed that they were all legal and above board. The Bill is now being introduced for some very strange reason. I believe that the Bill is being introduced to confound before the High Court the case of Eddie Mabo and Others v. The Queensland Government and the Commonwealth Government. That is what this legislation is all about. The Deputy Leader of the Opposition touched on that matter. He said that the legislation was being introduced to save argument and to simplify proceedings before that very august court. Although that is the Government's view, and that is what the Deputy Leader of the Opposition said, the Opposition does not think that that will be the result. The Labor Party is of the opinion that the Government is simply denying litigants the right to have their case heard in court.

It is a very interesting case. Undoubtedly, it is a land rights test case. When the Queensland Government starts talking about land rights, it is touching upon a subject in which it is extremely weak. As I have said on so many occasions in this House, the Queensland Government has two stories on land rights; one for the black people and the other for the grazing fraternity. It uses them very deliberately. It sends its emissaries out to tell them.

The Queensland Government is hypocritical. Undoubtedly it will eventually be brought down over the land rights issue and it will be confounded. A very good case for land rights exists, and the High Court of Australia would be the appropriate place to hear such a case. The Bill is an attempt to frustrate its being heard. Of course, another piece of legislation will be coming before the House relating to land rights that the Government claims to be giving to the Aboriginal and Islander people in Australia.

The Deputy Leader of the Opposition also outlined very capably the details of the Mabo case. I do not want to repeat what has already been said. However, I will make a few comments. It is interesting to look at the case being heard at present. The plaintiffs argue that the Murray Islands have been occupied under a system of land tenure by Torres Strait Islanders since time immemorial. That is indisputable. It is evidenced by the development of that island and the stories and history, which go back long before a white presence on the Murray Islands, that the islanders can relate. The plaintiffs argue also that the British Crown's occupation in 1879 did not extinguish their rights to the island. The Government has not put up any argument that those rights have in fact been extinguished.

In the second part of the Minister's argument on the need for the Bill, he said that the land was freed and discharged from any right. Why was it freed and discharged from any right? The Minister has not told honourable members why. Perhaps in his reply he will enlighten honourable members. In all probability, the Minister will simply demonstrate his incredible lack of knowledge of the area and the matters under discussion.

Mr Gunn: You have never visited the area. You wouldn't know. You ought to hear what they say about you.

Mr SCOTT: The Deputy Premier and Minister Assisting the Treasurer should look at the figures.

Mr Eaton interjected.

Mr SCOTT: That shows what Government members think of that country. The Deputy Premier and Minister Assisting the Treasurer has no idea. However, he can do one thing to refresh his memory and improve his understanding—look at the voting figures.

The plaintiffs in the Mabo case do not believe that the Crown's occupation extinguished their rights to the islands. I also support that argument. That argument fits in quite well with the accepted view that the Murray Islands and the people who live on them are part of Australia. It is indisputable that they are part of Australia.

The argument about extinguishing rights to the islands also has validity. It is Labor Party policy to provide inalienable freehold title to that land for the Aboriginal and Islander people. I will return to that shortly.

The plaintiffs further argue that, since 1901, the capacity to extinguish those rights passed to the Commonwealth and does not subsist in the State of Queensland. I amplify that statement by saying that the State of Queensland has done many things to reinforce the view that Aboriginal and Islander people have a right to those lands without being outside the nation of Australia. The plaintiffs argue that the Queensland Government's proposal to issue deeds of grant in trust over these lands is invalid. That is a very interesting point, and it is part of the reason why the legislation is before the House.

The Queensland Government has been on very shaky ground over its deed of grant in trust legislation. I do not, as a back-bench member, seek to discuss other proposed legislation. However, that the Government is on shaky ground will be seen when legislation is debated that seeks to give some other form of tenure to Aboriginal and Islander people.

A couple of years ago the Queensland Government introduced the deed of grant in trust legislation. It has never had the intestinal fortitude to implement it. Although it is not what they wanted, the Aboriginal and Torres Strait Islander people sought to have that deed of grant in trust legislation implemented. Of course, because the Queensland Government is aware of many weaknesses in the legislation, it has not had the courage to implement it and see how it works.

I was interested to hear the Deputy Leader of the Opposition (Mr Burns) speak about a petition presented to the Queensland Government representing the views of Torres Strait Islanders on a desirable form of land tenure. Of course, they opted for inalienable freehold title. I have previously outlined to the House the way in which the petition was formulated. It was thoroughly debated by the people. A group of senior Torres Strait Islanders travelled throughout the Torres Strait area and spoke to every island community. They clearly explained the different forms of land tenure. They spoke not only in English but also in their own language so that it was fully understood by the people. The people were asked to express a democratic opinion. Almost 99 per cent were in favour of inalienable freehold title.

The leaders in the Torres Strait area did something that the Queensland Government has never been prepared to do. They sat down at the grassroots level and spoke to the people in the communities. They told them what was happening. I indicate for the information of the Deputy Premier and Minister Assisting the Treasurer that what is appreciated about the way in which the Labor Party representatives operate in that area is that we sit down and talk to the people in a way that can be understood, in a way that one talks to the ordinary people in Queensland. They know what we are talking about. They know what the Labor Party policy is. Unfortunately, they also know the Queensland Government's policy. They are against that policy, as they have indicated by their voting in numerous elections.

Mr De Lacy: Mr Katter sits down and talks to them and then takes no notice of what they say.

Mr SCOTT: That is so. As well, he does not even do what he tells them he will do. He is a dreadful emissary of the Government amongst the people.

Tied to the Mabo land-rights case is the Papua New Guinea/Australian border dispute. It is pertinent and valid for it to be raised in the debate. The Premier and Treasurer, who once again is not in the House to take part in such an important debate, should know the details of the so-called border dispute. Many years ago he went to the Torres Strait area and said, "Border. No change." On many occasions I have given the details of that. However, it cannot be stressed too often that the Government sold those people down the drain—according to what Government representatives told them, not according to what Australia or Papua New Guinea might think. The Premier was carried

ashore by big Torres Strait island people. He would not even wet his feet in the water of the Torres Strait. When the time arrived for the documents to be signed to ratify the border agreement, where were the Premier and the Deputy Premier? They did not even travel to Port Moresby to extend respect to a neighbouring country. They were down here doing their share of union-bashing.

Mr Gunn interjected.

Mr SCOTT: The Deputy Premier does not even know who went to Port Moresby. Who went there for his Government?

Mr DEPUTY SPEAKER (Mr Row): Order! The debate is developing into personal exchanges.

Mr SCOTT: I have made the point plainly that the Deputy Premier does not know who travelled to Port Moresby to sign such an important agreement. It is probably the only occasion on which such an important border has been changed so amicably—in spite of the stirring by the Premier.

The Bill has implications for the border treaty agreement. It is aimed also at frustrating the strong case presented by the plaintiffs before the High Court of Australia in the Mabo case.

The land-rights argument in Australia begins with the resolution of whether Australia was previously a settled country and was taken by force or was an empty area. I hope that that will be referred to by members from the other side of the House—and that includes the Liberals; we are never quite certain where they are. They have flown the Government flag very early in the piece this time, declaring that they will back the legislation. On the other hand, the Opposition has said that it will not vote for the legislation. The Liberals should be ashamed of themselves. They have a land-rights policy. Why do they not talk about it in the House? I notice an honourable member grinning about the Liberal land-rights policy. The mind boggles at the juxtaposition of those words.

Mr Davis: How many pages?

Mr SCOTT: How many paragraphs, or, should I say, how many sentences? The Liberals do have a policy, but it has never been discussed. I challenge members of the Liberal Party to develop their argument instead of simply saying, "We will be over there voting with the Government." At present, three of them are in the House. Let them tell us about their arguments.

Mr Innes: Two.

Mr SCOTT: I have committed a cardinal sin. I am sorry that I have lumped the member for Ithaca (Mr Miller) with his former colleagues. One is never too certain these days.

Mr Veivers: He is contemplating going back.

Mr SCOTT: I do not think his sitting with them is even symbolic.

Having dealt with those minor diversions, I return to the subject matter of the Bill. I would like to hear a case put by the Liberal Party about whether or not Australia was a settled country and whether or not the people of the Murray Islands had been farming that land for many years prior to the occupation of Australia by white settlers. The corollary is that the land was taken by force, although that is not necessarily the case with the Murray Islands. If that had been the case, the Government would have had a very strong fight on its hands. More subtle means were used, and the establishment arm of religion had a part to play.

Australia was conquered by force of arms, and I do not know whether honourable members are prepared to stand up and face that fact. I say that because I know that it

is true, and there are numerous cases of pitched battles fought between armed police and Aborigines. That proves the conquering element of Australia's settlement, and that is a matter of the written history as well as of the unwritten history of Australia.

The question whether Australia is a settled country is epitomised by the Murray Islands settlement, where every family owns a piece of land and traditional, watertight ownership has been in existence for decades. The people are sufficiently proud of the land to mount a case and present it to the High Court. No action taken by either Queensland or Federal Governments has been able to extinguish the claim made to that land, or to remove from history the fact that the land was settled and worked by the people who live there. I said previously that action such as setting up reserves and Government recognition of tribal areas has strengthened the claims of black people. Through the Department of Community Services, the Queensland Government has developed an archaeological section that has documented the tribal aspects of ownership of land.

The Commonwealth Government, the Government of Queensland and various Oppositions have espoused a policy about land rights, so there is no need for honourable members to worry. The Opposition wants to see the land rights policies implemented, and the Opposition does not wish to see attempts to do so frustrated in any way.

An additional argument in support of apparent recognition by the Queensland Government of land rights is to be found in the fact that when the border argument took place, signs were placed in prominent places indicating that the land on all of the reserves was Aboriginal or Islander land. The signs are still there, and I am quite certain that one is still to be found on the Murray Islands. A sign there clearly stated the purpose of the reserves and recognised the de facto ownership of that land. The Queensland Government has tried previously, and is trying now, to frustrate the claim that is being made before the High Court of Australia.

The honourable member for Lytton (Mr Burns) spoke about the earlier history and attempts by the Queensland Government to frustrate High Court cases by constantly changing the ground rules. That is a typical ploy that is adopted by the Queensland Government. However, the legislation presently before the House represents a further and major step in the Government's attempts to frustrate. Another circumstance that led to the High Court challenge and to the strong argument advanced for land rights in Australia was that the Queensland Government totally ignored, in particular, the people of the Torres Strait islands, as well as all other Aboriginal people in communities spread throughout Queensland.

I have referred previously to the lack of a domestic water supply for people who live in communities in the Torres Strait islands group. The small improvement that the Queensland Government has been able to effect is quite inadequate, and it is proper to mention the inadequacies of Government in a debate that concerns a Bill relating to one group of islands. The Murray Islands water supply consists of a windmill, a clapped-out diesel engine, a very small tank situated on the top of a hill, and a great many corroded pipes that are supposed to supply people who live in the community. I have received many complaints about the inadequacy of the water supply, and I have transmitted those complaints to the appropriate section of the Queensland Government. The complaints have been totally ignored.

The Murray Islands have not been provided with an electricity supply. The Queensland Government has been very remiss in not providing such a basic amenity for people who live in that part of Queensland. I could go on and on and talk about the other things that the Queensland Government has not done in that area. The school situation—

Mr DEPUTY SPEAKER (Mr Row): Order! The honourable member cannot decide his own definition of relevance. I suggest that he is now becoming totally irrelevant to the provisions of this Bill. Surely there will be another debate during which he can mention the subject that he was about to discuss. He will return to the Bill.

Mr SCOTT: Certainly, Mr Deputy Speaker. Far be it from me to move away from your ruling. I think that they are important issues and that a conscientious member should take every opportunity to air them in this House.

In conclusion, I will make further reference to the High Court case which you, Mr Deputy Speaker, have to admit is relevant, because it was mentioned in the Minister's second-reading speech. If that case proceeds, it will allow the correctness of the Gove decision, which was an earlier Northern Territory lands right decision, to be judicially considered. It will raise a number of complex questions of international law, constitutional law, property law and administrative law. In particular it will provide the first full-scale opportunity for the High Court to consider fundamental questions about the basis of European settlement in Australia, the very things that I have been talking about today, and the relationship between the settlers and the original inhabitants, that very important point on which the Liberal Party has been so silent. Of course, I would not expect National Party members to talk about such things. The quotation which I cited came from the Aboriginal Law Bulletin No. 4 of 1982. I hope that this debate continues and that some valid points are made.

Mr DEPUTY SPEAKER: Order! Before I call the next speaker, I point out to the honourable member for Cook that, although he raised the involvement of the Parliament in matters which he considered were in violation of the sub judice provisions, according to "Erskine May—Parliamentary Practice", on page 378, dealing with matters awaiting judicial decision—

"The general rule applies qualified by the right of the House to legislate on any matter."

Consequently I point out to the House that in fact it has the right to legislate on this matter according to the rules laid down.

Mr SCOTT: But not to debate such things. It can legislate, but not debate.

Mr DEPUTY SPEAKER: Order! I do not see that as the position. I want to make it quite clear that I was not remiss in allowing the debate to proceed.

Mr VEIVERS (Ashgrove) (2.57 p.m.): I am concerned about certain aspects of this Bill and the whole thrust of the legislation that is continually being put forward by this Government in relation to land and the control of land. A certain air of fear has pervaded the whole thrust of the Government's legislative program. The rule seems to be annexation without compensation. Legislation has contained fairly severe regulatory provisions which seem to take away the rights of individuals who have owned freehold land for many years. Recently many Bills have seemed to contain some kind of threat by this Government, and this Bill is in the same vein. It seems to me to be an attack on a very important principle that has been enshrined in our way of life for many years, that of owning freehold land.

If a Government sees fit to take freehold title away from an individual or a group of people, it has the power to do so, but compensation should always be paid.

Clause 5 states—

"No compensation was or is payable to any person"

That is another example of the high-handed attitude adopted by the Government.

In 1879, these islands were first proclaimed as proposed property of this State. In those days, there were in existence title deeds that had the stamp of approval of Queen Victoria. This legislation continues to ignore that position. That is a very serious attitude for any Government to adopt.

I shall refer to the attitude that the Government has adopted in recent times towards the ownership of land in this State. As my colleague the honourable member for Cook (Mr Scott) has pointed out, there seems to be one land law for the rich and another for the poor. There is certainly a land law for the privileged and another for the underprivileged.

Mr Lickiss: What title do you have for your land?

Mr VEIVERS: I have freehold title.

Mr Lickiss: You must be in the category of the rich.

Mr VEIVERS: I am afraid that I am not. Many Government members would like to take over the land of other people, whether they are privileged or underprivileged.

In this State there is certainly one law for the whites and another for the coloureds. There is certainly a degree of inconsistency in that area.

With regard to land-ownership throughout this country, it is enshrined in the Australian Constitution that if a person has freehold title, that title makes the land his private property, his domain. Throughout the history of this State and this nation, all the statutes have defended that principle. Time after time, legislation has been introduced into this Chamber to attack that basic principle. The Australian Constitution sets out that principle quite clearly. No specific State laws defend the right to ownership or the right to freehold title. However, it has always been understood in this State that that right to private ownership was protected. Of course, the Australian Constitution supersedes State situations. In a later part of my speech, I shall foreshadow the taking of substantial action, possibly this year, in relation to an attack being made on the ownership of land in this State.

On 3 April 1984, when debating the Land Act Amendment Bill, I referred to what the Minister for Water Resources and Maritime Services (Mr Goleby) said when introducing the Nerang River Entrance Development Bill. He stated—

“That payment of compensation for freehold lands acquired by the Crown or a statutory authority for public purposes is a well-established policy embodied in statute law.”

Yet clause 5 of this Bill states—

“Claims to compensation. No compensation was or is payable to any person—

- (a) by reason of the annexation of the islands to Queensland;
- (b) in respect of any right, interest or claim alleged to have existed prior to the annexation of the islands to Queensland or in respect of any right, interest or claim alleged to derive from such a right, interest or claim;”

The attitude of the Government is that it can take over people's land. It does not matter how long people have held land; the Government says that it does not have to worry about compensation. That is the attitude that the Government adopts towards land rights.

I shall refer to some other areas in this State in which similar difficulties have arisen. Order of the Day No. 18 on the Business Paper relates to the Kangaroo Point Land Development Bill.

Mr McPhie interjected.

Mr VEIVERS: The Government is not game to bring that Bill further up the list on the Business Paper, because it has caused so much flak. I wonder whether it will be on the list when Parliament resumes later in the year. It is absolutely draconian legislation.

This Bill attacks freehold title and ownership of land, and I view it in exactly the same light as I do the Kangaroo Point Land Development Bill.

Mr Lickiss: Isn't the ALP policy a leasehold policy and not a freehold policy?

Mr VEIVERS: If and when the Kangaroo Point Land Development Bill is debated, I will be interested in the attitude of the Liberal Party.

Mr Davis: Don't worry about the wishy-washy Liberals.

Mr VEIVERS: I notice that they have been called the wishy-washy Liberals—20c each way.

Problems have arisen on the south side of the river because the Government has annexed properties in the Expo site. Land has been resumed and later it will be resold at a high profit margin. It is a very tricky and dangerous area for any Government to interfere with.

The privileged and not-so-privileged supporters of the National Party enjoy considerable advantages over other people in the State, particularly those who are not in as favourable a financial position or who are of different political persuasions. Time after time, friends of the Government receive favourable treatment. The "Silver Plains" issue is a recent coastal land——

Mr DEPUTY SPEAKER (Mr Row): Order! The honourable member is getting right away from the Torres Strait islands. I suggest that he come back to the Bill. I will not listen to him wandering all over the State.

Mr VEIVERS: Mr Deputy Speaker, I take cognisance of your ruling. This Bill concerns freehold title to land, annexation and compensation, and reference must be made to other events. However, because of your ruling, I will not continue along that line.

I make the point that, in the last 18 months, similar pieces of legislation have been introduced involving the annexation of land, but compensation has not been paid. In March or April last year, I made a speech about an island off the coast. The same principles should be applied in that case as are being discussed in this debate. On that occasion I referred to a person who has a deed, bearing Queen Victoria's seal, to land on Stradbroke Island. That land has been annexed by the Government, but compensation has not been paid. That is the parallel I draw.

An Honourable Member: What is his name?

Mr VEIVERS: His name is Mr Tuesley and much of his land——

Mr Jennings: It is under water.

Mr VEIVERS: When the honourable member for Southport first came up to Queensland from Victoria, he did not know where Nerang Street was. In fact, he had probably never been to the Gold Coast in his life. He still does not know where this land is today. He does not know what he is talking about, because the land in question is not under water.

Mr Jennings interjected.

Mr DEPUTY SPEAKER: Order! I ask the honourable member to come back to the Bill.

Mr VEIVERS: The honourable member for Southport does not know what he is talking about; the land is not under water.

Mr Jennings: I will come with you any time and we'll go and find it.

Mr VEIVERS: The honourable member for Southport should be very careful. It has just been suggested to me that I should take him over there and hold his head under the water. I will take up the offer made by the member for Southport. I believe that Mr Tuesley, the man to whom I am referring, offered to take the honourable member for Southport over there and show him the land in question, but the honourable member refused. The land in question is coastal land. It is part of an island. That is why I am now drawing attention to the matter.

Mr DEPUTY SPEAKER: Order! I do not intend to allow this personal argument between the member for Southport and the member for Ashgrove to continue. I ask the honourable member for Ashgrove to address the Chair.

Mr VEIVERS: The honourable member for Southport made me an offer I could not refuse.

The land on the Gold Coast Spit and South Stradbroke Island is relevant. As I foreshadowed earlier, I am sure that later on this year that land will be the subject of further action. The Government's failure to honour that title is an attack on the very basic principles of land tenure and private ownership. Mr Tuesley holds a deed which bears the seal of Queen Victoria. That is dated 10 October 1878, which is the approximate date of the assent to the Queensland Coast Islands Act and the proclamation thereunder. This matter bears on a very important principle. Some of the land is still above the high-water mark. It is legally owned by Mr Tuesley.

Mr DEPUTY SPEAKER: Order! The member for Ashgrove has made his point on the similarity between the case he is mentioning and the legislation. I cannot allow him to continue to discuss this case, which has nothing to do with the subject-matter of the Bill. If the honourable member does not come back to the Bill, I will have to ask him to resume his seat.

Mr VEIVERS: Mr Deputy Speaker, I accept your ruling. I appreciate your allowing me to draw that parallel. I was frequently interrupted by the honourable member for Southport, who is obviously extremely sensitive about the issue, which is a very important principle and a very important aspect of State legislation.

I can only endorse the comments made by my colleagues in relation to the Government's attitude to the Islanders who will be affected by the Bill. Why does the Government now see fit to introduce a Bill of this nature? What fear does the Government have about the existing arrangements for those islands in the north? Why is it necessary to introduce this legislation? My only comment in relation to that is that since I entered this place, because of the type of devious legislation that the Government has introduced, I have developed an extremely suspicious mind. All I can say in relation to this legislation is that the Government must have a motive different from the one that the Opposition can see. Why has the Government now produced this legislation? The reaction from members on this side of the House should be seen in the light of the Government's total lack of commitment to the Islanders and its devious approach to the administration of land tenure in this State.

Hon. W. A. M. GUNN (Somerset—Deputy Premier and Minister Assisting the Treasurer) (3.15 p.m.), in reply: I thank honourable members for their contributions. The Deputy Leader of the Opposition claimed that the Bill has some relationship with the Torres Strait Treaty. That is not correct. He also stated that the view of the Islanders was that their rights to land did not cease on annexation in 1879. The Queensland Coast Islands Act of 1879, which provided for the annexation of the islands by the Queensland Governor, states that upon annexation the islands "become part of the Colony of Queensland and shall be and become subject to the laws in force therein". The Bill before the House reaffirms that state of affairs. It is as simple as that. The Deputy Leader of the Opposition also claimed——

Mr Burns: You never enforced Queensland laws in that way.

Mr GUNN: They have always been subject to Queensland laws.

Mr Burns: We never changed their system, and we still haven't.

Mr GUNN: The Queensland Government is not changing their system.

Mr Burns: You are.

Mr GUNN: The Queensland Government is not changing their system.

The Deputy Leader of the Opposition also claimed that the intention is to frustrate the Islanders' case that is proceeding in the High Court. Again, that is not correct.

Mr Burns: It is proceeding.

Mr GUNN: It is proceeding, but the Queensland Government will not frustrate them; they can do what they like. The Bill only declares what has always been the position. The Bill outlines the position.

The honourable member for Mount Coot-tha (Mr Lickiss) supported the Bill. He has an understanding of the Bill and what the Queensland Government is trying to do. Everything that he said was correct.

The honourable member for Cook (Mr Scott) asked, "Why did the 1879 Act extinguish the Islanders' rights?" The islands were annexed to Queensland and became subject to Queensland law. The Islanders had the same rights as all other Queenslanders. In other words, they are Queenslanders and are treated as Queenslanders.

The honourable member also claimed that Islanders were sold down the drain because of the Torres Strait Treaty. Once again, that is nonsense. The Islanders wanted to remain Queensland citizens. Unless the Queensland Government had intervened, Mr Whitlam would have given the islands to Papua New Guinea. All Opposition members know that. When I visited the area, the Islanders were wearing badges bearing the words "Border—No Change". Whitlam was prepared to give them away. Had Queensland not intervened, they would have been part of New Guinea. The Islanders never wanted that. There is no way in the world that the Islanders wanted that. The Islanders were led by two Melbourne University do-gooders, a Queen's Counsel named Kastan and a person named Keon. The Islanders were being led by those persons from Melbourne University. They are a long way from Murray Island. They were leading the Islanders up the garden path. Litigation has not stopped; it is still proceeding. I do not intend to enlarge on that matter. I am sure that no-one in this Chamber would want to do so. The Bill will not alter the life-style of Islanders. The Queensland Government has an excellent record of achievement in Torres Strait and will continue to do its utmost for the Islanders. Education, health and other services have been provided. The Queensland Government has provided a great deal of assistance for the Islanders, and there is no doubt that they appreciate that assistance.

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

AYES, 48		NOES, 31	
Ahern	Lane	Braddy	Warburton
Alison	Lee	Burns	Warner, A. M.
Austin	Lester	Campbell	Wilson
Bailey	Lickiss	Casey	Yewdale
Bjelke-Petersen	Lingard	Comben	
Booth	Littleproud	D'Arcy	
Borbidge	McKechnie	De Lacy	
Cahill	McPhie	Eaton	
Chapman	Menzel	Fouras	
Cooper	Miller	Gibbs, R. J.	
Elliott	Muntz	Goss	
FitzGerald	Newton	Hamill	
Gibbs, I. J.	Powell	Kruger	
Glasson	Randell	Mackenroth	
Goleby	Simpson	McElligott	
Gunn	Stephan	McLean	
Gygar	Stoneman	Milliner	
Harper	Tenni	Prest	
Harvey	Turner	Price	
Henderson	Wharton	Scott	
Hinze	White	Shaw	
Innes		Smith	
Jennings	<i>Tellers:</i>	Underwood	<i>Tellers:</i>
Katter	Kaus	Vaughan	Davis
Knox	Neal	Veivers	Palaszczuk

Resolved in the affirmative.

Committee

Clauses 1 to 5, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

RACING AND BETTING ACT AMENDMENT BILL (No. 2)**Second Reading—Resumption of Debate**

Debate resumed from 2 April (see p. 4810) on Mr Hinze's motion—

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

Mr SHAW (Wynnum) (3.27 p.m.): It would be reassuring if the Bill could be seen as a solution to the problems that presently permeate Queensland's racing industry. Unfortunately, it is not. It would be a very optimistic observer who was of the opinion that the Bill solves the problems of the racing industry. Racing in Queensland has been the subject of very serious questions for a considerable time. The questions that were being asked and the rumours that abounded came to a head eight months ago in what is now known as the Fine Cotton affair.

What would have happened if that episode had been left entirely to Queensland's racing administration? Absolutely nothing! People have been charged and action has been taken in other States, but very little has occurred as a result of action taken by racing administrators in this State. That is a great pity. Mr Haitana made claims that he would be looked after and that, if he was charged, it would be with a minor offence. He said that he did not have a great deal to worry about. Those claims have never really been disproved. For a considerable time, people have been left with the impression that there might have been a grain of truth in them.

It could well be asked: What else could go wrong with racing in Queensland? It has been the subject of very serious charges and has been linked with organised crime. Such suggestions were made in “The Age” tapes. Allegations have been made of jockeys rigging races and of threats being made to jockeys who would not take part. It was suggested that racing has been used for the purpose of laundering money from drug activities or major crimes. Following the Fine Cotton ring-in, a great upsurge has occurred in the preference that Queensland horses have developed for coffee. I refer to the caffeine problem.

Every time such problems have been mentioned, the Minister for Local Government, Main Roads and Racing (Mr Hinze) and other people in authority have said that action would be taken. Unfortunately, nothing has resulted from the promises that have been made, and the achievement record has been zero. The Minister has claimed that doping was being detected only in Queensland, despite the fact that it had occurred in other States of Australia and had as yet remained undetected. Such claims have been adequately disproved. I understand that samples have been sent from Queensland to other States and that they have indicated that interstate procedures were sufficient to isolate instances of doping. It is therefore fair to assume not that doping does not occur in Queensland, but rather that doping does occur in Queensland.

Mr DEPUTY SPEAKER (Mr Row): Order! There is too much audible conversation on the right-hand side of the Chamber.

Mr SHAW: I meant to say that it is not a matter of instances of doping not being detected in this State. It is rather a matter of the instances not occurring interstate, whereas they are occurring in Queensland.

On an examination of the racing industry in Queensland, all of the facts lead to the conclusion that the industry is in a very unfortunate position. I think the Minister would have difficulty in denying that the racing industry has been beset of a great many, wide-ranging problems, and that indicates that a very serious inquiry should be made into changing the methods of administration in Queensland.

Mr Hinze: What are you suggesting?

Mr SHAW: The Opposition has repeatedly suggested that a commission should be established in Queensland. The suggestion has been made also by people associated with racing, from punters to trainers. People have been asking for such a commission, and, if the requests are being made of the Opposition, requests must also have been made of the Minister every day.

Mr Hinze: They ask me, and I have said, "Well, I don't know what the Opposition thinks about all this."

Mr SHAW: I am sure that that is not true. It is not often that honourable members hear facetious remarks being made by the Minister. The Minister knows very well where the Opposition stands on this matter, and he must also know the feeling of people from a very wide section of the racing industry.

The Minister has an undisputed knowledge of the industry, and it must therefore be a fair question to ask him why he has not moved towards establishing a racing commission. Is it the fact that the Minister has been nobbled by the back-room boys of the National Party, or does the Minister have a legitimate reason for not supporting the establishment of a racing commission?

Mr Hinze: The principal racing clubs argued very strongly against it, as the honourable member would know.

Mr SHAW: That may very well be so, and officials of racing clubs may have a great deal of expertise. I am not arguing against that. However, the fact remains that events over the last 12 months strongly indicate that a change is necessary, and the suggestion that a racing commission be established has been very widely supported. That being so, it must be very difficult for the Minister to continue to oppose the establishment of a commission, and it is about time that the proposal was given very serious consideration or a very valid argument was presented by somebody as to why it should not be established.

All sections of the racing industry have voiced some kind of complaint. People who are associated with greyhound racing clubs have made a number of complaints and, at present, what amounts to a strike is under way because of certain things that people in that section of the industry are not happy about. I trust that, during the next few weeks or in the immediate future, people who control the greyhound racing industry will take action to resolve some of the problems. If people in authority do not take appropriate action, it will be incumbent upon the Minister to do so.

Complaints have come from people associated with the trotting section of the industry. That has occurred time and time again and has been well documented. It is time that the Minister considered the requests that have been made for the establishment of a racing commission and examined the demand for a complete revision of the administration of the racing industry. It is also time that the Minister did something to overcome the problems. If the Minister says that the Opposition does not support those proposals, or he is uncertain of the Opposition's attitude, the Opposition challenges him to come forward with at least one good reason why a racing commission should not be established in Queensland.

As I said, it cannot be disputed that the Minister has a wide knowledge of racing; but one can take issue with his very widely known involvement in the racing industry. It is probably fair to say that only in Queensland would it be accepted, virtually without

comment, that a Minister in charge of racing could have such a close involvement with the industry without his pecuniary interest in the industry being an issue. It is also fair to say that many of the things the Minister has done—for example, increasing prize money—are undoubtedly to the benefit of the industry. Because he is one of the foremost and most successful owners in the industry, he has a vested interest in that increased prize money; he cops a fair share of it. In view of his undoubted expertise, that is a shame; but his vested interest is the quid pro quo that the electors of this State have to accept.

It is a great shame that, because of a difference of opinion within his political party and because of petty jealousies and personality clashes within the racing administration, his expertise seems not to have been used to its greatest advantage. I say quite sincerely that it is a great shame——

Mr DEPUTY SPEAKER (Mr Row): Order! The member is not accusing the Minister of any ulterior motive?

Mr SHAW: I am not suggesting that at all. I do not see how anyone could draw that inference from what I said. To the contrary, what I said is that, with the best will in the world, it is quite obvious to any observer that the Minister's efforts, or somebody's efforts, are being frustrated and that moves that should be made are not being made.

I also say quite sincerely that it is a great pity that members are not given sufficient time to consider Bills such as this. Standing Orders were amended to reduce the period for which a Bill was required to lie on the table. Sometimes that does not matter. On occasions, a Bill may be passed after only three days consideration without any harm being done; but in the case of a complex Bill such as this one, on which many people want to comment and on which people within the racing scene have a point of view they wish to put, I do not believe that sufficient time has elapsed since its introduction to allow such views to be put. It is a great pity that the Government does not give a little more thought to weighing up the need for certain Bills, making an assessment of their complexity and deciding that they should lie on the table for a considerable period. Instead, there is a blanket provision that all Bills are passed as hastily as is possible.

Public concern has already been expressed about some parts of the Bill. A particular point was raised about the fact that drugs administered to animals after they have been entered for a race can be administered only by veterinary surgeons.

Mr Hinze: There are three amendments to be made, and one will correct that problem.

Mr SHAW: I will say no more at this stage than that it is very difficult for members to debate Bills of this nature, and what the Minister has just said bears out my point. If more time were available, the issues could be considered in more detail, and more profitably.

Another clause deals with the exclusion of the public from inquiries. Is that also to be the subject of an amendment?

Mr Hinze: The press can be admitted at the invitation of the stipendiary stewards.

Mr SHAW: Perhaps the Minister could give more thought to that clause. I had intended to move an amendment. I have not yet circulated it, because the debate resumed rather suddenly. I will circulate it at the earliest opportunity.

The Opposition is suggesting that the accent should be changed to provide that the public has the right of access to inquiries, and that in special circumstances there should be a right to exclude the public. The Minister seems to be suggesting that, as a matter of course, the public would be excluded, but that, in special circumstances, the stewards would have the right to admit the public. The Opposition would like the accent reversed. Where the stewards felt that, under the circumstances, the public should be excluded, they should be able to move to exclude the public.

I accept the argument that has been advanced that, at times, giving the public access to inquiries could jeopardise the correct conduct of the inquiries.

Mr Hinze: And for later appeals?

Mr SHAW: The exclusion of the public from appeals should apply to a far lesser extent. A fair amount of investigative processes would be involved in the initial inquiry, but most of the investigations would have been carried out by the time a case reached the appeal stage. It is for that reason that, at the Committee stage, the Opposition proposes to move for the deletion of the word "appeals" That would have the effect of leaving appeals open to the public. The public would have the right to be admitted to appeals other than in those cases in which the person in charge of the appeal felt that, because of special circumstances, the public ought to be excluded.

I will be able to deal with that matter in greater depth at the Committee stage. Mr Deputy Speaker, I thank you for allowing me to go into some detail of what the Opposition proposes to do at the Committee stage. It may be possible to reach agreement on that matter, and that would save a great deal of time. If it is not possible to reach a compromise, the Opposition would feel disposed to oppose the clause.

I welcome the Minister's announcement that five full-time police will be attached to his department. That is something that the Opposition has publicly supported in the past. A great deal of good could come from that. I hope that the police will be able to build up contracts.

Mr Hinze interjected.

Mr SHAW: I am pleased to hear the Minister say that. That is the sort of thing that the Opposition has been seeking. That could be one of the major ways in which to attack the problems that are presently being created by criminal activities throughout the racing industry. The police would need to gain the confidence of certain people. Whether honourable members like it or not, that is the way in which investigations have always been carried out with the greatest effectiveness. People should be able to go to the police and tell them things in confidence. That is the way in which many of the problems in the racing industry could be overcome. The Opposition welcomes that move.

I wish to refer to the assurance that the Minister gave the farriers. He said—

"Finally, I would like to refer to the concern that was recently expressed to me by members of the Farriers Association in Queensland in relation to the present problems associated with drugs within the racing industry. The farriers pointed out that on many occasions, in the course of carrying out their duties, they are left with the sole control of a horse and they expressed the fear that, in those circumstances, they may be isolated as suspects if the horse is subsequently found to have had a drug administered to it.

I assure the Farriers Association that, on the advice given to me, the position of farriers would be no different from that of any other person who may find himself in similar circumstances, not just in relation to offences in respect of racehorses, but in respect of any other type of offence. In other words, the fact that a farrier was left in charge of a horse would not, in itself, be sufficient grounds on which to mount a prosecution for a drug-administration offence. There would need to be other substantive evidence on which to support such proceedings."

In itself, it might not be sufficient grounds for a prosecution. However, it would be fair to say that, in such circumstances, the farriers would be in a very uncomfortable position—they would be looking right down the barrel. That is one of the many questions that must be considered in administration, and I am sure that it will be. Strict provisions must be included in legislation of this type to overcome such a serious problem.

Mr PRICE (Mount Isa) (3.45 p.m.): The Bill, as explained in the second-reading speech of the Minister for Racing (Mr Hinze), contains two major thrusts. One is to

provide better controls over the administration of the drugs to racehorses and greyhounds, and the other relates to sampling and testing procedures.

I am sure that when the Minister started restructuring the racing industry in Queensland he did not envisage the fall of the cards. In the light of what is known—or what is not known—it seems that much of the original superstructure work was cosmetic. Attempts are now being made to look more deeply into the industry and its problems, which have arisen in the last 30 years through the administration of the Queensland Turf Club.

It is my belief that the Minister is aiming at the wrong end of the horse. The draconian penalties contained in the clauses will only serve to destroy race day as a family outing. I recall that the Minister made a point of saying that in Queensland racing was an occasion for a family outing.

In his words, by going to a racecourse, people meet up with just about any kind of person. He said that racecourses reveal a cross-section of life and that racing is what Queensland is all about. This sort of legislation, which aims at the wrong end of the scale, will destroy that family atmosphere or family image of the public racecourse. It will also destroy country racing, as I am sure the Minister is aware, and affect the battler. The added expense that will be created under this legislation will tend only to get rid of the back-yard operator, who really forms the basis of racing in Queensland. I do not refer to people such as Tommy Smith or Andy Tindall.

The buck stops not with the Minister but with the QTC, that is, Lyons and Gallagher. If the truth were known, they would be gaoled for life. Queensland and the QTC have become their private club. I warn the Minister not to forget about Gallagher. At the moment, the Minister is battling with Sir Edward Lyons, and I think that Lyons has Gallagher lined up to be his successor as chairman of the Totalisator Administration Board. I cannot see that the Minister will do any good. In fact, the Minister is on the outer, and he has been told that he is on the outer and that the next chairman will be Gallagher. That will be the end of Russ Hinze.

Mr Hinze: Are you a gambling man?

Mr PRICE: Yes, I am.

Mr Hinze: Would you like a little bet?

Mr PRICE: Perhaps the Minister will shave the odds. I suggest that he should not forget Gallagher. He also bet on Lyons.

Mr DEPUTY SPEAKER (Mr Row): Order! The Chair will not sanction such transactions in the Chamber.

Mr PRICE: I will not thank you, Mr Deputy Speaker; I might have been on a winner. I say to the Minister that he should watch Gallagher, as he is the next man up.

I have been in and out of the racing game for most of my life. My father was a racehorse-owner. He had a Newmarket winner. In the early days, we went through it all here in the suburbs of Brisbane, much the same as Russ Hinze did down on the Gold Coast.

Mr Hinze: Why don't you tell us about some of your trainers in Mount Isa? There are none left. They are all in the bin.

Mr PRICE: That is right. That is what I am trying to tell the Minister. If he would spend his time listening to me instead of talking to another member of the Opposition, he would have got the thrust of what I am trying to say.

Mr Hinze: Look after your trainers.

Mr PRICE: I am trying to look after the trainers. That is the whole point of my standing up and talking to the Bill. The Minister should just hang five a moment.

I am sure the Minister remembers those episodes in Mount Isa, which involved Maguire and the policeman from Camooweal. Many other things have gone on in the racing industry in Queensland.

I ask honourable members to recall the Daybreak Lover incident. Who was the guy who accidentally stabbed himself when he was in the kitchen of his home, or was it the local pub? Did he fall on the knife? The next day he was out of the racing industry. He was supposed to retire. Now I see that he is training another bunch of horses. Now he is back in on the act.

Mr Prest: Tell us about that one. I do not know about that.

Mr PRICE: The episode of the knife? I am sure Mr Hinze knows all about it.

Mr Prest: We are talking about racing; never mind Daybreak Lover.

Mr Hinze: They call Bill Prest the Daybreak Lover.

Mr PRICE: Yes. They are trying to get Daybreak Lover back into Queensland racing. He is still having a trot down south.

Even before the Fine Cotton episode, some of the bookies in Brisbane were frightened even to field. The Holloways, the Ogilvies and the Christensons flew off to Sydney to back their set-ups here in Brisbane. What has happened to the Fine Cotton episode? I have tried to follow that in the newspapers. It went a couple of runs in the court and all of a sudden it disappeared. It seems to me that the intent of the QTC is to avoid scrutiny at any cost.

What has happened to the top hoops? What about Cookie and Palmer and the others? What has happened to them? At the moment, apprentices are doing all the running in Brisbane. Where have the top jockeys disappeared to? They were all round when this was going on. Obviously the scare has been put into them and they have gone into limbo or gone to Hong Kong or other places overseas. Somebody has tried to get them out of the industry.

Obviously the public are deserting racecourses in droves. They do not have any confidence in the industry. Very shortly, the country areas will not have a racing industry at all. I sympathise with the Minister, because he feels deeply about the industry, but he has no answer at all. I cannot lay the blame at his feet, because I do not think even Dr Ken Donald knows anything about it.

I come now to the issue of drugs in the racing industry. The Bill defines the word "drug" and the types of drugs that it covers. The definition is fairly comprehensive and I see nothing wrong with it, but some drugs on the market must be looked at in particular. In a recent letter to the owners and trainers in the North Queensland Racing Association, the secretary administrator (Mr Moss) set out how drugs are working inside the horses and how the swabbing procedures are carried out. In that letter he mentions that fentanyl has sometimes been found conjointly with caffeine. Fentanyl comes from the morphine family and is used as an anaesthetic in prolonged surgery on humans. In the last couple of days, a newspaper article has claimed that, combined with caffeine, it relaxes the horse sufficiently to allow the caffeine to work as a speed drug.

Fentanyl is one of those drugs that can be made far more powerful than heroin. It is one of the substitute drugs. Its molecular structure can be affected chemically and many other drugs can be obtained from it. My concern with drugs such as fentanyl and other designer drugs, in which the molecular structure can be redesigned, is whether the drug list in Queensland will be sufficiently flexible to be able to take in those designer drugs, because they can be made within the State.

The Health Department lists drugs that are accepted on the market or are officially brought into Queensland. What happens to the designer drugs? They are the ones that come from behind the scenes and can be made in laboratories in Queensland and used just as effectively. I am not a chemist or a pharmacologist, but I suggest that the designer drugs are probably as effective as fentanyl. I believe that, if they are not administered correctly, designer drugs can result in all sorts of side-effects, even paralysis. Variants of drugs such as fentanyl are big business. In "The Courier-Mail" this morning I read where they can be made rather cheaply. \$200 worth of the right ingredients could produce \$2m worth of a drug that is more powerful than heroin.

No-one in the industry seems to know a great deal about it. Honourable members would know how the word on a particular matter can be passed round on a racecourse. Honourable members have probably had that feeling. Everything seems somehow to get to the racegoer. If a person goes to the racecourse, he will find just about anything that is going on. It is the greatest gossip-ground that one can find in any district. Everyone at the races seems to be baffled about the whole matter. Nothing is being passed around suggesting that this could happen or that could happen. The four or five theories that have already been advanced are worn out.

Mr Hinze: Would you like to tell us your theory?

Mr PRICE: I am about to do that. It is not just a matter of theory. There are so many unanswered questions about drugs, particularly caffeine. For instance, what happens to the caffeine? Why is caffeine found only in urine? When caffeine is ingested, it should go into the tissues and therefore show up in the blood. Although blood tests are taken, it has not been found in blood.

Mr Hinze: It is.

Mr PRICE: It is? So there is a break-down. Why has the Minister not told us about those things? The Minister is saying that it only appears in the urine as pure caffeine?

Mr Hinze: You are telling us.

Mr PRICE: Right. Usually, 99 per cent of caffeine breaks down in the body. Only 1 per cent is left to show up in the urine. Why is that not happening? Why does it not show up in the saliva? Because it breaks down, surely that is the reason for a swab. When a swab is taken, four bottles are used for testing. The bottles are wiped out with acetic acid. The acetic acid obviously makes each of the containers aseptic. There are four bottles. One will contain saliva, one will contain urine, and the other two are empty. The bottles are sealed and sent away.

Recently I read in the "Daily Sun" that the Minister was looking at the theory posed by Mr Raabe, the owner of Picnic in the Park. He suggested that three samples should be taken. If the Minister is really interested in the industry, he will give the owner and the trainer a say in the matter, so that there will be a six-bottle set-up rather than two samples. If anything goes wrong, the local racing industry, i.e., the authority or the owner can hold the third sample. Perhaps there should be universal sealing.

Mr Hinze: Wax with a Government stamp on it.

Mr PRICE: Yes, wax with a Government stamp. Then the owner would at least have a chance. If the matter results in a civil action, at least he can obtain an independent analysis of the sample.

What defeats me is that no-one has explained why the caffeine is coming through in a pure form in the urine when some of the best pharmacologists and pharmacological authorities say that 99 per cent of caffeine will be metabolised in the body. However, caffeine should appear in the saliva and in the blood as well as in the urine. The reports that I have read show that that is not happening. Only the urine is showing pure caffeine.

If that is not so, as the Minister is intimating, will he give a more detailed explanation on just what is happening?

I turn to the use of vets. Once again, in my opinion, that will be an added expense for the battler. He will have to pay a vet, no matter what the circumstances. Previously, the vet would hand him the goods and he would take them home. The battler is the sort of person who gets from Melbourne a broken-down horse with good blood lines and he wants to bring it back to life. Some members might have had a go at it themselves. The attention given by a person of that type may bring a horse back onto the track and prove the blood lines or produce another winner. He might get only one or two races out of the horse. However, the satisfaction in racing lies in being able to re-establish a horse in that way. Anybody who is in the industry knows the feeling that I am talking about. The poor person will be wiped out. He will have to have enough money to pay the vet to come out and do his job. Reading between the lines in the Bill, I formed the opinion that a person will even be restricted if he wants to give a horse a vitamin dose prior to a race. How will he get round that?

Mr Hinze: There is a difference between a drug and a treatment.

Mr PRICE: It could be a fine line. The Bill contains a definition of a drug. I would ask the Minister for a definition of a treatment, because sometimes a treatment is necessary. A horse that has sore knees or arthritis usually requires treatment. Before it can be given to the horse, the treatment must now be registered. The battler can no longer afford the cost of veterinary attention. In most country areas, it is that type of person who is running the industry or holding it together. There are not many big trainers; there might be three or four of them in the industry.

In my electorate, trainers are being forced out. Some of them are even leaving the State and taking their horses with them. They have half a dozen horses in feed and they cannot afford to stay round. They have tried handing the horses over to other trainers. The positive swabs keep turning up. Those people get sick and tired of it. It costs them a hell of a lot of money. Therefore, they move on to greener pastures or to the Northern Territory.

At the moment, Mount Isa has one leading trainer. All the rest are individuals. That is not a bad thing; but if the big trainer is lost, much interest will be lost in the racing game itself. That adds to the lack of confidence of the punter and the racing enthusiasts. It would virtually spell the end of racing in country regions.

What happens in areas such as Cloncurry and Julia Creek where there is no registered vet? How will trainers make arrangements if their horses require treatment? What will they do to get drugs? They will have to travel hundreds of miles to get them from a registered vet. Previously, the vet could be contacted, he would send the drugs to the trainer and the trainer could administer them himself. The Bill does not make provision for that. If racing in country areas is destroyed—and it is the grassroots of racing—there will be reverberations in the city. Brisbane will not get any runners from the south for the winter meeting. Never mind this year; what about next year?

What draconian provisions this Bill contains—\$20,000 or imprisonment for two years, or both!

Mr Hinze: That is presently in the rules of racing.

Mr PRICE: At the moment?

Mr Hinze: Yes.

Mr PRICE: Can I ask why those provisions are then incorporated in the Bill?

Mr Hinze: It is in line with the present rules of racing.

Mr PRICE: They ought to be reconsidered if the penalty is as heavy as that at the moment. Lack of compassion in the industry and firmness right down the line are

tending to drive people away from the game. What single owner will risk that sort of fine?

Mr Hinze: You are on the wrong track, if you don't mind my saying so. There are more horses and more trainers right throughout the State than there have ever been—apart from the last scare.

Mr PRICE: I do not doubt it. There are more people and more horses in Queensland than there have ever been, too. The Minister is destroying the confidence of those people.

Mr Hinze: I am not destroying their confidence. I am trying to overcome their problems.

Mr PRICE: I have compassion for the Minister. I sympathise with him. The Queensland Turf Club does not have compassion for owners.

Mr Casey: You must realise that the Minister has a vested interest.

Mr PRICE: I point also to his impeccable record. This is the first time he has ever had a positive swab. Would I be right in saying that?

Mr Hinze: I would be feeling uncomfortable if it hadn't happened. Everybody else has had one. I would have to go and ask for one.

Mr PRICE: It must be terribly lonely up there. I meant the Minister's horse, of course.

Mr DEPUTY SPEAKER (Mr Booth): Order! I suggest that the honourable member for Mount Isa proceed with his speech.

Mr PRICE: I repeat that the lack of compassion is tending to cripple the industry by driving people out of it. Anybody who through his career is even vaguely connected with drugs would be frightened away by the number of positive caffeine swabs presently being returned. That will tend to shut the industry down. I am frightened for the industry, which carries well over 100 workers in Mount Isa alone. Those people do not know whether they are coming or going. Mount Isa's will be the first racing club to fold. It will fade away. It is not easy to re-establish a racing industry. Horses have to be encouraged back into the district, followed by a long period of sorting them out while in feed. We do not relish the thought of the industry's demise—quite apart from the social reasons. If the Mount Isa club folds, all of the smaller clubs in the north west will go with it.

Mount Isa has become accustomed to maltreatment. I refer to the introductory page of the "Queensland Racing Souvenir", dated 25 January this year, in which the Minister declares—

"During the 1985 Winter Carnival, a highlight will be the opening of the \$8 Million Corbould Park at Caloundra which will give the Sunshine Coast a modern racing facility.

Major works during the past twelve months have seen expenditure of \$2.25 Million at Bundamba, \$1 Million at Callaghan Park in Rockhampton, \$800,000 each at Cannon Park in Cairns and Cluden in Townsville, \$624,000 at Eagle Farm, \$500,000 at Mareeba and smaller but equally important works at courses in Emerald, Esk, Ingham, Nanango, Duaringa, Toowoomba and on the Gold Coast to mention but a few."

I remind the Minister that Mount Isa is not contained in the list; nor has it been, despite the Minister's most recent promise—admittedly, a few years ago—of a half million dollar woodchip track. Perhaps, with some added compassion, the Minister will consider the allocation of funds to assist the re-establishment of the industry in Mount Isa, if there is any industry left.

Mr Hinze: Have there been any funds spent in Mount Isa?

Mr PRICE: No, only on the works carried out prior to the Minister's assuming responsibility for racing.

Mr Hinze: Is that true?

Mr PRICE: That is right. We have received nothing.

Mr Hinze: I think you are making a mistake.

Mr PRICE: No. That is the extent of my knowledge. I have been involved in the industry for 20 or 22 years.

I should like to know whether there are degrees of penalty depending on the amount of caffeine or other drug found in a horse. That would require a degree of compassion on the part of the Minister. For instance, is the \$20,000 fine mandatory or is there a discretion? Why does the penalty not have degrees of severity so that, if 1 mg of a drug is found in a horse, so many thousand dollars will be the fine? A scale of fines or periods of disqualification should be provided in lieu of an absolute penalty in respect of illegal drugs being detected in a horse.

Mr Hinze: Do you support the theory that a proper basis for penalty ought to be determined?

Mr PRICE: I think that the theory warrants examination.

Mr Hinze: Has anybody involved in the industry told you that?

Mr PRICE: No. These are my thoughts.

Mr Lee: One does get to the point at which a horse can take so much caffeine and perform no better.

Mr PRICE: That is right.

It is the combination that worries me. One can imagine a horse being given a speed drug and an anaesthetising drug as well, and one drug reacting with the other. The timing of the administration of illegal drugs also worries me, especially in cases in which the drugs are administered close to an hour before a race when the illegal practice cannot be detected. Such examples indicate that the practice of doping horses is becoming blatant and, if the practice has become as blatant as the examples would suggest, no-one can tell me that it is of recent origin.

The fact that the industry must have been beset of such problems for many years must be faced. Appointment of the present Minister for Local Government, Main Roads and Racing signalled the start of a mere scratching of the surface of the problems and the illegal practices that have taken place over the years. I sincerely hope that the racing industry can be straightened out. Members of the Opposition want to see the industry being operated as cleanly as possible.

It is my honest belief that the thrust of reform measures is aimed at the wrong end of the operation. The Government is taking action **against** the wrong people. Government action will mean that the costs involved in racing **will rise** and will adversely affect the small operator, who is the grassroots participant of the industry, the person who holds the industry together. Instead of aiming at such people, the Minister should aim at the Lyonses and the Gallaghers who have been enjoying the benefit of such practices for the last 30 years. I invite the Minister to disagree with me on that statement.

I now turn to the power given to authorise officers to enter racing venues, etc. In my view, it promotes the image of their being bully-boys knocking on doors saying, "Let me in." The Government is copying the recent draconian industrial legislation that was introduced recently. Such legislation really is not necessary in the racing industry. To a large extent, the racing industry is founded on trust and it is one industry in which rules should be kept to a minimum.

I also refer to the appointment of five police officers who will be required to work in the racing industry to assist in investigations. That provision is particularly difficult for me to accept, especially when I am battling to have policemen appointed to the north-western area of Queensland to service communities that presently are without police representation. In contrast to that, with a stroke of the pen, the Minister has been able to whip these officers out of a politicised arm of the Government and employ them at will.

The legislation may involve a trainer in the additional expense of having to employ a person to be with a farrier when he is shoeing a horse, because the onus of proper husbandry remains with the trainer. The effect of the provisions of the Bill will be that a trainer or his employee must be in attendance while the farrier shoes a horse, or the trainer takes a risk. Bearing in mind the penalties provided in the Bill, I suggest that there is no way in the world that a trainer will allow a farrier to shoe a horse, irrespective of whether he is well known to the trainer or not, without the trainer or his employee being in attendance. If the trainer runs the risk, something happens and he is caught, a fine is payable, but by that stage the damage will have been done.

If the Minister is able to save the remnants of the racing industry in Queensland, I ask him not to forget Mount Isa.

Mr Hinze: I thought you might like to know that \$148,492 has been spent in Mount Isa.

Mr PRICE: I think that that sum was expended in clearing the original debt.

Mr Hinze: No.

Mr PRICE: Then what did the Minister use it for? I think he will find that that amount was used to clear original debts incurred. The Minister did that for every other section of the industry in Queensland. Since that time, the Mount Isa Racing Club has been forgotten.

Mr PREST (Port Curtis) (4.15 p.m.): Reluctantly, I have to suggest that this Bill seems to have been introduced to close the stable door after the horse has bolted. It is too little, too late. I am certain that the Minister for Local Government, Main Roads and Racing (Mr Hinze) would agree with that remark after one of his horses returned a positive swab only the other day.

I have the utmost respect for the honesty and integrity of the Minister and his racing establishment down at the coast; however, not only members but every racing-minded person in Queensland and Australia must be very concerned when allegedly the most important person in Queensland racing becomes a victim of this problem. Every fair dinkum trainer in Queensland and Australia is now concerned about the current caffeine scare.

On many occasions the Minister has said that he is determined to get the best of southern horses under the care of the best of trainers up to Queensland's winter carnival, but this caffeine scare could have a very marked effect on the presence of those southern champions at Queensland's major carnival. The fair dinkum trainers are concerned that they could have their good names dragged through the mud. The livelihood of those people, very respectable people, who have been in the game for a long period could be affected.

A number of trainers are now conducting their own investigations into what might be causing their horses to return a positive swab. Only recently I spoke to a Rockhampton trainer who is conducting some of his own tests, and he believes that it may be the drinks that are given to the horses that are causing them to return a positive swab. Mr Raabe, the trainer of Picnic in the Park, has another theory. Can anyone imagine the owner of a horse with the ability of Picnic in the Park administering anything to that horse that would cause it to return a positive swab after winning a race in Mackay,

particularly when one considers the class of the other horses in the race and the fact that it started at 20 to 1 on? There is no reason why that horse would have been given a stimulant. No person could have gained any great financial return by administering such a stimulant. It would be a joke if it was not such a serious matter.

Mr Davis: You could not even get on SP.

Mr PREST: In many places throughout Queensland, people were not able to back the horse on the TAB.

As I say, this is a very serious matter. The Minister is concerned about it. In fact, everybody should be concerned about it. I cannot imagine a person doping a horse such as Picnic in the Park. The type of horse to which one would need to give a stimulant would be one that was a bit lazy or one whose price was such that a lot of money could be made from backing it. After all, a risk is involved in doping a horse; one could get caught. At present, more than 100 horses have returned a positive swab. So there is a great risk that one could get caught doping a horse.

I suppose that one could dope National Party horses, because they would be unfit, lazy and good for nothing. One would have to dope them before one could get anything out of them.

Mrs Chapman interjected.

Mr PREST: I am not talking about fillies and mares; I am talking about National Party geldings. People are wasting their time when they consider giving stimulants to that sort of horse. One would not need to give a stimulant to a champion horse, such as Picnic in the Park—or Strawberry Road, which is presently racing in France.

The Opposition is concerned about many parts of the Bill. The three members of the Racing Codes Advisory Board will be nominated by the Minister. Since the Fine Cotton ring-in, various committees and boards have been set up. I will not labour the Fine Cotton case; I am trying to let it die a natural death.

Now we are on to caffeine doping, in which more people are involved. In the caffeine scandal there might not be the big fish that there were in the Fine Cotton scandal. When the Minister was about to set up a committee of inquiry into the Fine Cotton scandal, the Premier and Treasurer intervened from London.

Mr Shaw: The Minister was nobbled.

Mr PREST: The Minister's decision was overridden by the Premier and Treasurer when he was in London.

As I say, the Minister is to nominate three members to the Racing Codes Advisory Board. If he is allowed to nominate those members, they could be people with great credentials. However, I suppose that the Minister's decision will be overridden again and the board will consist of any three of Dr Oskar, Milan Brych, Sir Edward Lyons and Sir Edward Williams. If that happens, what will be achieved by that board will be similar to what the Queensland Turf Club achieved in relation to the Fine Cotton scandal.

Much will be said, but everyone will go silent and the issue will be dropped. Nothing will happen. The Opposition is concerned about this matter, and I would like the Minister for Racing to say who will have the necessary credentials to sit on the board. Presently the Minister has the services of Dr Ken Donald.

Mr R. J. Gibbs: He is a fine gentleman.

Mr PREST: He is a fine gentleman and a fine Queensland, and I am certain that he will do a very acceptable job. The Opposition does not want the likes of Dr Oskar and Milan Brych on the board. I suppose that when they come back to Queensland they will be knighted.

Mr SPEAKER: Order! I remind the honourable member for Port Curtis that, although his is a wide-ranging debate, he is getting right off the subject.

Mr PREST: I note that what you say, Mr Speaker, is true, and I am also aware that people in the National Party do not like to hear me talk in those terms.

Mr SPEAKER: Order! I am one of those people.

Mr PREST: I know that you are, Mr Speaker, so I will come back to the Bill.

As a result of this legislation, only registered vets will be permitted to treat horses. I have spoken with some trainers about the provision and they are very concerned because, even in country areas, the services of a vet may cost \$18.

Mr Hinze: Only the last seven days.

Mr PREST: It depends how often a vet must attend a horse to administer treatment. A considerable amount of money could be involved. There is a large difference between prize-money offered in the metropolitan area and prize-money offered at country tracks. This provision will put racing beyond the capacity of the little man.

In one regard the provision is a good thing. A vet to whom I spoke this morning said that it was about time that such a provision came about, because far too many people are administering drugs and treatment that are not doing the horses any good at all. They are ripping off the owners and trainers in the treatment that they are administering to horses. It may prove cheaper in the long term to have a vet administer treatment to horses than for the current practice to continue.

Many drugs are coming into Queensland from interstate and I have been told that drugs are being sold from about six outlets throughout the State. The drugs are readily available to the racing industry. It may surprise some people that Toowoomba is one of the major outlets. If vets know of these goings-on throughout the State, why is it that those in high places in the racing industry, in the Queensland Turf Club and the provincial clubs do not know of the distribution of drugs and the treatment of horses under their control?

Mr Hinze: You are talking about Mr Speaker's area now, you know.

Mr PREST: I am not talking about quarter-horses or sprint horses; I am speaking about racing in general, right down to the coursing.

The Opposition is concerned, and the Minister is concerned. As he said in his second-reading speech, he is not at liberty to release the findings of the committee set up by him under the chairmanship of Dr Ken Donald, although the reports so far are sufficient to convince the Minister that urgent action must be taken to ensure that the confidence of the race-going public is not further eroded by the allegations that have been made.

For months now, the race-going public have been reading more and more about what is happening within the racing industry and more and more people, including myself, are being browned off not only by what they read in the press but also by some of the performances of horses that are racing in Queensland. The latter is a different kettle of fish, because the stewards are there to conduct inquiries into that sort of thing. However, it is common to note reversals in form not only from week to week but also practically from day to day.

The Opposition has been concerned about treatment administered by ordinary people and by quacks. The Bill provides that only registered vets will be able to administer that treatment to a horse in the seven days of training prior to racing. However, the vets are also concerned about other outlets for drugs that are being administered to horses in the racing industry throughout Queensland. I am quite certain that if the Minister's committee is fair dinkum—it should be—it will make inquiries as

to who is involved in the distribution and administering of these drugs from other outlets.

The Bill excludes the press from inquiries and appeals.

Mr Hinze: There is an amendment to that.

Mr PREST: I agree that that provision should be amended. However, if the Minister introduces the amendment before I speak to the appropriate clause, he will take half of my speech away. The Opposition had also prepared an amendment to that clause.

The Opposition agrees with comments made by Jim Anderson, who is a very close friend of those on the Government side. He said that the public were entitled to know what happened at inquiries and appeals. He was totally against the proposal that those hearings be held in camera. He believed that the proposal was a serious intrusion into public scrutiny of racing control. In the same vein, I quote the following press article—

“The Council for Civil Liberties yesterday called on the Racing Minister Mr Hinze to reconsider a proposal for stewards’ inquiries and appeal hearings being closed to the press.

Council president Mr Matthew Foley said: ‘Punters depend on press reports for reassurance that they are getting a fair go.’ ”

Perhaps the racing public depend too much on the press and should depend a little more on the stewards. They are the ones who should make sure that the punters are getting a fair go.

A point of major concern is that people in the south are worried about what is happening in Queensland. In a recent article, Peter Cameron said—

“Randwick scored its best day’s racing in years yesterday with a huge crowd and open stewards’ inquiries.”

That was a facetious comment in relation to the Foster’s Doncaster Derby day carnival. The article also stated—

“Stewards went ahead with business as normal. The press were given their usual free access to the stewards’ business. Interstate racing writers, AJC committeemen and Sydney officials are dumbfounded at moves by Mr Hinze to install secret stewards’ inquiries in Brisbane racing. One AJC committeeman believes the legislation should be stopped at all costs.”

Mr Hinze: I wonder who he was.

Mr PREST: Yes, I wonder who it was. Do you know him?

Mr SPEAKER: Order! I ask the honourable member for Port Curtis to address his remarks to the Chair.

Mr PREST: I am sorry, Mr Speaker.

I do not know whether that gentleman is a friend of Mr Hinze, Quentin Dempster or somebody like that. However, that person said—

“Mr Hinze is becoming an embarrassment. He has too much power.”

What an awful thing to say about our Minister for Racing! He deserves all the power that he has. He certainly does not need to be stood over by members of the National Party back bench who would not know a racehorse from a cow, let alone know the qualifications necessary for the position of chairman of the TAB and other very important positions like that. If Government members took more notice of the Minister for Racing, this State would be better off.

The newspaper article further states—

“Jack Elliott, president of the Australian Racing Writers, will marshal national journalists’ and press lords’ support against the secret inquiries.

'The idea is absolutely ridiculous. It strikes at the freedom of the press. If I hadn't read the legislation with my own eyes I would not have believed it,' Elliott said."

I am pleased that the Minister has indicated that that clause will be amended.

Some time ago I was of the opinion that the practice of sending out trainers in Queensland while investigations were taking place had been stopped. I thought that there was a moratorium.

Mr Hinze: They asked for a moratorium.

Mr PREST: It never eventuated.

Once there is proof of some irregularity, a trainer is suspended or disqualified. However, in this instance, two trainers on the Darling Downs have been sent out following the return of a positive swab. It was reported in the press that, at separate hearings, Downs and South Western Racing Association stewards disqualified trainers Alex Morrison and Darby Hopkins for three months. I do not believe that the caffeine problem is being caused by a organised gang because it is too widespread. I am more inclined to think that the caffeine is contained in the feed or supplement given to horses. If the persons who have, under their control, horses that have returned positive swabs were to provide a list of the feed or supplements given to their horses, the Minister may find the answer. The Opposition will leave the matter to him. It has more confidence in him than in other Government members who do not support him to the hilt. The Opposition believes that, ultimately, the Minister will find an answer to what is happening.

The Opposition asks that the three persons who will be appointed to the Racing Codes Advisory Board will be people of integrity who realise what the Minister is trying to do. The Opposition hopes that the positions will not be filled by persons simply because they are friends of friends of Government members.

Mr VEIVERS (Ashgrove) (4.38 p.m.): I wish to make some brief comments on the Bill, which is a step in the right direction. I know that the Minister is genuinely concerned about the problems confronting the racing industry, but he is not being given a fair go. My colleague the honourable member for Port Curtis (Mr Prest) just made the comment that the Minister does not have the full support of the Premier and Treasurer (Sir Joh Bjelke-Petersen) in many aspects of the racing industry that the Minister is endeavouring to tidy up. The Bill is one step in the right direction, because the caffeine scandal and the drug problems are tearing the racing industry apart.

I am delighted that the Minister has taken the initiative and formed a board with Dr Ken Donald, whom I know. I am sure that he will do a wonderful job for the Minister in trying to solve the problem. I know that years ago Ken Donald was extremely fast off the mark; in fact, he was lightning fast.

Mr Hinze: In those days he knocked every stump out of the ground.

Mr VEIVERS: I do not think so; it was on the football field. If he ever got away on the football field, he was almost impossible to catch.

The Minister was not much of a bowler, either, because Alan Hollindale hit 160 off him the other day. He was quoted as saying that recently.

I wish Dr Donald every success in his endeavours to clean up the racing industry. If the Minister is fast enough to nip the dog or the horse at the barrier before it gets a run, he certainly has my support and the support of Opposition members.

I note that the Minister commented that he was not at liberty to release the findings to date of the committee. I take it that at some stage the Minister will release——

Mr Hinze: Today.

Mr VEIVERS: I thank the Minister for clarifying that. In my opinion, it is important for the confidence of the industry that, if possible, the Minister make a definitive statement and assure the public that action is being taken. It is also highly desirable that the Minister come to grips with the problem, because the industry relies a great deal on confidence. The race-going public is certainly affected by allegations, innuendoes and statements that from time to time are made about the industry. In my opinion, they have undermined the confidence of the race-going public. It is essential that that confidence be restored as soon as possible.

It is important that the Minister be seen to be in charge of racing in this State. I have no doubt that he is. However, the difficulties experienced by the Minister in the last two or three weeks because of the obvious conflict between himself and Sir Edward Lyons and the Totalisator Administration Board is not helping matters. In my opinion, that conflict needs to be settled as soon as possible, even though it is not directly related to the drug problem now being experienced in the racing industry in this State.

Mr Lee: How about we sack Lyons and be done with it?

Mr VEIVERS: I thank the honourable member for his interjection. If the Minister is in charge of racing, he must carry out his responsibilities as quickly as possible. In an editorial in the "Daily Sun" of 28 March 1985, the following statement appeared—

"The Premier made it clear that Sir Edward was more important to the government than one of its most senior and successful Ministers."

I will return to the aspect of confidence in the industry. Everyone knows that there are frequent rumours and innuendoes that horses and dogs are not trying or are not going to perform or that a particular race is not the one for a particular horse. The industry thrives on that kind of speculation, and the race-going public, the punter and the supporter always face that challenge. There is really nothing wrong with that. That has always been so in the past; needless to say, it will be so in the future. However, it is absolutely essential that supporters of the industry—and there are many hundreds of thousands of them in this State—can rely on the industry being conducted in the fairest and best way possible. That is what the Bill is all about. That is why this type of legislation is necessary. That is why it is important that the Minister, in the carrying out of his public responsibility, is seen to be in charge of the situation and is given the full support of the Parliament. The sooner that occurs, the better off the industry will be.

Just to give honourable members an idea of how important confidence is to the industry, I mention that 36 000 people crammed into Randwick Racecourse for the Doncaster Derby day carnival. This State does not publish attendance figures.

Mr Davis: Why not?

Mr VEIVERS: I do not know why. Perhaps the Minister will tell us the reason. I have often wondered why Queensland does not publish those figures.

A crowd as large as that attracted last Saturday in Sydney indicates that there the industry is prospering and buoyant. The Queensland industry is experiencing problems. Although no comparative figures are available to enable honourable members to ascertain whether racing crowds are increasing or decreasing, I suspect that, because of a loss of confidence in the industry following recent problems, fewer people attend the races.

I note that the Minister has backed down from his attempt to make stewards' inquiries secret. Certainly, he has reconsidered that matter.

Mr Hinze: I haven't backed down. It is not a matter of backing down. It is the reason why there is debate. It is in an attempt to get the best legislation possible.

Mr VEIVERS: That is commendable. I am pleased that the Minister has taken note of the criticism. The intended provision drew a great deal of criticism, particularly from the racing journalists of this country, including Mr Jack Elliott.

Mr Hinze: I do not believe that. I know him very well. I refuse to believe that Jack Elliott would say that. Peter Cameron printed it, but I doubt it.

Mr VEIVERS: That appeared in Cameron's report about how successful the Doncaster carnival had been. Stewards' inquiries ought to be open, although I realise that in certain circumstances it is necessary to protect the interests of those innocently affected. The Minister has given the stewards a degree of autonomy, but it is preferable that their inquiries be open. I hope and trust that the proceedings will be reported responsibly. That will boost confidence and morale in the industry.

From time to time, Government members claim that members of the Opposition tend to be knockers. That is not so. We have acted responsibly throughout the debates on the Racing and Betting Act, and there have been many of them. As I said a few days ago, since I have been a member of the Parliament I have not seen as many amendments to any legislation as have been made to the Racing and Betting Act. I have lost count of them. Honourable members dealt with one last week; we have another one before us today. How many more will there be before the industry has been tidied up?

Apart from drugs in the industry, many aspects cause concern. I draw attention to comments made by a Mr Fred Silvester, who was formerly in charge of Victoria's Racing, Gaming and Vice Squad. He is now retired. He established that State's racing squad and was one of the few policemen in Australia to have been involved in the long-term probing of race-fixing and all of the other unsavoury aspects that from time to time surround the industry. The statement he made a couple of years ago is well worth repeating. Mr Silvester said—

“Race-fixing is part of organised crime. Drugs, vice and the rest is, of course, financed entirely from illegal gambling profits.”

It should be recognised by everyone that Mr Silvester is a man of very considerable experience, and his comments should not be taken lightly. I hope that members of the Minister's committee and those people who are responsible for inquiring into problems associated with illegal drugs in the racing industry will take note of his comments.

I wish to highlight some other points raised by Mr Silvester, because they are relevant. I know that the Minister is aware of Mr Silvester's opinions, but I think that they are worth repeating, for the benefit of other honourable members. Most of the illegal activities, such as drug use, surround SP book-making.

Mr Silvester went on to say—

“Assume you're an SP book-maker and you know in respect of one race horse A is going to win. In the normal course of running your business, you would be looking at the odds—what the effect is going to be to you should a particular horse in any race win or lose—so you then lay off. [ring up other people and say, 'Look, I have taken \$100,000 on horse X in race three and I want to lay off \$80,000.'] Laying off means that no matter whether the horse wins or loses, you are not going to end up losing too much money and, hopefully, you will win a lot of money.

But if, in a particular race, you know which horse is going to win, or rather that a particular horse will not win, then you won't have to lay off at all in respect of that horse.

Of course, it works best if you know the horse that is going to win because you don't have to lay off for any of the other horses in the race. You keep all that money as pure profit.”

The net result is that, if it is possible to eliminate all of the horses, trotters or dogs that will not win, a considerable advantage will be gained certainly by punters, but particularly by SP book-makers.

Mr R. J. Gibbs: It is like buying box 1 or box 8 at the 'Gabba, but the Minister says that that does not go on.

Mr VEIVERS: It does not go on, the Minister says.

It is most probable that the caffeine problem is related to the illegal activities I have described. If as many of the horses as are unable to win in a race are eliminated, and if caffeine can be supplied to the horses that are more likely to win than the others, the odds of winning in a race or races must be greatly enhanced. I believe that that is precisely what is happening.

The development of the illicit administering of drugs is a problem that has absolutely amazed me. I can only say that the trainers must have a better idea of what is occurring than they will admit to, because trainers are in a position to be able to properly assess opportunities and ways of administering drugs. The problem is massive and puzzling, and I realise that the Minister is concerned. However, I feel that trainers should be asked more questions about the ways in which drugs can be administered. Some of the recent comments that have been made have seemed strange and conflicting to me, but I will not mention any names.

In conclusion, I acknowledge that the Minister has called for the holding of a royal commission of inquiry into the industry. Although the royal commission would not be directly concerned with the caffeine problem, but will revolve around the Fine Cotton scandal, I believe that the Minister's action indicates his sincere approach. The Minister has the support of the Opposition in his call for such a royal commission to inquire into all aspects of the industry, in an attempt to rebuild confidence in the industry.

I believe also that the Minister should, as soon as possible, take the opportunity to clear his own good name following what seemed to be scurrilous accusations and innuendoes made about him and his trainer. He should clear the air, and perhaps some kind of commission would afford him the opportunity to do so. For instance, on 23 February this year, Mr Haitana even named the Minister as one of his mates and said that the Minister would get him out of any trouble in which he might find himself.

Mr Davis: "My mate Russ."

Mr VEIVERS: Russ who? People in Adelaide did not know who "Russ" was, which I found rather unusual.

Mr SPEAKER: Order! The honourable member will return to the Bill.

Mr VEIVERS: I just mentioned that, Mr Speaker, because I believe it is very important from the Minister's point of view that he should clear the air. After all, one of his pacers has been caught in the caffeine problem. Those things are not good for the industry.

Finally, is the Minister really in charge of racing in this State? He ought to be. His intentions are good, but he is not being given a fair go. I congratulate the Minister on the Bill, but I would like to hear him refute some of the allegations that have been circulated about him. The Minister should let people know who is the boss. The industry would then be well and truly re-established and the return of the confidence of the public would be seen through the turnstiles and through the TAB.

Hon. N. E. LEE (Yeronga) (4.57 p.m.): It gives me great pleasure to take part in this debate and congratulate the Minister for Local Government, Main Roads and Racing——

Mr Shaw: You don't have to do that.

Mr LEE: I know that I do not have to do it, but it is a pleasure for me to do it. I believe, and I will say it again once more, that Mr Hinze is the best Minister for Racing Queensland has ever had. That includes Dr Edwards and even Sir Gordon Chalk, my former leader for whom I had a great deal of admiration. Therefore the Minister must be top class. He did not have to do much to do better than Dr Edwards; nevertheless, he has done a lot for the industry and I sincerely congratulate him.

The Minister has the positive support of the Queensland Racehorse Trainers Association. I have here a letter from the association that was delivered to the Minister and to other Cabinet Ministers only a few days ago. The association gives the Minister its total support. It has confidence in him. I will read part of the letter that sums it up—

“We realise that Mr. Hinze may have some shortcomings in some areas—”
that is fair enough; it is prepared to say that it will chastise him when it is necessary—

“but his desire to bring Queensland Racing into the 20th Century and his own enthusiastic drive is nothing but spectacular and needs all government, Race Club and licencee support and gratitude.”

That puts it in a nutshell. The trainers' association supports the Minister, who is doing a very wise thing by bringing in this Bill, even though it has some shortcomings. Although some people say that the renewed success of the racing industry has a lot to do with the administration of the TAB by Sir Edward Lyons, most of the congratulations can be directed to the Minister.

Sir Edward Lyons has had nothing to do with the administration of racing in Queensland. If the Minister had not taken money from the TAB and put it into the Racing Development Fund, racing in Queensland would have been a dead duck. He was game enough to take on Sir Edward Lyons. He took money from the TAB and stopped Sir Edward Lyons from investing it in Rothwells Ltd.

The Minister put the money into the racing industry to increase prize-money and to provide facilities for the public. As a result, more money has flowed into the TAB. That is the reason that the TAB has started to make some money. Unlike previous Racing Ministers who were not allowed to take money away from the Treasury or the TAB, the Minister had the guts to take the money and do something with it.

It is only since the new computer system has been introduced into the TAB that the TAB has come into its own. Not long ago, TAB betting on a race closed more than half an hour before a race commenced and punters were not able to collect their winnings from the TAB until the following day. Now, punters are able to bet with the TAB up to within two minutes of a race commencing and to collect their winnings immediately after a race. That has made a great difference to the TAB's turnover.

That has happened not because of the great ability of Sir Edward Lyons to run the racing industry, but because the TAB has introduced a good computer system and the Minister has made it possible for an ordinary person to own a horse and win some decent prize-money.

On 10 June next, for the first time in the history of racing in this State, the Castlemaine Stakes, which is a race for two-year-olds, will carry prize-money of \$200,000. Because people may be able to win a race carrying that sort of prize-money, they will be able to pay quite a bit of money for a well-bred horse. That sort of prize-money was never heard of until this Minister took control of racing. As I say, the Racehorse Owners Association and the Trainers Association have full confidence in the Minister, and so have I.

The Minister said that he appointed Dr Donald to carry out an inquiry into caffeine doping, and I believe that Dr Donald has done a good job. However, I find it hard to accept that the Minister is not at liberty to release the findings of that inquiry. The Minister is not a man who hides behind the door when he wants to say something. As he has not provided us with the findings of that inquiry, it is difficult for us to debate this Bill in detail. I cannot understand why he has not given us that information. The members of this Chamber have a right to be told the findings of that inquiry.

New drugs are coming onto the market every month, and this Bill provides that the Governor in Council, by Order in Council, may amend the list of drugs from time to time. That is far better than coming back to Parliament to amend that list.

A Racing Codes Advisory Board is to be established. I suppose that that will be the start of a racing commission, although I hope that it is not. The board will comprise three members. To date, we do not know who those members will be, but we know that Dr Donald will be the chairman. It is important that the members who are appointed to the board should know something about racing.

I appeal to the Minister not to appoint to the board anybody who may be a good friend of Sir Edward Lyons or somebody else. I doubt that he would do that. Nevertheless, I appeal to him not to appoint to the board somebody who may be a good friend but who may know nothing about racing. It is important that the three appointees understand and have a great knowledge of the racing industry. I am sure that, before the day is out, the Racing Minister will tell the House who those three members are, because it is very important. I am very pleased that he has just acknowledged that he will do so.

Not only should the board advise the Minister, but it should also advise the Queensland Turf Club stewards of the findings, because it is important that they are made aware of them. If the board discovers that a new drug is being administered, it is important that the Minister and the QTC stewards should know of that drug, because the stewards will be responsible for much of the testing. Although many people bear a grudge against the QTC, I feel that it has done a very good job. Only recently has the equipment been upgraded, and that may be one of the reasons why this drug has been found, even though most of the positive swabs are returned in the country.

The Bill provides that only a veterinary surgeon can treat a horse when it is in training. A horse or greyhound is deemed to be in training if, at the relevant time, it has been nominated for a particular race or races. That provision is very unjust. If an owner or trainer wishes to nominate, for the Golden Slipper, the Oaks, the Derby or the Sires Produce a horse sired by, say, Copper Kingdom, which is the Minister's stallion, he may have to do so before the horse is broken in as a yearling. For the Golden Slipper, the horse must be nominated 12 months in advance. For many other races, including the Oaks and the Derby, the Prime Minister's Cup, the Elders, the Brisbane Cup and the Castlemaine Stakes—others are listed in this month's racing journal—horses must be nominated months before they are in training.

A horse could be in a paddock when it is nominated for a race. If an accident occurs to the horse, even if it is not in training, it cannot be treated. Many owners send their horses to good trainers because they use drugs to cure illnesses, such as colic. I do not mean that caffeine or those sorts of drugs are used. Trainers may apply poultices and administer drugs, such as penicillin. Although those drugs are not listed, it would still be very costly for the owners particularly and also trainers if only a vet can treat a horse after it has been nominated for a particular race.

Until I spoke to the Minister, it had been my intention to move an amendment to this clause on behalf of the Liberal Party so that treatment could not be administered within seven days of a horse being nominated for a race. The clause at present is unjust, especially when a horse is nominated for the Golden Slipper. That must be done 12 months in advance, which could be the maximum period.

As Opposition members have said, the imposition of a fine of \$20,000 or imprisonment for two years or both is pretty steep. The amount is not chickenfeed. I would like to know if a drug is administered to a horse within the seven days, who in fact is fined—the owner, the strapper or the trainer? Is it the person who is found administering the drug, or is it the responsibility of the trainer, who in turn passes it back to the owner? If it is the responsibility of the trainer only, there will not be many trainers left in Queensland.

I cannot be convinced that the Minister's trainer would administer a drug. I assure the House that my trainer, Jimmy Atkins, and others such as Roy Dawson, Tommy Dawson and Eric Kirwan are not stupid enough to administer drugs, even before the introduction of this penalty. People such as that have a great pride in what they have done for racing. I am sure they are not the types of men to lower their standards and

principles and administer drugs just for the lousy few bob that they might get from a bet on the side or from additional prize-money. Therefore, it is very important that the period of seven days be extended. If it is not, it will certainly go against the owners, who will be faced with a very large increase in training fees. That will mean that all the good the Minister has done over the years will go down the drain.

The Bill provides for the establishment of a technical unit to carry out the necessary procedures. To that extent, it overrides any current rules of racing, trotting or greyhound racing. The people attached to that unit will have the power to enter any racing venue or any other place. Admittedly, that is for the taking of samples; nevertheless, that entry should not happen without the issue of a warrant. People having the right to enter a house without a warrant goes against all the principles of British justice.

Mr Davis: You have done it with the industrial legislation. Why do you suddenly have a conscience?

Mr LEE: Perhaps the power was needed in that case. Members of the Liberal Party did not support that clause of that Bill. We had drafted an amendment to that clause, but we did not get a chance to debate it.

Mr Shaw: That is because you voted for the gag.

Mr LEE: We did not vote for the gag. You knocked yourself out, and you know it. Your trouble was that you were too dumb.

Mr SPEAKER: Order!

Mr LEE: I am sorry, Mr Speaker; I was distracted. I had no intention of speaking about the industrial legislation. I was provoked.

The Bill provides that any samples taken will be properly sealed in the presence of a person having responsibility for the horse or greyhound from which the sample is taken. One part of the sample is to be delivered to the analyst who is to carry out the required tests. The other part of the sample is to be kept under adequate supervision. That should be extended. The sample should be divided into three parts: one to go to the trainer, the owner or the person in charge of the horse; the other two to be forwarded as is provided in the Bill. If that method was used, three people would have to form a conspiracy before that heavy penalty could be imposed. Because a penalty of \$20,000 or two years' imprisonment, or both, is extremely heavy, a great deal of protection is required. Adequate protection should be provided for the person at whom this penalty is aimed, which could be the trainer. Splitting the sample into three parts is one way of affording that protection.

In his second-reading speech, the Minister said—

“For this purpose, administrative arrangements are being made for five experienced police officers to be assigned to my department to work within the racing industry on a full-time basis.”

I accept that. I hope that those men have also had some experience with the racing industry. It is not only what a horse does but also what happens on tracks, in betting rings and so forth. I am sure that the Minister, with his judgment and knowledge of the racing industry, will give a great deal of consideration to the selection of those five police officers so that he can obtain men of good calibre who can do their job well.

The police officers will be empowered to search the records kept by a veterinary surgeon in relation to drugs distributed by him. I have no doubt that many of those drugs would be kept in a veterinary surgeon's home. Again, I hope that a warrant will be required.

I have been approached on the subject of freeze-branding. Although I do not have a great knowledge of the matter, I have been requested to ask the Minister a question. In his second-reading speech, the Minister said—

“It is also proposed, in order to assist in the easy identification of registered horses in the future, to provide that all horses branded on or after 1 August 1985 for the purpose of registration be branded by the freeze-branding method.”

I understand that the principal clubs Australia-wide are adopting that method on 1 August 1986, not 1 August 1985. That would bar southern horses from racing in Queensland for 12 months, and those horses might not be able to race in Queensland during their racing lifetime, which could be seven years. I do not think that the Minister would have overlooked that matter. I am sure that he will give a reasonable answer to my question.

The Minister does not desire to bar southern horses from racing in this State. I know that he has sufficient faith in Queensland-bred horses. He knows that they can clean up the southern horses whenever they come to this State. Horses such as Prince Ruling and Copper Kingdom will beat them any day. Next year, they will all have their feet on the ground. The Minister will see how well the Queensland horses will do. I assure honourable members that all the horses will be carrying on their rumps a sticker, “We make it great in the Sunshine State”

As honourable members have indicated already, the press are upset because they will be barred from the board's inquiries. As my colleague the honourable member for Mount Coot-tha (Mr Lickiss) said, the press are not very interested in this matter. There is only one lady in the press gallery, and she is not writing very quickly at the moment. The press have expressed their concern that they will not be permitted to enter the proposed inquiries. Representatives of the press should have the right to enter the inquiries at the discretion of the stewards or, in the case of a court, at the discretion of the judge. Perhaps the press should be included at the discretion of the stewards.

I congratulate the Minister on taking the bit between his teeth and grabbing hold of the legislation, because it is very important that he is seen to be doing something. I know that the problem is a difficult one to tackle. It seems to occur more in country areas than in city areas. When it occurs in the city areas, it happens amongst big money and therefore is big news. Nevertheless, it seems to be occurring also in country areas. I am not sure whether the Bill will solve the problem with the country horses. If the problem arises, it could render hobby trainers liable to a \$20,000 fine or two years' goal.

Mr Burns interjected.

Mr LEE: I am very concerned. I realise that it is not the intention of the Minister to cut those people out. The Minister believes in the racing industry and he wants to help the hobby trainer and the man who has two, three or five horses, or whatever it may be. The Minister was once a little man himself—perhaps that was when he was a baby—in financial terms, not in stature. Nevertheless, at the moment, the Minister is big in stature and in financial means. Certainly he is big in the racing industry.

As one honourable member said, the trainer would have to stand and watch the farrier all the time. However, unfortunately, the trainer cannot be present all the time and he must delegate that job to other people. If a farrier is left alone with a horse, he could be the one to administer a drug. Therefore, I am pleased to see that he will not be let off. After all, the farrier could give a drug to a horse, as could anyone in his presence; and who cops it? The trainer cops it. If trainers are fined and they go out of business, it will cost more to train horses, and that will be bad for racing.

The Minister has been good for racing. He has done the racing industry proud. I say to the Minister: keep up the good work. However, I hope that the Minister takes note of my comments. I know that those matters are of concern to the industry. The Minister has assured me that he will move two amendments that will ensure that I, as a member of the Liberal Party, will not have to move any amendments to the Bill.

Mr DAVIS (Brisbane Central) (5.22 p.m.): It was very nice to listen to the Racing spokesman for the Liberal Party (the honourable member for Yeronga) discuss the merits of the Bill. During the debate, honourable members congratulated the Minister on the way that he has handled his portfolio. Particularly noticeable in that regard was the honourable member for Yeronga (Mr Lee), who stated that previous Ministers in charge of the Racing portfolio—and he named Sir William Knox——

Mr Lee: I did not.

Mr DAVIS: The honourable member said “past Ministers”

Mr LEE: I rise to a point of order. At no time did I name Sir William Knox. I named Dr Llew Edwards, but at no time did I name Sir William Knox. That remark is offensive to me. It is not true. I ask that it be withdrawn.

Mr DEPUTY SPEAKER (Mr Row): Order! The honourable member for Yeronga has asked that that remark be withdrawn. Will the honourable member for Brisbane Central withdraw it?

Mr DAVIS: I will certainly withdraw it. However, I will just quote what the honourable member said. The honourable member mentioned the previous incumbents of the Treasury who were Racing Ministers. I just added that Sir William Knox was one of those Ministers, along with Sir Llew Edwards and Sir Gordon Chalk. To be truthful, I did not regard Sir Llew Edwards as a great Racing Minister, and I regarded Sir William Knox as hopeless in the Racing portfolio. The honourable member for Yeronga cannot mention Sir Gordon Chalk, who is a friend of his, and Sir Llew Edwards and just leave out Sir William Knox purely and simply because he is in the House at the present time and is his leader.

The honourable member for Yeronga said that he is very happy with Queensland-bred horses. If that is so, why does he travel to New Zealand and spends tens and tens of thousands of dollars on fillies and colts sired by Sir Tristan?

Mr Innes: Is it true that you gave up punting when the bookies refused to accept the 1c coin?

Mr DAVIS: That is very good. I will just pause and wait for the laughter.

The honourable member for Yeronga stated also—and I must agree—that the computerisation of the TAB has made a difference to betting. The telephone accounts and agency betting now close two minutes prior to starting-time. I recall that, in the early days of the TAB, one of the great claims by the anti-gambling Government was that Queensland would not have TAB agencies anywhere near hotels. I notice now that even down at the Hacienda in the Valley——

Mr Hinze: You don't go to the Hacienda, do you?

Mr DAVIS: I go past the Hacienda. It happens to adjoin my electorate. I notice that a TAB agency has been established there.

Mr Burns: What about the pub down at Oxenford?

Mr DAVIS: I am told that the same thing applies.

The ALP supported the policy of locating TAB agencies away from hotels. However, this pro-gambling Government, as it now is, has changed its tune and put agencies in hotel bars.

Mr Hinze: What do you prefer?

Mr DAVIS: I prefer to have agencies in close proximity to the patrons.

If my memory serves me correctly, the \$20,000 penalties highlighted in the Bill have been available under the Act. If that is so, why have they not been acted upon?

Last Saturday, I attended the races in my old home town of Toowoomba. I congratulate the Toowoomba Turf Club on its amenities, which have improved considerably over the last 18 months. They are first-class amenities. The computer tote operates up to one minute before the start of Brisbane and interstate races. That is a marvellous facility for the people of Toowoomba.

It is amazing that similar facilities are not made available locally. I refer to the Rocklea trots. The former member for Archerfield, Kev Hooper, repeatedly sought support from various Racing Ministers for such a facility. I cannot remember which Liberal Minister stopped betting at Rocklea on Brisbane races. If it was not the member for Nundah (Sir William Knox) who bowed to pressure from the QTC it would have been Sir Llewellyn Edwards. What a trifling, piffling attitude on the part of the QTC, which did not receive one jot of additional support as a result! I was at Rocklea on the day that the late Ted Walsh, as Treasurer, opened the facility that permitted betting on Brisbane and interstate races. The reason was to reduce the amount of SP betting on the south side of Brisbane. The QTC, which thought it may benefit from additional patrons, exerted pressure on the Government to stop betting at Rocklea on local races.

On the last occasion that I mentioned this, the Minister said that a TAB agency would be set up. How can that be compared with the facilities at Toowoomba, Callaghan Park and Townsville? There is no comparison. The name of the game is to encourage people to race-tracks. I am sure that the Minister would agree. Poor attendances are of concern to the industry.

Members on both sides of the House have said that the doping scandal and the Fine Cotton affair have damaged the racing industry. On each occasion that the Racing and Betting Act has been debated, I have said that the handling of the Fine Cotton incident by the QTC stewards was pathetic. There is absolutely no comparison between their action and the inquiry conducted in Sydney. That illustrated the difference between the two administrations.

Mr R. J. Gibbs: It is an absolute indictment on Queensland's administrators.

Mr DAVIS: That is so. The Minister has not answered questions asked by our spokesman (Mr Shaw), by the member for Port Curtis (Mr Prest) and by me. When did the stewards know about the ring-in of that horse? They must have known about a minute after the race.

Mr Shaw: Someone told me that they found out when a fellow in the crowd yelled it out.

Mr DAVIS: They probably did. The Minister would know that time and time again a minute after a race, the stewards have conducted strip searches of jockeys in case a jigger has been used. Time and time again, the stewards have prevented horses from starting in a race, yet a rumour was rife that there was a ring-in on that day and the stewards allowed the horse to start. By doing so, they provided a bonanza for practically every book-maker in Queensland and Australia.

The Sydney stewards did not muck about. They did not conduct a prolonged inquiry, as occurred in Queensland. The Sydney stewards conducted an investigation into the Fine Cotton ring-in and, in a short time, they ascertained who the culprits were. The offenders are no longer enjoying the sport of racing as they have been warned off courses in Australia.

The Minister has asked for a royal commission, and the Opposition spokesman supported the holding of such an inquiry. I believe that holding a royal commission is the only way in which to clean up the racing industry—not merely the Fine Cotton scandal but also the incidence of doping. As I previously mentioned, the legislation already provides for a penalty of \$20,000, and that penalty has not yet been acted upon. I ask the Minister why the same monetary penalty and the same period of imprisonment would now constitute a deterrent?

Mr Eaton: The Government is waiting for a couple more ring-in scandals.

Mr DAVIS: That could be the case.

However, the question that must be asked is why these illegal practices do not occur in New South Wales, Victoria and South Australia—the three other main States involved in racing?

Mr Hinze: You tell us.

Mr DAVIS: I am asking the Minister why.

It is certain that the Minister is on the right track, and I cannot understand why he did not go ahead and hold a royal commission. The problems that I have mentioned affect not only the gallops but also trotting. The problems have spread throughout the industry, and the Minister has been involved. I would have thought that the best course to follow would be for the Minister to conduct a royal commission if he is fair dinkum.

I am certain that the Minister's statements in relation to the original instance were true and correct, and the Opposition supported the Minister's suggestion of a royal commission. A royal commission is the appropriate way to deal with these problems because, if the problems are allowed to continue—and the honourable member for Port Curtis has already referred to the Picnic in the Park incident, and anybody who is associated with racing would know that a horse that is 20/1 on to 40/1 on and is given a hit benefits no-one—it will obviously be a serious and sinister situation.

I make those points whilst, at the same time, acknowledging that the Minister is doing an extremely good job with the racing industry. However, the cold facts of life are that, until proper answers are given in Parliament about the Fine Cotton scandal, the Opposition will regard the performance of the Minister as less than that of a top administrator.

Mr BURNS (Lytton) (5.33 p.m.): Following the remarks made by the honourable member for Brisbane Central, I must say that I, too, was surprised at the lack of action on the part of racing stewards in the Fine Cotton affair. I was surprised because, over a period, I have spent some time with Mr Jack Greig, Mr Arty Belford and Mr Jack Haggarty and other people associated with trotting. I have been pleasantly surprised, not only at their expertise which was known to me, but also by the fair and impartial way that they administered trotting.

The system of identification used in trotting, which is first class, is a system of handing out papers on which the horse is clearly identified by any mark that it may have had not only at birth but also gained over a lifetime of racing. Of course, many horses do develop saddle-sores and other marks, and they are recorded on the card, but freeze-branding is a clear and easy method of identification of a horse.

Mr Lee: Where did you learn about that? I have accused you wrongly.

Mr BURNS: I know that the honourable member for Yeronga accused me wrongly but for some time at Royal National Association shows I have had an opportunity of working with Mr Jack Greig, who would be one of the best stewards ever produced in Australia. Many of the top stewards who presently work in Hong Kong, Western Australia and the south were trained by him. He was the first person involved when trotting was established in Queensland. Mr Greig was the only fellow who, at that stage, could have been selected as a trotting steward. He taught himself to be a steward and taught his helpers to be stewards along with him. It was an education to work with some of those fellows and watch them work.

For the benefit of the honourable member, I will tell him a story about Jack Greig. One night at the Exhibition we were listening to the call of a race at the trots and he said to me, "The third horse is dead." Late that night there was an announcement of a steward's inquiry, and the driver concerned got himself into a little bit of trouble over

his handling of that horse. Jack Greig was so smart that he was able to listen to the call of a race and say, "That horse is not getting a fair go." Back in the days when they were both involved in racing, Jack Greig and Arty Belford were involved in one of the most successful prosecutions of a ring-in case ever. Arty Belford was very much responsible for the success of the Metropolitan Trotting Club at Rocklea.

The Minister now intends to set up a Racing Codes Advisory Board. It seems to me that the Minister is building another little empire. Queensland has a Commissioner of Main Roads (Eric Finger) and a Director of Local Government (Harold Jacobs), and I would not be surprised if, before very much longer, it has a full-scale department of racing no longer an appendage of the Department of Local Government. The racing industry is a massive State-wide operation. Perhaps the Minister is building a place for himself in the future.

Mr Lee: Do you believe the Minister would make a good commissioner for racing?

Mr BURNS: I would not mind seeing him in that position; it would get him out of our hair in this place.

Mr Hinze: Why don't you recommend it?

Mr BURNS: I will, but, quite truthfully, I do not think that Ted Lyons would accept the Minister. Ted Lyons has the ear of the Premier, and the Minister runs second on that score. So whatever recommendation I make will have to be approved by Ted Lyons before the vacancy is filled.

The Bill provides that the Racing Codes Advisory Board may initiate consideration of and inform the Minister on matters touching the administration of racing and betting in this State.

I want to raise a matter concerning the TAB, which is very much under the Minister's control and something which he should investigate. Is the Minister aware of the concern in racing circles that \$6,000 and then \$10,000 has been taken from the TAB—I think it was punting money—and used contrary to the express policies of the board? I am asking the Minister these questions now because his advisers are here. Is it true that the TAB carries a substantial sum of cash so that, on request, it can provide holders of telephone betting accounts with money credited to their accounts? In other words, if I have two or three grand in my telephone betting account and I go along and ask the TAB to give me \$1,500 or \$2,000, my telephone betting account is checked and if I have sufficient in credit I am entitled to get the money by cash or cheque.

I want to know whether on a number of occasions a senior board member directed the manager to order those who operate the telephone betting accounts system at TAB headquarters to pay out sums, the largest of which was \$10,000, against the board member's telephone account? Is it true that that action was taken after those who ran the telephone betting accounts system had said that the board member's account carried a virtual nil balance? Is an internal audit carried out each morning to ensure that all cash and other securities are credited to the TAB? I understand that each morning there is an internal audit and that the people who hold up to \$40,000 in cash have to justify that amount and show that they have it on hand or have paid it out. Was it necessary on at least one occasion for the manager to send a driver to this senior board member seeking the return of money drawn in that fashion prior to the internal audit? I understand that on that occasion—it was a Wednesday during the holding of the national TAB conference in Brisbane—the board member took ten grand of the TAB's money to the races. However, the money did not front up before the internal audit was conducted the next morning. I understand that a driver had to go out and chase the money up, and the money was finally returned. Who authorised the system that would allow that particular person to take money from the TAB, use it that day and overnight, and return it the next morning?

If those allegations are denied, will the Minister ask the manager and the people who run the TAB telephone betting section to table in this House affidavits setting out the facts? Will he at the same time check and table the computer print-outs of the TAB telephone betting accounts on the days that the board member directed that that cash be withdrawn for his personal use? It is important that the Minister get to the bottom of those allegations, because the TAB is the punter's area; it is where we put our money. As the Minister and most members know, I bet regularly. I like a punt. I like to punt with the bookies if I can. Most of us are not able to attend racecourses and we bet with the TAB. We argue that the percentages that the TAB takes from the pool are too high, and we like to think that the money that we invest with the TAB goes either into the racing industry or is honestly handled by the TAB management. It is important that the questions that I have asked are answered.

Mr Shaw: If a bank teller did that, he would go to gaol.

Mr BURNS: It is suggested that those people are doing exactly what the little bank teller generally ends up in gaol for—taking a little money out of an account on Wednesday, going to the races and hoping that he can replace the money on Thursday morning and be able to keep a little for himself. He can get away with it for a while, but anyone who has punted for any time knows that a person cannot continue to do that. One of my friends told me to back one of his horses in the first race last Saturday. I must say that I am substantially poorer for the friendship.

Mr Hinze: It was not Tristram's Edition?

Mr BURNS: Yes, it was Tristram's Edition.

Mr Hinze: Your friend is not sitting in the House now?

Mr BURNS: I will not go any further with that matter. That is a lesson for anyone who punts on the advice of owners. Every owner thinks that he owns a "Phar Lap" From listening to the advice of owners, I have left a lot of money in book-makers' bags.

I agree with what the honourable member for Yeronga (Mr Lee) said about hobby trainers. When things get big in this State we tend to push the little bloke out. Some of the most honest trainers that I have met in racing have been those who train one or two horses. They have been highly successful, particularly in country areas. I remember years ago attending a race-meeting in the bush. A horse was winning many six-furlong races round St George. One day the horse's trainer said to me, "Come home and have a beer with me." He lived in the poorest house in the town. While he was raising that horse, he worked in the meatworks and at all sorts of jobs round the town. It was a locally bred horse. He would not have made a fortune out of the horse.

The Government is saying that every time a trainer such as the one to whom I have referred wants to give a horse a needle he will have to get a vet. I do not know the availability of vets in all country towns, and I do not know what they charge.

Mr Lee: They are very expensive.

Mr R. J. Gibbs: You should watch "A Country Practice"

Mr BURNS: My friend the honourable member for Wolston says that I should watch "A Country Practice" I think that I would rather take the interjection from the honourable member for Yeronga, who assures me that vets are very expensive. That provision has been put in the Bill by a man who has a lot of money and who sees the answer to the problem in employing someone at a high price. Most farmers and people who own pony-club horses know that it costs a lot of money to bring in a vet. Many trainers would administer a needle and handle a horse as well as any vet.

An Honourable Member: Or better.

Mr BURNS: Or better, as an honourable member interjects.

I cannot see the reason for the inclusion of that provision in the Bill. I rose to ask particular questions about the TAB, and I would like some answers.

Hon. R. J. HINZE (South Coast—Minister for Local Government, Main Roads and Racing) (5.44 p.m.), in reply: I thank those honourable members who have made a contribution to the debate. Perhaps I should try to answer the last speaker first. The honourable member for Lytton (Mr Burns) made a number of serious accusations. Obviously I am not in a position to answer them at this time. I do not know where the information came from. They have to be regarded as serious accusations and obviously answers will have to be provided at an appropriate time.

I have been Minister for Racing for four and a half years and I am sure that honourable members would agree that I have tried, through the Racing and Betting Act, to transform and upgrade the industry State-wide. Over the last few months, a sad series of events has occurred and, over the last eight or nine weeks, my many public comments show clearly that the problems are of great concern to me.

Today I have not heard any honourable member say that he knows the answer. Many proposals have been put forward and much time has gone into trying to resolve the problems. I join with all honourable members in giving Ken Donald the highest commendation that can be awarded to a public servant in the State at this time. I am sure that the root of the problem will eventually be reached, but it has certainly not been reached yet.

It is true to say that all honourable members who have contributed to the debate have been generally supportive of the measures contained in the Bill and I am grateful that they have acknowledged my interest in the industry.

I thank the Opposition spokesman, the honourable member for Wynnum, for his comments. He cited as one example a vague reference to Hayden Haitana, who, according to media reports, told police that he would be looked after by me. Obviously, that allegation is too stupid to be answered. Along with three other people, Mr Haitana has been charged in the Queensland courts and, according to the State's laws, they have been remanded for a further month or so. That is not to say that they have been successful or that they have been let off in any way. It simply means that the law is taking its ordinary course. I want to see an end to the Fine Cotton affair as quickly as everybody else in Queensland.

In a very vague and non-specific way, the honourable member for Wynnum raised suggestions that racing in Queensland is linked with organised crime and that evidence for that allegation was contained within "The Age" tapes. My simple comment to that is that I have never resisted in any way a full investigation by appropriate authorities into those allegations.

I dispute very strongly the allegation raised during the debate that the doping problem is exclusively a Queensland problem or that my counterparts in charge of racing interstate have sought to dismiss the problem by saying that it is a Queensland problem only. As honourable members would be aware, I have written to all Ministers in charge of racing initially seeking their support in tracking down the sources of the doping of horses and generally urging their support for the adoption of a broad national strategy to address the problem.

I have been most heartened by their response, and I pay a particular tribute to my Victorian colleague, the Honourable Neil "Nipper" Trezise, who sent the senior officer of the Victorian Police Racing Squad to Queensland to help in our inquiries. Other Ministers interstate have expressed their concern to me and, in response to my letter, they have indicated their full co-operation.

The honourable member for Wynnum raised two further matters, namely, the administering of drugs within a specific period by veterinarians and the exclusion of the

public and media from inquiries. As I indicated during his speech, amendments will be introduced to address those problems.

The honourable member for Mount Isa raised the question that the definition of "drug" may not cover newly developed synthetic drugs. I draw the attention of the honourable member to the Bill, which defines illegal drugs and adds the important rider of including any further drugs that can be added from time to time by regulation of the Governor in Council.

The honourable member for Mount Isa also asked why caffeine did not appear in the blood of horses. In fact, few blood samples are collected and the testing laboratory is still developing blood-sampling techniques. Urine is by far the best substance for analysis. Saliva swabs are of little value and will be abandoned entirely in the future.

The honourable member also asked why no metabolites had been detected. I am advised that metabolites take between four and six hours on average to be formed in measureable quantities following the administration of caffeine. That technical answer should answer his query.

The honourable member suggested that split samples should be taken for the protection of trainers and that up to six samples could be used. I agree that split samples with Government seals are necessary, although two samples are a practical proposition, given the amount of urine available for any test.

The honourable member for Mount Isa also asked what a drug is compared with a treatment. I assure him that "drug" will be defined by the Act and regulations. My advice is that quantitative caffeine levels are unscientific and that the law throughout the world in racing jurisdictions makes any level of drug illegal. When the honourable member described fentanyl as a relaxant for horses, he seemed to be confused. In fact, along with other narcotics, it is a major stimulant for horses and its effect is increased fourfold by small doses of caffeine administered with it.

As a final remark on the contribution of the honourable member for Mount Isa—I took him to task on this—might I tell him and the House that, when the new Racing and Betting Act came into effect in July 1981, the trustees of the Mount Isa racecourse reserve, which caters for horse-racing and greyhound-racing, were forgiven repayment of \$254,563 and have subsequently received, on my approval, \$148,492. Of that total grant, \$30,240 was for repairs to track and fencing for horse-racing and the balance—by far the great majority—was for greyhound facilities. I hope that I have been able to clear up the matter of funding. That club has not been entirely without funds from the Racing Development Fund.

The member for Port Curtis expressed concern that veterinarians would be required to administer all treatments as well as drugs. I again assure the House and the honourable member that "drugs" will be defined by the Act and regulations.

The member for Ashgrove asked for advice about findings of my committee of inquiry into the doping scandal. When I nodded at the time, I was thinking that he wanted the names of the members of that committee. They are Dr Ken Donald, Mr Fred Manahan and Mr Mark Vilgan, who is a solicitor with Walsh, Fitzgerald and Halligan. Progress is being made by eliminating various possibilities, and some material gathered by the committee is already being considered by my colleague the Attorney-General and Minister for Justice. Perhaps I should also say that today it has been necessary for me to discuss a certain matter with the Attorney-General and Minister for Justice, and I believe that summonses will be issued on some people within the next day or two.

As usual, the honourable member for Yeronga made an excellent contribution to the debate, as might be expected from someone whose interest in the industry is as intimate and, in terms of winners, possibly more distinguished than mine. The honourable member said that the House had the right to know the findings of my committee of

inquiry. I can only repeat what I said in reply to the honourable member for Ashgrove—that any detailed comment at this stage could prejudice those inquiries, which are both active and continuing. I assure the honourable member for Yeronga that I am giving very careful consideration to his comments, and I take on board the most important of them.

The member for Brisbane Central (Mr Davis) is an old racing man. He referred to Rocklea, a place that some of us like to go to. Many people like to experience the atmosphere of the type of racing conducted there. I have had many an enjoyable day out there, the last one being only a few weeks ago.

Mr Innes: Leave it at Rocklea. Don't take it away.

Mr HINZE: I assure the honourable member for Sherwood that the facility will be left at Rocklea, but I will try to allocate some funds in an endeavour to tidy up the grounds. However, I do not believe that the show society should remain in control of that land; it should come under the control of the racing industry. Under those circumstances some funds could be allocated to Rocklea.

Mr Innes: Not the DPI farm.

Mr HINZE: No, the Racing Branch does not want to go over to the DPI land. The DPI has made a request for something like \$1m for that land. The Racing Development Fund cannot stand that sort of expenditure for the purchase of land. Therefore, racing will remain at Rocklea, but I will try to have some developmental work done on the site as it exists.

Mr Davis: Make sure they can bet on races in Brisbane.

Mr HINZE: The honourable member for Brisbane Central suggested that the punters at Rocklea be allowed to bet on races in Brisbane. He quite rightly said that the objection came from the principal club. The members of the principal club said, "You spent so much money on our track. Perhaps the people should come to Eagle Farm." I know that the honourable member will use the argument that they still will not go to Eagle Farm. He will say that the person who goes to Rocklea wants to go to Rocklea and nowhere else. It has solved the problem of SP betting in that area.

I have already indicated to the House during this debate that I intend to move some minor amendments to the Bill, and I am sure that all honourable members will agree with the amendments when I introduce them shortly. I think that it will be possible to overcome some of the problem areas in the Bill that were referred to by honourable members.

I thank all honourable members for their contribution to the debate. I make no apology for the fact that I will introduce a number of amendments to the Bill. I see nothing wrong with that. I accept the amendments, and I am prepared to include them. It is not true that the Bill has been rushed through the House. It was introduced last week.

Mr Lee: That makes you a good Minister; you accept an amendment.

Mr HINZE: The honourable member is a good bloke, too.

As the racing industry itself faces the demands and the challenges of the future, so must the Act reflect positive responses to those demands and challenges. While it is my privilege to be Minister in charge of racing, I will ensure that the Act reflects the best ways of ensuring the integrity—I emphasise the word "integrity"—of the racing industry.

Motion (Mr Hinze) agreed to.

Sitting suspended from 5.57 to 7.15 p.m.

Committee

Mr Booth (Warwick) in the chair; Hon. R. J. Hinze (South Coast—Minister for Local Government, Main Roads and Racing) in charge of the Bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—Amendment of s. 3; Arrangement—

Mr HINZE (7.16 p.m.): I move the following amendment—

“At page 2, line 29, omit the words—
‘and Appeals’.”

This is merely a machinery amendment as a result of the amendments that I have foreshadowed to clause 7.

Amendment (Mr Hinze) agreed to.

Clause 4, as amended, agreed to.

Clause 5—Amendment of s. 5; Interpretation—

Mr LEE (7.17 p.m.): I will speak on clause 5 basically because it deals with drugs. I am sure that the Minister can pronounce some of the drug names and explain to me in detail what they are. However, I am not really concerned about that. What I am concerned about is the fact that amongst the drugs listed are anabolic steroids, which trainers use particularly for horses that are bad doers. In other words, they may have a track gallop and go off their feed for two or three days. That is quite common. The common saying is that they put their backside towards the feed tin for two or three days and do not eat. Therefore, it is very important that trainers be able to administer that drug if necessary after seven days. After all, trainers do track-gallop horses on perhaps the Thursday before the Saturday race. They could give them a fair hunt around if it is seven days, as the Minister has said it will be. They could possibly be given two pretty stiff work-outs before the actual race in seven days' time.

If a trainer has a horse that is not a good doer, the horse might be used to that drug. In my opinion, it is not a drug that makes horses go better. It makes them eat and do well. Therefore, it is pretty important that the trainer be able to administer those drugs and not have to get a vet to come out every day. Perhaps the trainer could be given a prescription so that it is not necessary for the veterinary surgeon to attend the stables to administer those drugs. If that is not done, it will cost the owners and therefore the racing industry a great deal of money.

I am not in favour of many of the drugs. Nevertheless, in my opinion, anabolic steroids and possibly other hormones do not make horses go faster. Those hormones make a horse eat so that he is in good condition for the day of racing.

Perhaps the Minister would give consideration to enabling the trainer to have a certificate from the vet in order to administer that particular drug and other hormones that are not of the stimulant type but improve the horse's appetite. I ask the Minister to reply to that suggestion, because the matter is of concern to me.

Mr PRICE: I am still worried about designer drugs. During the dinner recess, the television news mentioned designer drugs, and fentanyl in particular. At certain stages some of the derivatives of those drugs are undetectable. The effect of manufactured drugs is considerable. They are hundreds and hundreds of times more powerful than heroin. The clause says that “drug” means—

“any substance designated from time to time by Order in Council as a drug for the purposes of this Act”

If the drug cannot be detected, how can it be put on the list? The result of mixing it with, say, caffeine is well known.

Earlier I mentioned that it was an anaesthetic drug. I have had that confirmed. I agree with the Minister's summation of what I said earlier, that is, that fentanyl is additionally a speed drug, just as is caffeine, and when they are administered together the effect is multiplied. The drug for sore joints the name of which I could not remember is phenylbutazone.

Mr HINZE: The honourable member for Yeronga inquired about anabolic steroids. They are artificial muscle-building hormones which alter the relationship between mares and male horses. They increase aggression. If a horse has been treated with them, particularly a mare, and somebody walks past her stable, she will fly up to the gate and try to bite him. She exhibits very obvious aggression. Anabolic steroids are totally banned in all human sport—for example, at the Olympic Games. They are used to improve performance.

In recent weeks much has been heard about fentanyl. The use of lower levels of synthetic drugs has created problems for laboratories all over the world. It is a constant battle to manage the problem. Dr Donald has advised me how difficult it is to obtain a positive swab from a horse that has had fentanyl administered on its own. When caffeine is added, the effect of the drug is improved between six and eight times. Delivered to an animal on its own, fentanyl is very hard to detect. With caffeine, the horse's performance is affected and the efficiency of the drug is improved by the extent I mentioned.

Mr LEE: I accept what the Minister says about anabolic steroids. However, some horses will not eat their feed unless they have anabolic steroids. Without them, they can be given away as cart horses. The owner might just as well take the horse out of training, because unless the horse has those particular additives—and they should not be referred to as drugs—it will not be able to race at its best. As the Minister owns horses, I am sure he realises that many horses fit into that category.

After a race, the horse has to be brought back to peak condition. A race is the hardest task that a horse faces, and it is comparable with the hardest task that a human being faces in a week or a month of modern life. A race takes the ginger and the steam out of a horse, and a horse might not eat anything for three or four days after a race. Under the proposals that the Minister has outlined, a horse may already have been in training for seven days; yet the trainer is not able to restore the horse's appetite by administering drugs. I believe that a way should be provided for a veterinary surgeon to prescribe substances, if that is necessary, so that the trainer can use them without penalty.

I do not oppose a report being made to racing stewards that drugs are being used, and I think that I can speak for most trainers when I say that. Many trainers do not use drugs, but do make use of anabolic steroids. It is important that trainers be allowed to administer those additives instead of being required to have a vet call every day to administer them. Veterinary surgeons should be placed in the same position as medical practitioners. They should be able to give the trainer a prescription, if that is what is required, so that the trainer can use the drug as it was prescribed.

I do not believe that anabolic steroids are in the same category as caffeine. They are hormone derivatives or food additives, and they have the effect of bringing on a horse's appetite. If a cow does not eat, it will not produce milk; if a horse does not eat, it cannot race because it cannot cope with the stress. I readily concede that anabolic steroids are muscle-builders; but that is only because they induce horses to eat. They also cause horses to become aggressive; but that is because the horses are fit. A horse that has lost its appetite cannot maintain physical fitness, and if the trainer is unable to administer such a drug, the horse will not win races. Many horses fit into that category, and I am sure that the Minister owns some that do.

I ask the Minister to give a great deal of consideration to enabling trainers to administer anabolic steroids to horses' food; by prescription, if necessary.

Mr R. J. GIBBS: I wish to speak briefly to the clause under discussion, and also to raise an issue with the Minister.

The Bill refers to veterinary surgeons giving treatment, and I hark back to an incident that occurred some years ago in Mount Isa. The Minister might recall that I raised the matter in Parliament previously. Prior to the running of a race at the Mount Isa race-track, it was suspected that a horse by the name of Beau Jo Chaudiere had been drugged. Detective Ken Morris led a raid onto the race-track and, not having been able to obtain the services of the club veterinary surgeon or the services of a local veterinary surgeon, took it upon himself to insert a rather large needle into the neck of the horse before the running of the race. Detective Morris obtained a fairly large sample of blood from the horse. I am sure that the Minister will remember the incident, because it caused quite a furore at the time.

Can the Minister assure honourable members that under the proposed legislation, particularly the section that refers to veterinary surgeons, incidents such as that will no longer take place, and that people such as police officers or other unauthorised personnel will not be allowed to interfere with horses, or in any way take blood samples from horses under such conditions?

Mr HINZE: I immediately assure the honourable member for Wolston that, under the proposed legislation, such an anomaly will be corrected. The honourable member can see what the Government is trying to do. I recall his bringing that matter to my notice a few years ago. I give him that assurance.

I remind the honourable member for Yeronga that he is referring to an artificial drug. It can be purchased only on prescription. He has to make up his mind whether he is going to buy horses that have the ability to perform without the treatment to which he refers. If those horses have the ability he claimed, perhaps the pie-cart would be the best place for them or he might find himself in trouble.

Clause 5, as read, agreed to.

Clause 6—New s. 10A.

Mr LEE (7.31 p.m.): This clause refers to the Racing Codes Advisory Board. I will not try to discuss the previous clause and talk about the pie-cart horse. I know that the Minister has a few of them because he owns many more horses than I do, but he might regret that he has not taken note of what I said. I also hope that he does not regret introducing this clause.

First of all, it would be nice if the Committee knew who were to be the three members of the board. Perhaps the Minister cannot tell us——

Mr Burns: He told us before.

Mr LEE: I am sorry, I must have been absent from the Chamber. It is very seldom that I miss an important announcement like that.

Mr Davis: Fred Manahan.

Mr LEE: Who was the other one?

Mr Milliner: Sir Edward Lyons.

Mr LEE: What!

Mr Hinze: A young member of a legal firm in Brisbane named Mark Vilgan.

Mr LEE: I do not know him, but I do know Fred Manahan. He is a very reputable gentleman. He is a veterinary surgeon who has treated my horses. I would have great

faith in him. He is a very good choice. There would be no better man to fill the position. He is an honest man, straight down the line, who will be very good for the racing industry. Furthermore, he will speak his mind; he is not frightened to do that. I do not know the other gentleman, but a legal man on the board would certainly do no harm. I hope that he understands racing. I feel that the setting up of this board could lead to the introduction of a racing tribunal. As members know, I have always objected to that idea.

Mr Davis: We don't.

Mr LEE: I know how Opposition members feel. They loathe the QTC. I believe that over many years the QTC has done a very good job. I have spoken to the Minister about the QTC on many occasions. I am sure that he does not decry the work that it has done over the years.

I hope that the setting up of the Racing Codes Advisory Board will not lead to the setting up of a racing tribunal on which Sir Edward Lyons is given a job. It is very important that that man does not get there.

Mr Milliner: Don't you like him?

Mr LEE: No, I am not very fond of him. I do not dislike him personally, but he tries to take credit from the Minister, and that is not good enough. Wherever he goes, he says that he is the man who has fixed up the racing industry but as far as I am concerned it has been the Minister who has done that.

I am afraid that the Minister might be setting up a body and that Sir Edward Lyons could take a position on it. If that happened, the racing industry would be finished. I would sell or give away all of my horses. I appeal to the Minister not to set up a body and give a position on it to a man who is not worthy of it.

Mr HINZE: Firstly, I assure the honourable member for Yeronga that this is not the first step in setting up a commission. That does not mean that I am opposed to a commission. I have discussed that possibility with all other Racing Ministers in Australia.

Mr R. J. Gibbs: Secondly, will you reassure the honourable member that there is no plum job for Sir Ted?

Mr HINZE: The honourable member for Yeronga took strong exception to the possibility that Sir Edward Lyons will find himself to be a candidate for one of the positions on this advisory board. I doubt very much whether the man would want a position on this board. It will meet only every three months and it has to advise the Minister on drugs, etc. It will consist of Ken Donald, Fred Manahan, a man about whom the honourable member for Yeronga spoke so eloquently, and a young legal person who has been asked to act in a legal capacity on the board.

Mr Lee: Would you give an undertaking to introduce him to me?

Mr HINZE: Now, or tomorrow morning, on the race-track, or anywhere. There are no problems. As far as I can see, he has no blemishes.

I hasten to assure the honourable member for Yeronga that he should not sell all his horses or give one away to be used to pull a pie cart.

Clause 6, as read, agreed to.

Clause 7—New Divisions IIIB and IIIC to Part III—

Mr LEE (7.37 p.m.): I am a little concerned about this clause. Proposed new section 115N states—

“Prohibition on the admission of the public to enquiries and appeals. Notwithstanding any provision of the Rules of Greyhound Racing, the Rules of Trotting

or the Rules of Racing, a person other than a person directly involved in an enquiry or appeal conducted by a control body, or committee of a club, or a delegate or employee of a control body or committee of a club shall not be admitted to such enquiry or appeal.”

I understand that the Minister will move an amendment that is designed to remove the words “and appeals”

Mr Shaw interjected.

Mr LEE: I accept that. This morning, along with other members, I spoke to the Minister. He has been man enough to accept an amendment. I ask honourable members to refer to another Minister who will accept an amendment. The honourable member for Wolston has a bit of trouble in getting his counterpart to accept an amendment. He will not accept amendments. He will introduce another Bill about a fortnight later, which contains the very amendment that the honourable member has suggested. At least this Minister has the intestinal fortitude to take the bull by the horns and introduce an amendment.

Mr Price: Lay off him.

Mr LEE: Why should I? I think that he is a good Minister for Racing.

Does this provision allow an owner to be present at an inquiry or appeal? It refers to “a person directly involved” When an owner gives a horse to a trainer, the trainer is the person directly involved.

Mr Jennings interjected.

Mr LEE: I am asking the Minister, not the honourable member for Southport. Does this clause allow the owner to be present at an appeal or inquiry without the stewards ordering him out? If a person pays a lot of money to own and breed a horse, he has every right to enter the inquiry or appeal. Of course, the stewards may ask him to come into an inquiry when he might prefer to be left out. Nevertheless, he should have that right.

Mr HINZE: Through this clause, I seek to make it very clear that the stipendiary steward has complete control at a race-track. I am sure that, although the honourable member referred to the public, he meant the press.

Mr Lee: No, I don't.

Mr HINZE: In a moment I will get round to the honourable member's query about owners being allowed into inquiries. The stipendiary steward will always be able to invite owners or connections into inquiries. There is no problem in that regard.

However, I am concerned that some members of the press abuse the privilege that has been granted to them. They attend inquiries and then, as quickly as possible, they go outside, race down to the book-makers or anybody who will listen to them, and then they write their stories. What must be considered is that a person may be charged as a result of an inquiry, and he may wish to take his case to appeal. Because stories have been written about the case before it comes up for appeal, people may prejudge the issue.

What I suggest is that the stipendiary steward should tell the media people that the licensees will be asked whether they have any objection to the presence of the media in the inquiry. That is the entitlement of the owners or connections. I have said before that the racing industry is conducted by gentlemen. It is the sport of kings. The honourable member for Brisbane Central can laugh his head off about that if he likes.

Mr Davis: The sport of kings!

Mr HINZE: It is the sport of kings, conducted by gentlemen. The honourable member can shake his head as much as he likes, but the sport has been in existence for 200 years.

Mr Jennings: It will be with us for another 200 years.

Mr HINZE: Of course it will. The owners, trainers, jockeys and drivers are responsible people, and I will not allow them to be referred to other than as gentlemen.

The stipendiary steward is the most important person on a race-track and he is entrusted with his powers by the racing club and the law. It is his responsibility to ask the licensee whether the press can come into an appeal. The licensee may say that he does not mind because he could not care less. Last week-end I read a lot of poppy-cock, and I have referred to a number of stories about what somebody in Victoria and in the Australian Jockey Club said. I could not give two hoots about a committee member of the AJC. The sooner those people in the AJC know that, the better. Racing is not going all that badly in this State; it is doing pretty well.

Mr Jennings: Better than anywhere in Australia.

Mr HINZE: Good on you, mate! I have been waiting all night for the honourable member to come in.

I have tried to answer the query raised by the honourable member for Yeronga.

As I foreshadowed during the second-reading stage, I propose to move amendments to clause 7 by providing in the proposed new section 115N that members of the public, including the press, may be present at an inquiry conducted by a control body, or committee of a club, or a delegate or employee of such a body or committee of a club with the consent of the person conducting the inquiry, who is, in effect, the stipendiary steward, and the person the subject of the inquiry.

I therefore move the following amendments—

“At page 5, line 19, omit the words—
‘and Appeals’ ”;

“At page 5, line 21, omit the words—
‘and appeals’ ”;

“At page 5, line 23, omit the word—
‘or’ ”;

“At page 5, line 24, omit the word—
‘appeal’ ”;

“At page 5, line 26, omit the words—
‘or appeal’

and substitute the words—

‘unless he has obtained the consent of the person directly involved in the enquiry and the person in charge of the enquiry’.”

Honourable members can have no objection to that.

Mr Davis: I have.

Mr HINZE: The honourable member can get up and say his piece. If anyone wants to gain entry to an inquiry, he must get the consent of the stipendiary steward.

I do not want any of this rushing in, rushing out and down to their newspapers with a story that has someone charged and committed long before he has had a chance to be heard. That is just not on. In the last few weeks, some of these unscrupulous people from the news media have got into the swab box before the owner. If I were the

owner, I would say, "You had better go through your pockets because you might have a bottle of some substance in your pocket. You might exchange it." I would frighten hell out of them. I think that the Committee has the message on this matter.

The stipendiary steward can invite the press. He is in complete control. The Government accepts the authority of no-one else.

Mr LEE: I totally accept what the Minister has said. I accept that the press nose in where they should not. Because I have been asked a specific question, I would like the Minister to answer it. The clause uses the term "person directly involved". When an owner gives his horse to a trainer, it is the trainer who is totally responsible for that horse. He is totally and directly involved. Does that debar the owner from going into an appeal or other hearing? I agree that the admittance of the press should be at the discretion of the stipendiary steward. After all, a judge can remove the public from his court and hold a hearing in camera. Why should not that be the case on a race track? Often more money is involved in a race meeting than is involved in court actions. I see nothing wrong with what the Minister has said but, on behalf of the owners—I include the Minister and me in that—I would like to know whether they have the right to be present at those hearings?

Mr HINZE: I thank the member for Yeronga for raising the matter and allowing me the privilege of clarifying the position. Things will be as they stand at present. Obviously the owners are requested to attend by the stipendiary steward. Nothing has changed in that direction.

Mr SHAW: The amendment that has been moved by the Minister does not go as far as the Opposition would have liked, but it does incorporate the major suggestions that the Opposition circulated in its amendment, in that it omits the words "and appeals" so that the restriction will now refer only to inquiries. That is quite a major move. One can accept that, at the inquiry stage, it may well be that investigations are under way which might need to be kept from the public. However, once a matter gets to the stage of appeal, it is highly unlikely that investigations would still be under way. At the appeal stage the investigation should be over and the argument is of an entirely different kind. From the point of view of investigations being impeded, no damage could be done by the reporting of the appeal.

The amendment does not go as far as the Opposition would have liked. The Opposition would like to reverse the onus suggested by the Minister so that, in normal circumstances, the public and the press would be allowed to attend, and the onus would be on the stewards to exclude somebody. The Opposition would have liked to go that far, but we are grateful that the Minister has used a bit of common sense and presented what I believe is a reasonable compromise. As he has acted responsibly, it behoves the Opposition to act similarly and see how things go.

As I said, the Opposition would have liked the legislation to go a little further. The fact that it is now restricted to inquiries only is a major step, and I understand that it accords with the situation that prevails with greyhound racing, so there is no major loss.

Mr DAVIS: It is with reservations that I support the amendment.

Mr Lee: Why?

Mr DAVIS: It is a fact of life that over the years the press have not been restricted at inquiries. Restrictions are not imposed in the south. During the Fine Cotton inquiry in the south, no restrictions were imposed. Now, three of the largest book-makers in Australia are not allowed on a racecourse. During that investigation, they did not worry about the press attending inquiries. I would like the Minister to name some of the journalists who go round the place broadcasting what they hear. I have found that journalists who report on the racing scene in Queensland are some of the most fawning, sycophantic journalists I have ever encountered.

Mr Lee: What did you call them?

Mr DAVIS: Sycophantic—that is, crawling, grovelling—something that the National Party members do all the time to Ministers.

Half the racing journalists in this State——

An Opposition Member: Particularly Jim Anderson.

Mr DAVIS: Particularly Jim Anderson.

I have not seen such persons being very critical of the QTC or the BATC. I would like a racing commission to be established. The faster that we get away from the exclusive clubs, such as the BATC and the QTC, the better. It will be better for racing throughout Queensland when the broken-down situation that has existed for many years is eliminated. It is all right for the Minister to say that there are gentlemen in the racing scene. There are also a few crooks in the racing scene and in the trotting game. The person whom the Minister always likes to emulate and tell stories about is my predecessor. Time and time again I have told the story about the trotting game.

Johnno Mann was regularly at a racecourse or a greyhound track.

Mr Hinze: He went to the dogs.

Mr DAVIS: Yes, I know.

Mr Hinze: You were with him.

Mr DAVIS: I went with him many times. He would always attend the greyhound meetings and the gallops, but he would not touch the trots. Even when night-time trotting came to Brisbane, he said, "I wouldn't touch the red-hots. They have been red-hots for years and they are still red-hots."

Mr LEE: I could not let the occasion pass without saying a few words about the honourable member for Brisbane Central. He seemingly hates the racing media, mainly because they give him a few late tips on Saturday morning and he rushes down with his 2c, puts it on them and loses. He hates the racing media because they give him bad tips.

I have found the racing media to be gentlemen. I accept that, if the stewards say that it is not desirable, they should not be allowed to attend an inquiry. I accept that the racing media and many other persons should not be allowed to attend inquiries because, at times, the presence of the press could suppress an answer that a person would otherwise willingly give had the press not been present. That is a very important matter to take into consideration. If members of the press are not present, people might openly say to the stewards, "Joe Blow did it" or, "The member for Brisbane Central did it." They might not make such a comment, of course, if the press were present, because if they did he would lose his endorsement. Nevertheless, if the press were not present, people would openly make such a statement.

Honourable members can see how much the member for Brisbane Central hates the racing media, because they know that he will stick a knife into them. If the stewards say that it is undesirable for the press to be present, they should not attend.

I will not cop the fact that the QTC and the BATC have done such a bad job and that they are such a lot of rotten men, as was suggested by the honourable member for Brisbane Central. He said that they are crooks. He went almost to the point of calling them criminals. To me, they are a fine group of gentlemen.

Mr DAVIS: I rise to a point of order. I did not say that the QTC or the BATC were crooks. I said that there were crooks in the racing game.

The **TEMPORARY CHAIRMAN** (Mr Booth): Order! The honourable member for Brisbane Central has made his explanation. I ask the honourable member for Yeronga whether he accepts the explanation.

Mr LEE: I accept his explanation. However, the way in which he said it confused me. It really added up to the fact that he said it. However, if he does not think that he said it, tomorrow he can read "Hansard" and I am sure that it will disclose that he called them everything but crooks. He called them crims, bludgers on the industry and everything. Nevertheless, as far as I am concerned, they have done a good job with the control that they have been given. I will not have it said by members of the Opposition that the men down at the QTC and BATC are other than gentlemen. As the Minister said, they are gentlemen in the racing industry. They are not crooks.

Opposition members talk about honesty in business! I will tell honourable members a story about honesty in racing. A situation arose in which I had a commissioner put a bet on for me. The name of the commissioner is Jack Honey. A misunderstanding occurred as to the amount of money that was to be put on the horse. I accepted his word that the bet should be paid.

An Opposition Member: What was the amount?

Mr LEE: The amount of the bet was \$1,000.

An Opposition Member: You skite.

Mr LEE: I am not a skite. I am not like the honourable member. I put my money where my mouth is.

On the Wednesday, I was at the race-track, and I said to Jack Honey, "Here is the \$1,000." He said, "Thank you very much for honouring that. I have looked through my books and I have found that you are right, Norm. I am \$1,000 over." Now, where else would that happen in business? In any other business if a fellow got \$1,000 from you, he would hook it and put it in his pocket. That does not happen in the racing industry. That man is honest. As the Minister said, there are gentlemen in the racing industry. I will not have it said that members of the QTC and the BATC are bludgers on the racing industry. They are decent men, men of integrity, who for years and years have done their best to uphold the reputation of the racing industry. I object strongly to Australian Labor Party members in total trying to denigrate those men. If they were trying to denigrate Sir Edward Lyons, I might support them. What do they do? They try to denigrate decent men, men who have principles.

Mr DAVIS: I rise again to a point of order. I object to a few of the words that the honourable member for Yeronga used in his diatribe. I did not say that members of the BATC are crooks. What I did say is that a racing commission should be established. The BATC has a closed shop of 400 members. I do not think that it has any female members. If it has, it has not yet opened the door to them. It is probably one of the last bastions of male domination throughout Australia.

It amuses me that the honourable member for Yeronga (Mr Lee) and other honourable members of his ilk attend social gatherings so that they can get their photographs in the social column on the fourth page of "The Courier-Mail" and of course at the same time take part in so much of the spending that goes on. As a matter of fact, if the members of the QTC and the BATC saw a report on how much money is spent on committee dinners, they would see that it was an extravagant sum.

I turn to the closed membership of the BATC and the QTC. Members of the Opposition know how much it costs from their own personal funds to contest an election. Members such as the honourable member for Yeronga (Mr Lee) receive large sums of money from their backers for favours rendered. Even those sums pale into insignificance when compared with the amounts involved for those who nominate for a QTC committee vacancy.

Three nominations were received for the last vacancy on the committee of the QTC. Each nominee would have spent \$10,000 or \$12,000. Why would the nominees go to such lengths to secure that position in the racing industry? That is an indication of how much money is involved.

Honourable Members interjected.

Mr DAVIS: The six crows up on the back perch are squawking. I have insulted their bastions of social snobbery, the QTC and the BATC. I ask the Minister to change the Act to ensure that members of the general public are able to rank for membership in the BATC. Why are there only 400 members of the BATC?

Amendments (Mr Hinze) agreed to.

Clause 7, as amended, agreed to.

Clause 8—Amendment of s. 228; Use of drugs and the like on horse or greyhound—

Mr HINZE (8.3 p.m.): I move the following amendments—

“At page 5, line 46, omit the words—

‘at a time when that horse or greyhound is in training’

and substitute the words—

‘within a period of 7 days immediately prior to a race or trial in which that horse or greyhound participates’ ”;

“At page 6, omit all words comprising lines 1 to 5.”

As drafted, the clause provides that only a veterinary surgeon may administer a drug to a horse or greyhound when that horse or greyhound is in training. The term “in training” is defined as meaning the period during which a horse or greyhound is nominated for a particular race or races.

As it is possible for a horse or greyhound to be nominated for a race well in advance of the event, it is felt that the provision may have been too severe. Accordingly, the amendments I have moved limit the time to which the provision applies to seven days prior to the horse or greyhound participating in a race.

It should be recognised that the provision applies only to the administration of drugs—and I emphasise that word—as defined in the Bill. In the normal course of events, it would not apply, for example, to the administration of vitamin supplements or, in tropical areas, saline treatment for dehydration.

The amendments should clarify the position. Over the last few days, it has been made known to me that the original provisions could have been severe. I have taken cognisance of the representations made to me from within the racing industry and by members of the Australian Labor Party.

Mr Lee: What about the member for Yeronga? He had a bit to do with it.

Mr HINZE: I am sorry. I must not neglect to refer to my racing friend, the honourable member for Yeronga, who also acquainted me with the stringent provision in the clause.

Mr LEE: I congratulate the Minister upon his acceptance of the amendment.

Honourable Members interjected.

Mr LEE: I ask honourable members who are interjecting to tell me which Ministers will accept an amendment from the floor of the House. Very few Ministers will do that. Many times in the past, the honourable members for Sherwood and Nundah have moved amendments that were sound, but they were rejected. A fortnight later, the Government has introduced amendments identical with those proposed by the honourable members

to the very same clauses. In this instance, the Minister is prepared to take an amendment, and he should be given credit for that. At least the Minister has enough intestinal fortitude to accept criticism, sort out the wheat from the chaff, and give effect to the amendment.

I refer the Minister to the period of seven days that has been mentioned in relation to the amendment to clause 8. I am sure that the Minister is listening, and I ask: Who will be fined in the period of seven days if a drug is administered? My next question is: If a horse is nominated for a race and the nomination is made within a period of seven days following the horse's last race, and the horse is then turned over to the care of the trainer, who does not nominate the horse to race again for another seven days, because the next race meeting will not be until a fortnight's time, what happens in the interim period of seven days? Is it permissible for the trainer to administer certain drugs to the horse, or is the horse still considered to have been the subject of a nomination for a race that has already been run? Because a fortnight will elapse between races, will the seven-day period be clear, and can the trainer carry out whatever treatment he thinks fit? Can the trainer give the horse substances other than by having the substances administered by a veterinary surgeon, or, if he does, will the trainer be subject to a fine?

It is very important that trainers be able to understand the implications of the provisions of the Bill. I would appreciate very much the Minister answering my questions. In many instances, a horse may not race for two or three weeks because of injury. It may have cut itself, knocked a plate off, or suffered some other minor injury. In the meantime, the training period of seven days has elapsed, and the horse moves from the training period to a stage at which it is not nominated for a race for, say, a month. Should the horse go back into the hands of the veterinary surgeon or be delivered into the hands of the trainer?

The questions I ask are very important. I am not endeavouring to be amusing; I am endeavouring to make the issues clear so that trainers throughout Queensland will know where they stand. I understand that the Minister has his advisers with him. Because of the importance of the implications, I ask him to answer my questions.

I point out that most horses are scheduled to race approximately fortnightly. I readily acknowledge that that is not so for every horse, but many horses race fortnightly or perhaps every three weeks. I want to know what happens after the period of seven days has elapsed in circumstances in which the horse is not required to be nominated until seven days before a race. A period of seven days runs from the time of the last race for which the horse was nominated until the time when the horse is nominated for a race to be held seven days hence. In the interim period of seven days, the horse is in a training period and should therefore be in the hands of its trainer. What will happen if the trainer administers some of the drugs that are referred to in clause 5? Is a trainer liable to a fine of \$20,000 and a period of imprisonment of two years, or both? Is the trainer at liberty to administer a drug, particularly anabolic steroids or other hormone derivatives?

Mr HINZE: I hope that the honourable member for Yeronga is not endeavouring to imply that the Government is creating hardship for trainers, and I hope that whoever supplied the honourable member with the basis of his argument tries to understand that representations have been made to me today by people from Mackay, Rockhampton, Toowoomba and Mount Isa to the effect that there are no trainers left in the racing industry. If the honourable member is not aware, I inform him that the industry is in a mess.

It is all very well to say that the Government ought to make provision for the person who nominates a horse for a race and that that person ought to be allowed to get the needle going within seven days prior to the race, and that if the horse does not start, another seven day period could be pulled on. My advisers and I are up against the wall fighting to do something about the industry. Under these circumstances, if I may use the term, stringent measures must apply.

My advisers asked me, "Why are trainers running round with needles, anyhow? Most of them are not qualified. In nine cases out of 10, they don't know what they are giving their horses. We say that the veterinary surgeon is the person who should treat the horse." The honourable member knows as well as I do what is going on. He is an owner. He knows that certain drugs can be administered within 140 hours or so of a race, provided the stewards are advised. The seven-day period has been introduced in an attempt to overcome the problem in which the industry now finds itself. I repeat: I just do not know what will happen if it continues down the track that it is presently travelling. Yes, there are trainers left in Brisbane; but if one moves away from Brisbane, the way things are going, within a few weeks one will be able to count the number of country trainers on the fingers of two hands.

Mr LEE: I am not trying to denigrate the Minister in any way. I am trying to obtain a clear picture. The fact is that nominations are accepted 14 days before a race. So what is the point of the seven-day period?

The Minister said that his advisers said that they did not want trainers to use the needle. I inform his advisers that the substance to which I have been referring is a food additive, and has nothing to do with needles. I am not trying to be smart about this, I am trying to see that trainers are protected. If the Minister's advisers think that anabolic steroids are administered by injection, they should not be giving advice. Anabolic steroids are a food additive. They are administered in an endeavour to improve a horse's appetite so that it will race better in the future.

Amendments (Mr Hinze) agreed to.

Clause 8, as amended, agreed to.

Clause 9—New s. 228A—

Mr LEE (8.14 p.m.): As I said earlier, this clause allows any person to enter a racing venue and take possession of a registered horse. The Minister has explained that that taking possession is only for sampling purposes and has assured me that, without a warrant, no person will take possession of a horse for anything other than sampling purposes. It is very important that a person without a warrant does not take possession of a horse for any purpose other than sampling. There is nothing wrong with a steward or a veterinary surgeon taking a horse into a swabbing box. I accept that the rules of racing provide that only one sample will be taken and that it shall be divided into two parts. Now that a penalty of \$20,000 or imprisonment for two years is being provided, I can see no reason why a sample should not be divided into three parts.

Mr Price interjected.

Mr LEE: I am talking about the clause.

I see no reason why a sample should not be split into three. One part could be given to the analyst, one part could be kept in a safe place and the third part could be given to the trainer or owner.

As I say, the penalty is being increased to \$20,000 or imprisonment for two years. I am not worried about the fine. If people administer illegal drugs, let them cop the fine. I have no argument about that. But every protection should be afforded to people in case of collusion to tamper with a sample. Samples of blood have disappeared in many drink-driving cases.

Mr Innes: Are you talking about Sir Edward Lyons?

Mr LEE: When I talk about drink-driving charges, I could be talking about Sir Edward Lyons. However, I am not talking about him. I know of drink-driving cases in which samples of blood have been left with the police, placed in a refrigerator and been removed before the case has been heard in court.

Mr Hinze: No. They watered it down.

Mr LEE: Maybe it was watered down. It would be most unkind to mention names, so no names, no pack-drill.

That could happen with samples taken in the racing industry. In case a seal on a sample is not fixed securely enough to prevent a person from tampering with it, a third sample should be given to the owner or the trainer.

Mr PRICE: I concur with what the honourable member for Yeronga has said. I brought that problem to the Minister's attention in the second-reading debate, and I am happy that the honourable member has regurgitated it at the Committee stage.

There is one small point that I wish to mention. I must admit that I forgot to mention it at the second-reading stage. I refer to the shelf-life of samples. I do not know whether Dr Donald has looked at that matter. When caffeine is administered to a horse, generally speaking, 99 per cent breaks down into metabolites and 1 per cent is absorbed into the tissues and saliva. The caffeine passes through the intestinal tract and it should appear in the urine.

I refer to a sample taken in the country and flown or railed to Brisbane. Is it possible for a chemical reaction to perhaps put the metabolites back together or increase the potency of the drug? Is there a shelf-life for the sample? Is there a period within which the sample has to be analysed so that whatever is found in the sample is as it was when the horse passed it?

Mr HINZE: Ken Donald tells me that it does have a shelf-life and should be kept in shade or refrigeration. The samples do deteriorate with time and need to be refrigerated as soon as possible. In fact, poor storage means that some drug is lost, not increased.

In answer to the honourable member for Yeronga—I made the point concerning the three samples. My advisers tell me that two samples are adequate, provided that one is kept by the Government laboratory, with which I concur. I have explained fully most of the questions that have been asked about this matter, and I commend the amendment to the Committee.

Mr LEE: I accept that samples should be kept by the Government laboratory. I referred earlier to samples that were taken from a person on a drink-driving charge. As my colleague the honourable member for Sherwood said, I was not speaking about Sir Edward Lyons. That sample was in the hands of the police and it was, as the Minister said, watered down or tampered with.

Mr Lickiss: Diluted.

Mr LEE: As my colleague the honourable member for Mount Coot-tha said, the sample was diluted. If it happened with that sample, can it happen with samples that will be kept by the Government laboratory? I seek a further protection.

Mr Wilson: For the horses, the jockeys or who?

Mr LEE: I seek further protection for everyone. Because of the large fines that will be imposed under this legislation, such protection is necessary. I have no argument against those fines, but I seek further protection for the trainer, who, after all, is the fellow who will cop the fine. I suggest that the third sample should have a Government seal so that it cannot be tampered with. As the honourable member for Mount Isa suggested, these samples cannot be kept in storage, because they dilute or deteriorate, and perhaps that can be proved. However, a third sample would be a greater protection for those in the industry.

As the Minister said, Queensland loses trainers daily, and that concerns me very much. The more people who own racehorses, the more trainers are needed, which creates greater competition. It is a free enterprise industry. I know that that will hurt ALP members, but it is good that the racing industry is a free enterprise industry, and the will to win without dope and additives is a wonderful part of that industry.

Under this Bill, trainers may be liable to pay a large fine or face imprisonment. A third sample would provide further protection for the analyst, the Government and the trainer.

Mr PRICE: I concur with the comments of the honourable member for Yeronga. Earlier I commented on the possibility of taking third samples for the defence of the trainers or battlers in the game. I ask the Minister to look at this issue from the point of view of the trainer or the person with the horse, rather than from the point of view of the QTC or the BATC or the centralised nature of the racing industry.

As I understand it, four glass bottles are used in the swab procedure. Prior to their use they are washed out with ascetic acid. Two are kept empty; one is used for a saliva sample and the other for a urine sample. An additional two bottles, one for saliva and one for urine, could be sealed in the fashion mentioned by the Minister, that is, with a Government seal in wax, and those two bottles could be kept on the premises of the local racing association or by the owner or trainer—I do not much care which. As long as the seal is not broken, it does not much matter where it is kept. That would be an additional defence in case the matter proceeds to civil litigation.

Mr Raabe, the owner and trainer of Picnic in the Park, said that he would have to take the matter to court. The Minister agreed that he had to go that far in order to clear his name. If that necessity arose, an owner living in Mount Isa would have to get Darryl Strong or one of the people from the Owners and Trainers Association to go along to provide a double check when the analyst tested the sample. Perhaps that person should be a qualified vet. An owner has to pay approximately \$17 to join the association before he can be provided with that service. In reality, if an owner could be facing a \$20,000 fine, there could be a court hearing. If that is the case, perhaps he should have a qualified vet-cum-solicitor present as well. A person who is 1 000 miles away and has somebody else looking after his interests would tear his heart out if a mistake were made in Brisbane. If he is fined \$20,000, it will tear his purse out, too. If that additional sample were held in the vaults of the local racing association or anywhere else for that matter, at least it would provide the additional protection that might be needed in a court case.

Mr HINZE: I wonder whether it would make the honourable member for Mount Isa happier if I told him that I was a milkman.

Mr Price: A milkman?

Mr HINZE: Yes.

Now I will tell the honourable member the rest of the story. When I was a boy—this is before pasteurised bottled milk came in—I would be out delivering milk in the dark of the early morning. On one morning a car came out of the darkness and stopped. One of the occupants said, “Mr Hinze”—they called me “Mr Hinze” in those days—“I want to buy a pint of milk from you.” In those days it cost only fourpence. He said, “See these three bottles?” I said, “Yes.” He said, “Are they clean? We are inspectors from the department and we now intend to place this pint of milk in these three bottles. Now we are going to put a wax seal on them and stamp the seals. One is for you, one is for us and one goes to the laboratory.” That is what the honourable member for Mount Isa is suggesting. I agree with him 100 per cent. If I were the owner of Picnic in the Park, I would go to the highest court in this nation because, before anybody could prove to me that the urine was taken from Picnic in the Park, I would want a sample in my possession tested. I cannot make it much plainer than that.

I am simply confirming that the honourable member is preaching to the converted. I have had discussions with Ken Donald and impressed on him the way that I feel about this matter. He tells me that sometimes it is hard to get sufficient quantities of urine so, under the circumstances, the legislation will provide for only two samples at present. In my opinion three samples would be the ultimate and perhaps that could become part of the legislation at some later date.

Mr LEE: Mr Booth——

An Opposition Member: Not again! Spare Us!

Mr LEE: It is all very well for members of the Opposition who have no interest in racing to say that. They have a great interest in the welfare of the socialists of this State. They have no interest in the racing industry. It is just as well that the member for Mount Isa (Mr Price) is a member of the Opposition, or the Labor Party would not have a spokesman on this Bill. At least he is looking after the interests of Mount Isa.

He raised the same point that I did; he also wants three samples to be taken. I accept that the taking of three samples is difficult, but once the Bill is assented to, the taking of two samples becomes law and that is the end of it. It will not matter what we, the Minister, Dr Ken Donald or anybody else wants to do, the judge is stuck with the fact that there are only two samples. That will be the law of the land. The Bill will override all other racing legislation.

It can be said that it is hard to get a horse to urinate sufficiently to obtain three samples. It is absolutely necessary that there is sufficient urine to test. It is good that the Minister agrees with the members of the Liberal Party and accepts what we suggest for the protection of the trainer and the owner. It is very important that they are given a sample. It is a simple matter to gloss over the issue and to say, "We accept what you say. We will do everything that we can." Once the Bill is passed, the fact that there are two samples only will be entrenched in the law. I feel very strongly that three samples should be taken. If a trainer wants a third sample to be taken, that provision could be included. If the trainer does not want to protect himself, that is his problem. As I have said, I feel very strongly that three samples should be taken so that protection can be given against the very heavy fine.

Clause 9, as read, agreed to.

Clauses 10 to 12, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

MORTGAGES (SECONDARY MARKET) ACT AMENDMENT BILL

Hon. N. J. HARPER (Auburn—Minister for Justice and Attorney-General), by leave, without notice: I move—

"That leave be given to bring in a Bill to amend the Mortgages (Secondary Market) Act 1984 in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. N. J. HARPER (Auburn—Minister for Justice and Attorney-General) (8.34 p.m.): I move—

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

This Bill contains amendments to the Mortgages (Secondary Market) Act 1984 which have been recommended by the Mortgage Secondary Market Board. I have informed the House previously that, as the secondary mortgage market develops, amendments will be required to ensure that the Act is in accordance with commercial practice and properly regulates and promotes market activity.

Since the board was constituted in December 1984, it has liaised with the commercial community in an ongoing manner. An issuer and a trustee have already been registered and a trust deed approved. Other persons have expressed interest in participating in the Queensland secondary mortgage market and it is expected that in the near future further persons will be registered for the purposes of the Act.

However, presently a number of impediments exist to the widest possible development of the market, many of which can be remedied by legislative amendment. As Minister responsible for the administration of the Act, I am determined that any unnecessary impediments or restrictions on market activity should be obviated in order that the benefits that the market is expected to produce will accrue to all sections of the community.

In conformity with the Government's policy of exempting secondary market activity from revenue charges which have hitherto prevented the development of a market in Australia, the Bill provides for an exemption from the payment of Titles Office registration fees on conveyances or transfers of mortgages to a registered trustee for the purposes of the Act. An exemption is also granted for the conveyance or transfer of a mortgage from a registered trustee to a person who, in relation to that mortgage, is the manager of mortgages.

The Bill provides also for a reduction of the 100 per cent liquidity requirement for the utilisation of mortgages between 75 to 80 per cent of the value of the mortgage property to 25 per cent. A liquidity ratio of 25 per cent will be sufficient to cover shortfalls in the rolling over of marketable securities without placing unnecessary and potentially prohibitive financial requirements on issuers.

The Act currently provides that every mortgage committed to the secondary mortgage market must be insured against default to the extent of 100 per cent of the mortgagor's liability. Although this requirement is both appropriate and common for residential mortgages, it is uncommon for commercial mortgages. Very few commercial mortgages are fully insured, firstly, because of the very high costs entailed and, secondly, because not all insurers offer this service.

Rather, the normal and accepted market practice for commercial mortgages is that "top-up" insurance is effected. By "top-up" insurance, I mean that persons insure that part of the liability which would be at greatest risk should the mortgagor default. That principle has been accepted by the Victorian Government for its market and is in accordance with the Government's policy of allowing maximum flexibility for free enterprise development whilst maintaining prudential safeguards.

Consequently, the Bill provides that, so far as commercial mortgages only are concerned, that part of the liability which exceeds 60 per centum must be insured. In order that injustices do not occur because of a technically late lodgement of a valuation, the Bill makes provision for the valuer to lodge a valuation within seven days of the lodgement of the mortgage with the trustee.

The Bill contains also a clause which will place a positive duty on all registered trustees to notify the Commissioner for Corporate Affairs where they become aware of the breach of a provision in a trust deed. That will ensure a thorough and ongoing surveillance of the workings of the market by both the commissioner and the board.

Finally, the Bill contains an amendment to section 39 which will permit a registered finance mortgage broker retaining fees notwithstanding any variation in the amount sought, rate of interest, charges or terms, where such variation has been accepted in writing by the borrower.

In summary, the amendments will ensure that the Act remains commercially relevant and realistic, whilst at the same time providing the most stringent prudential safeguards of any State so far as secondary market activity is concerned.

I place on record my appreciation to the board for the work it has performed since its inception. Members have given a great deal of their time and energies to ensure that our secondary market continues to progress and prosper.

I commend the Bill to the House.

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

REGULATORY OFFENCES BILL

Second Reading—Resumption of Debate

Debate resumed from 3 April (see p. 4894) on Mr Harper's motion—

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

Mr JENNINGS (Southport) (8.39 p.m.): Much discussion has taken place amongst the legal fraternity and honourable members from the legal profession on the legal application of the Bill. I understand that. That is their obligation and their duty. However, it is important to remember that the Bill concerns a one-off offence. It relates to someone who has done something wrong for the first time legally and practically.

It is all very well to go on with a lot of legal jargon about what should and should not happen, about onus of proof and all the rest of it. It is accepted that people make mistakes, but the community at large has to be protected from those mistakes, particularly shop-lifting. Members of the Opposition have agreed with the Minister that hundreds of millions of dollars worth of goods are lost through shop-lifting. That is what the Bill is all about: a mistake someone makes, or something done stupidly, that adversely affects someone else who feels aggrieved by it—and so he should.

When the Bill was last debated, members of the Opposition opposed it on the basis that people should have their rights. Who should have the rights? Hitherto the legislation has been quite clear—it has been agreed to by members of the Opposition and also by members of the Liberal Party—that if someone does something stupid such as shop-lifting or leaving a restaurant without paying and does it purposely, with intent, he is charged accordingly.

Mr Casey: Not somebody who does it deliberately, but by accident. Neither you nor I could deny that we have, by accident, neglected to do something.

Mr JENNINGS: If somebody does something by accident once, he does not do it a second time. If an action is the result of an accident, that will be taken into consideration. Previous accidents may also be taken into consideration.

The Bill is not browbeating legislation that uses a hammer to hit somebody over the head. It proves a point. The member of the Opposition who represents the Labor Party on legal matters—the member for Salisbury (Mr Goss)—knows what a smart solicitor can do. He is one. There are some in the Liberal Party, too. It is worth mentioning that this would be one of the few Governments in the British Commonwealth which has no legal people in its parliamentary representation.

Mr Davis: The average education of Government members is fourth grade.

Mr JENNINGS: I do not disagree with that.

The point that should be made—and it has been overlooked by others in the debate—is that people have been committing crimes and getting away with them because of actions taken by smart legal practitioners. A person is charged and then goes to a smart solicitor, who says, “Listen, buddy boy, I’ll handle your affairs for you. Don’t worry about it. You won’t have to face a criminal charge if I do it for you. What I will do—of course you will have to pay my fees—is get you to plead not guilty. I know you did it, but plead not guilty.” A letter is then written to the Minister pointing out that, although only \$100 worth of goods is involved, the matter will have to be heard by a judge and jury at a cost to the Crown of a large sum of money. That cost has to be borne by the tax-payers—the Joe Blows walking down Queen Street, Adelaide Street or Ann Street.

Mr Fouras: Nerang Street; you know it now.

Mr JENNINGS: I know it now.

After that letter is written by the solicitor pointing out the amount of money that is involved in holding a trial by jury, a letter is written back, "Don't do this again, buddy." The person is let off.

Mr Borbidge: They request a nolle prosequi.

Mr JENNINGS: That is right. That is what they will get, a nolle.

As the Minister said in his second-reading speech, the list of criminal matters awaiting determination by the District Courts, particularly in Brisbane, continues to escalate. As members of Parliament, we are obliged to consider that aspect while at the same time ensuring that criminal trials commence without undue delay. A speedy trial of criminal matters is desirable, and every honourable member would realise that—especially if one has had the experience of being booked.

It is well known that it is an important tenet of justice that trials be conducted speedily. However, the cost of conducting criminal trials has reached enormous proportions, and that factor has to be weighed against the Government's responsibility of ensuring that people who commit these offences receive a just penalty as expeditiously as possible, and in accordance with the expectations of the man in the street—the person whom honourable members represent.

Government members have no need of a redistribution Bill to remind them that, as members of Parliament, they represent the man in the street.

Mr D'Arcy: The man where?

Mr Fouras: He is referring to the silent majority.

Mr JENNINGS: No. The people we represent will not be silent, because they know that Government members represent them.

It is important to remember that, in terms of the Regulatory Offences Bill, the provisions relate to first offences only. Everyone is entitled to make a mistake once.

Mr Fouras: What about shop trading hours?

Mr JENNINGS: The honourable member for South Brisbane wants to divert my attention to shop trading hours because the Opposition is not in favour of deregulation, whereas Government members are. The Government wants to deregulate and free-up conditions that affect people who engage in private enterprise. The Government wants to let people open for trading when they wish to. In contrast to that, the Opposition wants to go round with a whip and shut people down.

When I refer to freedom, Opposition members know as well as I do that they have enjoyed the extended trading hours that operate on the Gold Coast. That is an instance of how free people are under the system of government that operates in Queensland.

Mr Borbidge: Labor members of Parliament were shopping in Surfers Paradise.

Mr JENNINGS: As my colleague the honourable member for Surfers Paradise has said, many people witnessed Labor members of Parliament shopping in shops that were trading after hours. And the Opposition talks about freedom!

It is incredible that Labor members of Parliament will shop in places that trade after hours, and desecrate the laws that they opposed in the House—the laws that the Queensland Government has implemented. That was clearly an attempt to undermine the Government of Queensland, and it is a shocking state of affairs.

Mr Prest: Why does the Government want 24-hour shop trading? Is it for Nerang Street, or what?

Mr JENNINGS: Where is Nerang Street? Do not ask me difficult questions, because I cannot answer them.

I return now to the provisions of the Bill and point out that the Opposition has referred to taking of fingerprints, and making checks on people who have committed offences such as those outlined in the Bill. This legislation is not about fingerprints; it is about first offences. One thing that the Queensland Government is doing is something that the Opposition has never attempted to do—that is, provide people with an incentive never to offend again. The Opposition treats the offences outlined in the Bill as if they were major criminal offences, and have referred to elements such as the onus of proof. The Government, on the other hand, treats more reasonably these first offenders. They are told, “Listen buddy, you have done a stupid thing. You have to pay for it, but don’t do it again. We are going to give you an opportunity, so don’t do it again.”

Mr Innes: Stupid.

Mr JENNINGS: The member for Sherwood says that that is stupid.

Mr Prest: Who gave you that brief?

Mr JENNINGS: I wrote it myself. It’s not bad, actually.

Mr Innes: You’re raving tonight.

Mr JENNINGS: Wait a minute. The honourable member for Sherwood would not understand that this is the law of the man in the street, the fellow who hoofs it along the street; left, right, left, right. This is not up with the big books, this is the law about the man in the street. He understands what a simple, stupid act is, and that is what this Bill is all about. The Minister should be praised for having the guts to introduce it. I know that the legal bodies have raised questions about it, but it is not about the drug-dealers, it is about the fellow who does something stupid. A few members do a few stupid things at some time or other. I do not want to name them.

Mr Innes: I withdraw what I said. This is definitely a simple, stupid “Act”

Mr JENNINGS: It may not be simple and it may not be stupid. It could be one of those things that people do on the spur of the moment. That is one of the things about this Bill that members opposite have overlooked, and they are as one on this issue, as are Government members. This Bill is about a person who does something that is simple and minor in the overall sense, but major in the sense of the person against whom the offence is committed. It could be a shop-keeper. What about a man who sees his wife going out with another fellow and goes and kicks his car and does \$75 worth of damage? We all do things on the spur of the moment. We even nominate for Parliament on the spur of the moment and if we are successful we have to live with it. It is important to realise that this Bill is doing something that has not been done anywhere else.

Mr Innes: You have got to ask why?

Mr JENNINGS: The member for Sherwood said that we should ask ourselves why. We should also ask ourselves why a heck of a lot of other things are being done in Queensland that are not being done anywhere else in Australia.

Mr Fouras: I would like to know that, too.

Mr JENNINGS: That is why more people round Australia support this Government than any other Government in Australia. The Queensland Government has got back to the basics. If a worker in Queensland does a fair day’s work, he gets a fair day’s pay and he gets security. That is what this Government is all about. It is about giving people assurance for the future. That is what this Bill is all about. I cannot understand why the Opposition is opposing this Bill.

As for the Liberal Party—I know that the member for Sherwood can leave me for dead legally——

Mr Innes interjected.

Mr JENNINGS: Members opposite may be opposed to the simplification of the law, but that is what this Bill is all about. I cannot ever understand why anybody would enter the legal profession, with all those books! But this Bill is simple. The man in the street can understand it, and that is what this Government is all about. What is wrong with that? There is no answer from members opposite. We are unanimous that there is nothing wrong with simplification.

Mr Innes: What offences do you understand this Bill to deal with?

Mr JENNINGS: I do not know whether the member for Sherwood has read the Bill——

Mr Borbidge: Do you think that the member for Sherwood is representing vested sectional interests?

Mr JENNINGS: Of course. The Bill deals with simple issues. The honourable member for Sherwood knows that as well as I do.

Opposition members refer to the method of apprehension and to the reverse onus of proof. The point about the reverse onus of proof is that if someone pinches something—bang, he has pinched it!

Sir William Knox: What if he had not pinched it and he is accused of pinching it?

Mr JENNINGS: Because of the enormous cost of trials, many culprits are getting off. Do Opposition members disagree with that? Of course they do not, because that is a fact.

Mr Innes: I would.

Mr JENNINGS: The honourable member thinks it is great that there are delays in the courts and that enormous costs are involved in trials.

Mr Innes: It is too hard for the Attorney-General.

Mr JENNINGS: That is not what I said at all. We are in Parliament; we are not in a court. My words are my words, and I do not care what any legal fellow over there says. He cannot misconstrue my words. My words are plain and simple; they do not come from any murky law book.

This is a simple Bill. It will help the man in the street. I do not care what Opposition members say about murky books of law; there are delays in the courts in dealing with those petty offences.

Opposition members have to raise an issue, and that is fair enough. The Liberals have raised an issue. I do not know how the members of the Labor Party think up their issues. The former leader of the Labor Party said that its members were an undisciplined mob. He was sent off to Coventry—I am sorry, to Canberra. The present leader said that the members of the Labor Party are a disorganised mess. They have to dream up something. I really cannot understand the Liberals' opposition to this Bill. This is a genuine attempt to help the little guy. What is wrong with that? Rather than going softly, this Bill will ensure that a charge is laid and a penalty is imposed.

Sir William Knox: It is a disgraceful piece of legislation.

Mr JENNINGS: The leader of the Liberal Party says that the Bill is a disgrace. It has been thoroughly considered. We are in the fortunate position in which we have a one-party Government and we have a Minister who knows the situation. We want to

do something to help the little guy and also to ensure that the shop-keeper is protected. We know that all the legal flak in the world will be chucked at us, but that does not mean a thing.

Sir William Knox: And the retailers have discovered it is no good, too.

Mr JENNINGS: The leader of the Liberal Party said that the retailers have discovered that the Bill is no good. If they say that, they have not read it. If the retailers have done any homework on this Bill, they will know that if someone comes into their store and pinches something, and if it is a first offence, he will be convicted and fined.

Sir William Knox: There is no first offence in this legislation.

Mr JENNINGS: That is what the Bill is all about.

Sir William Knox: Read the Bill.

Mr JENNINGS: The Minister will answer the honourable member's queries.

The Bill provides an incentive to people not to commit a second offence. It is an important piece of legislation. It is progressive.

Mr Innes: Regressive.

Mr JENNINGS: Does the honourable member agree that the intention is right?

Sir William Knox interjected.

Mr JENNINGS: The leader of the Liberal Party says that the intention is not right. The intention of the legislation is to ensure——

Sir William Knox: It is a travesty of justice.

Mr JENNINGS: The honourable member for Nundah may say that it is a travesty of justice, but whom is he trying to protect?

Sir William Knox: We are trying to protect the innocent.

Mr D'Arcy: We will win if we have more progressive legislation; that is what is needed on this side.

Mr JENNINGS: One at a time! I do not know whom members opposite are trying to protect. At all times, the onus of proof is on the prosecution. A charged person goes before a magistrate and is dealt with there and then. What is wrong with that? What is the difference between that and an on-the-spot fine? A charged person may have a legal representative if he chooses.

Sir William Knox: Isn't dishonesty a crime any more in this State? Why isn't it a crime any more?

Mr JENNINGS: The leader of the Liberal Party is making some noises over there. I cannot understand him when he makes those comments. As I am sure all honourable members would agree, committal proceedings are clumsy, costly and lengthy. In fact, they do not mete out justice. Under this legislation, appeal provisions still apply. If nothing is done, what will the community have? Many people who commit crimes are getting off scot-free.

Mr Innes: Who is letting them off?

Mr JENNINGS: Wait a minute. Does the honourable member agree with that principle? Because of the system, large numbers of offenders are getting off scot-free.

Mr Innes: Many are going undetected.

Mr JENNINGS: That is the point. The Bill does not alter the main Criminal Code at all.

Mr Innes: That is a lie.

Mr JENNINGS: The honourable member for Sherwood says that that is a lie. I said that the Bill does not alter the main Criminal Code at all. That is not a lie. That is my view or interpretation, and I am not trying to mislead the House. I might be a dumbo, and the honourable member might say that I am a dumbo. However, the Bill refers to offences involving a maximum of \$250, and I say that it does not alter the main Criminal Code. The honourable member has said that I am a liar. I am not a liar. Either I am stupid or he is stupid. I have never heard of a major crime that involves less than \$250. I do not want an apology from any member in this House. I am not lying in this House when I say that the Bill does not alter the main Criminal Code, and I am disgusted with the honourable member for Sherwood for saying that I am lying. I ask any honourable member to stand up in this place and tell me of a major criminal offence that involves \$250. If he does, he will show himself to be an idiot.

As I was saying before I was rudely interrupted, the legislation contains discretionary power, and that is a reasonable provision. The fines and other penalties are well known. The onus of proof remains with the Crown.

Mr Innes: Where is the discretion? What clause refers to discretion?

Mr JENNINGS: The honourable member for Sherwood should read the Bill. He ought to know the Criminal Code. He should know that other clauses are referred to. I will not waste the time of the House looking up clauses. The honourable member should be able to tell me; why does he ask me?

Mr Innes: It is not there, that's why.

Mr JENNINGS: I wonder why the people elect legal fellows; they get up and ask questions of people like me. He should tell me; that is why he is in Parliament.

The honourable member for Windsor said that offenders under this Bill could not go before a jury. That is ridiculous. He said that the Government was throwing out one thousand years of law and that the onus of proof had shifted. That is also ridiculous. This is a very important piece of legislation.

The member for Rockhampton said that the Bill takes away the rights of first offenders. That is not right at all.

Mr Innes: You are wrong.

Mr JENNINGS: This gets back to legal argument. The members for Sherwood says that I am wrong. I may be wrong in the eyes of the honourable member for Sherwood, but what really matters is what the man in the street thinks of the written and unwritten laws of this land. It is one thing to have a written law, but the unwritten law of the land also counts.

This is a very sound piece of legislation and I compliment the Minister on its introduction. One important point is that it is not retrospective legislation, which many people object to.

Mr Innes: That is the only thing it isn't.

Mr JENNINGS: At least I have some agreement from the member for Sherwood. He agrees that it is not retrospective legislation.

I compliment the Minister not only on this piece of legislation but also on his general handling of his portfolio. Queensland now has many pieces of legislation that have not been introduced in other States.

Mr Fouras: Thank God!

Mr JENNINGS: I hear the member for South Brisbane say, "Thank God!" He knows that what the Government is doing is right. A Labor member has said, "Thank God we have got those pieces of legislation." Good on him! I am glad that the Labor Party supports the Government in these measures. He knows as well as I know that this is something that is good for Queensland and will provide for good law enforcement.

Mr GOSS (Salisbury) (9.6 p.m.): The member for Southport (Mr Jennings) introduced a considerable degree of hilarity and superficial misinterpretation into the debate on the Bill. Because it is a very sad day in Queensland when this sort of legislation is introduced, I shall adopt a different approach. It is a very sad day when a Minister for Justice can introduce this kind of legislation and try to justify it in the terms of his second-reading speech.

The Regulatory Offences Bill deals primarily and essentially with offences of dishonesty. There are three categories—shop-lifting, so-called hospitality frauds and wilful damage. As I say, primarily the area of activity will relate to offences of dishonesty. That is the essential element of the activity that will be attacked by this legislation; it is the essential element of the great majority of cases that will be prosecuted under the Regulatory Offences Bill.

A conviction for a crime of dishonesty has always been, and will always be, a permanent scar on the character and future of any citizen. That is why this legislation is so serious. That is why people so seriously and vigorously defend their character, their honour and their future under the law as it is and has been for 1 000 years. The Minister tries to justify this change by saying that it will not be a crime any more, that it will be something called a regulatory offence. The old saying that a rose by any other name would smell as sweet applies to this sleight of hand, because that is all it is. This legislation smells. It is quite unacceptable to the Opposition, and will be, I believe, to the great majority of the public when they become aware of it.

The legislation has been soundly and justly criticised by the Opposition, the Liberal Party, Mr Ian Callinan, who is president of the Bar Association of Queensland, the Queensland Law Society, the Queensland Council for Civil Liberties, and the Queensland Labor Lawyers Association. Now, who is there, apart from such outstanding contributors to the debate as the member for Southport, who supports it? Where is the support for this legislation? I have not seen it.

Sir William Knox: It is certainly not coming from the retailers any more.

Mr GOSS: The member for Nundah says that the retailers no longer support it. I am not surprised that they do not. My own view was that, if they had not worked that out already, a backlash was inevitable and they would suffer the consequences.

The legislation will not be good for the retail industry and will not be good for the community. I do not know for whom it will be good. It is a completely distorted view of our system of justice and the way that the criminal justice should operate. It is not the move of a conservative Government; it is the move of a radical Government. It is a radical change, which erodes deeply entrenched principles and protections of the average citizen and of the whole community.

Mr Hamill: They are not strong on civil liberties over there.

Mr GOSS: No, they are not strong on civil liberties but, nevertheless, the legislation strikes at a principle which, as the member for Sherwood said, has been with us for 1 000 years. It is a very important principle. I think that it is a very sad day when such legislation is introduced and dealt with in a hilarious way by people such as the member for Southport.

I could accept the concept of a regulatory offence simpliciter without the objectionable provisions and the preservation of the right to trial by jury. That can be done by simply

interposing a level of regulatory offence or simple offence, leaving aside the other objectionable provisions to which I will refer later, and preserving the right to a trial by jury by a citizen's peers. As it is proposed at present, it is totally unacceptable and should be rejected out of hand.

I shall cite a typical case. I have handled literally hundreds of such cases in Brisbane and in other centres throughout the State. The typical case is a woman, often middle-aged, who has been taken to the watch house. One comes across her for the first time after she has been fingerprinted, photographed and kept in a cell until she is ready for court. One sees her as her solicitor. She is usually extremely upset—beside herself with the embarrassment, the shame and the indignity to which she has been subjected. In some cases that is exacerbated by guilty knowledge—the fact that she knows that she is guilty. In such cases it is prudent to advise the woman to seek an adjournment so that she can consider her position. She obtains some advice and returns to court a week or two later. Because she has had time to think about the matter, she may plead guilty because she knows that the proper course of action to take is to plead guilty and to take her punishment. In other cases, the majority of which I would regard as genuine cases, a plea of not guilty is entered and the matter proceeds to trial. In some cases it is a summary trial and in other cases it is a trial before a judge and jury in the District Court.

The Opposition is concerned about genuine cases of people who are innocent. The member for Southport (Mr Jennings) and other honourable members keep talking about a person who goes in and commits an offence. The honourable member thinks that if a person pinches something, that is that. He has totally overlooked the fact that some people are actually innocent—they did not commit the offence with which they are charged. They are the people who are entitled to a fair shake under these long-standing principles of criminal justice. They are the people who do not deserve to be nailed to the floor by these onerous, oppressive and unnecessary provisions. What is more, the Minister says that the Bill deals only with first offenders and that they are being given special treatment. That is compounding the crime that the Government is committing in this area. Before all others, first offenders should be entitled to the benefit of our system of criminal justice. They are the people who have the most to lose. They are the people without a blemish or a stain on their character. Because of these unnecessary provisions, they will be scooped up and convicted even though they are innocent.

What are their chances now? Previously, they had the protection which they should have had and which has operated for a thousand years. That protection has been thrown away. Their chances will now be very slight indeed. The rights of the innocent person to clear his name have been sacrificed for the alleged reason of cleaning up the District Court list and, I suggest, for a misconceived notion of the convenience of the big stores and as a deterrent to this sort of offence. The fact that it will be easier to convict both the guilty and the innocent person does not mean that any more persons will be caught. As the same number of persons will be caught, my proposition is that the deterrent effect is nil.

Many innocent people will be punished unnecessarily. Who are they? They are the little people charged with offences relating to goods with a value of under \$75 and, in the case of hospitality offences, under \$150. The little people—the first offenders—will be nailed to the floor by this National Party Minister and this National Party legislation. They are the persons at whom it strikes—the first offenders, the innocent, the small persons. They are the persons who are singled out for this special treatment. The Minister hopes to get away with it because they are small fry. This can be done to the small fry; it cannot be done on a much wider basis to the big fish, because there would be such a backlash that even the Minister could not defend his legislation.

The Minister's approach is well summarised by the gangster character played by James Cagney, who said, "Steal a buck and they put you in stir; steal a million and they call you 'sir' " That is how the National Party operates when it comes to substantial crimes as opposed to minor offences committed by first offenders. The Opposition is

particularly concerned about and stands up for the rights of innocent, alleged first offenders. Presumably, the Government would concede that an element of people who are picked up by security people or police are in fact innocent and deserve to be acquitted and to have the charges thrown out.

The Government, through the Minister, is setting up two standards of justice, two legal systems, and loading the dice against one group, namely, the first offenders and the innocent, in two particular objectionable ways. Firstly, the Bill reverses the onus of proof so that people have to defend a charge by proving that the taking of the goods was neither deliberate nor negligent. Secondly, I refer to the cost provisions.

I will deal firstly with the reverse onus. A defendant is no longer entitled to a presumption of innocence. The system always was that a person was entitled to be presumed innocent. The Minister's legislation will presume that people are guilty. That relates only to the small fry, the innocent, the first offenders. The big fish continue to be presumed innocent and continue to have the benefit of a situation in which the Crown is obliged to prove their guilt, to prove the necessary intent.

The Bill reverses the onus so that people are automatically guilty unless they can prove otherwise. I will cite an example of the many cases that I handled. A woman who suffered from a medical condition was separated from her family in the midst of Christmas shopping. She picked up an item that she intended to buy as a Christmas present from the David Jones store in Queen Street. The woman looked around and could not find her family, so she wandered from a position in the middle of the store on the ground floor out through another section of the store to the front door in Queen Street. She looked up and down, walked up towards the other entrance, still holding the item in her hand, turned round, looked again, then walked back to the entrance from which she had just come out, still looking for her family. She was then pounced upon by a security officer, who called the police. The police charged the woman with stealing the item, which was worth about \$25. She was carted off to the watch house, fingerprinted, photographed, charged and bailed out. Subsequently I represented her at the committal hearing and she was committed for trial in the usual way.

The fact is that that woman should never have been charged in the first place. When the Crown law officers read the committal depositions—it took some months for that to happen and the woman was on bail and her case had to be stood over on a number of occasions—they realised the paucity of the evidence and, without any approach from the defence, they offered to withdraw the charges. That was accepted, and that was the end of it. That woman was put to a considerable amount of expense, indignity and embarrassment on a charge that should never have been laid.

Under this legislation, that woman would have great difficulty in getting herself acquitted. A middle-aged woman of good standing in the Brisbane community—a woman who has never had a blemish on her character—would have suffered a conviction for an offence of dishonesty because she would have been obliged to prove that the taking was neither deliberate nor negligent. It would be much more difficult for her to do that under the law today than it was then.

I turn to the cost provisions. Not only will the small offender have to pay the costs of investigation, but also the provisions obviously pressure the person involved into pleading guilty. It also makes that person liable to a greater penalty than that to which he or she is liable at the moment. The fine in such cases would generally have been in the range of, say, \$20 to \$100. In addition to that, the person will be lumbered with the costs.

If the system of justice which reverses the onus of proof and makes people liable to pay the costs of the investigation is a legitimate system of justice, and if these standards are the legitimate and proper standards to be applied to criminal offences of stealing, fraud and the like, why is not the Government extending those same provisions to more serious offenders? What about the person who steals \$10,000? What about the

big con man who defrauds an innocent citizen of \$10,000? Why should that person escape the costs of the investigation?

The system of justice being set up by the legislation cannot be justified and should be thrown out. In the instance of the larger amount of money, the principle cannot be justified or the Government would embody it in the legislation. In the instance of the smaller amount of money, the principle cannot be justified and the Government ought to withdraw it.

During the debate, much attention has been paid to first offenders and how they will not suffer conviction for a criminal offence but rather conviction for the other creature—a regulatory offence. I regard that argument as being quite false and illusory. If there was a genuine concern about allowing people to avoid the consequences, the stigma and the scar of a conviction for an offence of dishonesty, where is the legislation for the rehabilitation of offenders, which the Minister promised last July? In July 1984 he promised to bring it forward in the forthcoming session, which was the August session. He had three or four months to do something about it, but he did not produce the goods. He has had another couple of months in this part of the session, but he has not produced the goods. Is it that the Minister is not able to obtain agreement from his Cabinet and his party about legislation that he sponsors or supports?

Other people in the community and I have argued the need for such legislation for years. It took the Government two years or so to respond. I gave credit to the Minister at the time he indicated his intention. However, he has failed to deliver. If he has a genuine concern to rehabilitate offenders—to give them a chance to remove that scar or stigma of a criminal record that will be retained by the police—where is the legislation? It is not present. A concern has not been manifested. Similarly, the professed concern for the character of the first offender, which has been claimed for the legislation, simply does not exist.

The member for Southport (Mr Jennings) referred to people who abuse the system. He referred to people who, although guilty and knowing they are guilty, go to trial. Obviously, he has a mind totally uncluttered by any legal knowledge or concept of the law or he would realise that every citizen has the right to put the Crown to proof. That is how it should be. That is a right that the people exercise. They are entitled to exercise it. However, why do those people go to the expense and the inconvenience of putting the Crown to proof, taking this one desperate chance of avoiding a conviction? Because of the consequences. Usually those people are in the State public service or in some other employment in which the consequences of conviction are likely to include dismissal or loss of employment advancement. Quite often, employment provisions include dismissal or penalty for a conviction on an indictable offence. If there were a category of regulatory offence simpliciter, without the reverse of onus, without the cost provisions—without those objectionable provisions—those people could exercise that soft option and avoid the consequences that result in more trials being heard by the District Courts than would otherwise be heard. Why not simply do that, if that is what the Government is genuinely trying to achieve? It has taken it a step further and added radical, oppressive and unnecessary provisions.

I agree that numerous cases have come before District Courts on which the judges and juries should not have to waste their time. Some years ago, in a much-celebrated case, a citizen was taken to the District Courts on a charge of stealing two mandarins. How absolutely absurd! To deal with that, the Government could provide for a simple offence—a regulatory offence.

The legislation will make it easier to process a few shop-lifters conveyor-belt style. However, it will also sweep up and convict an unknown but surely very substantial number of innocent people. That is the Opposition's objection. The Opposition does not defend shop-lifters and small-time con men; rather the Opposition defends long-standing and important principles of the British and Queensland systems of justice. The

Opposition defends the rights of genuinely innocent people who will be crushed and unfairly convicted by this excessive and backward piece of legislation.

The Minister has said that he must take into account also the rights of the complainant and the community at large. Of course, that is quite false. Although it is a proposition that sounds nice, it does not hold up when the legislation is examined. The rights of the "complainant" means the rights of a retailer, which in most cases would be a very large corporation. The effect will be that no more people will be apprehended as a result of the legislation being introduced, but a few more people will be convicted more easily. In terms of the wider community, the legislation will not act to protect the public interest. All it will do is take away basic rights.

In conclusion, I summarise the effects of the Bill by saying that it used to be a principle of the Queensland system of justice that it would be better for nine guilty men to go free than for an innocent man to hang. The principle that has been adopted by the National Party Government is that it is preferable that nine innocent men hang than that one guilty man go free.

Mr WHITE (Redcliffe) (9.26 p.m.): As many other honourable members have done before, I express the concern and objections of the Liberal Party to the legislation presently before the House. I do not profess to be a lawyer or to have any forensic skills; but I am pleased that some honourable members are lawyers and are able to point out defects in legislation. I refer especially to lawyers who practise in courts and whose views cover the whole political spectrum.

It seems to me that some honourable members on the Government side believe that if honourable members have professional skills and a contribution to make but are opposing the Government, possession of professional skills is not a matter of consequence. Of course, that is arrant nonsense.

I repeat that, although I am not a lawyer, I know that this legislation takes away rights from a large number of people. I was brought up to believe that under the principles of the system of justice in Australia and in the State of Queensland, a person is innocent until proven guilty. In stating that proposition, I do not overlook the great cost imposed on the community because of shop-stealing.

"Shop-stealing" is a description that fits the offence. Figures that have been shown to me recently indicate that shop-stealing accounts for approximately 2 per cent of gross turnover in retail sales in Australia today. In some types of operations, shop-stealing runs to approximately 3 per cent of gross turnover. Shop-stealing of the order of \$30m has been recorded in the annual report of G. J. Coles and Company Limited, so that offence accounts for a substantial amount of money. In areas of the United States of America, particularly depressed areas that also experience a high incidence of drug problems, shop-stealing may account for as much as 8 per cent of a corporation's turnover.

When I refer to "shop-stealing", I do not refer only to shop-lifting. I refer also to shrinkage, which is stealing by employees of corporations. In many cases, that accounts for a much greater loss of profit than minor shop-lifting. If a conservative figure of 2 per cent of gross turnover of retail sales is applied to total retail sales in Queensland, one sees by referring to Australian Bureau of Statistics figures for 1981-82, that that percentage amounts to approximately \$118m, which is a great deal of money.

The problem can be viewed in another perspective, and that is the percentage of net profit lost by shop-stealing. The conservative figure of 2 per cent exceeds the net profit figure of many food store corporations, particularly food supermarkets, which operate on a profit margin of approximately 1 per cent. In many cases, shop-stealing accounts for a larger percentage of turnover than net profit.

It is fair to say that shop-stealing hurts everyone in the community substantially because it results in increased prices. The question may fairly be asked: Why is this happening, and why is the offence more prevalent nowadays? Perhaps it is a question

of double standards. I say that because I realise that some people think it is all right to shop-lift from corporations such as G. J. Coles and Company Limited because that corporation is able to afford it, as might be expected in the case of any large corporation. Such an attitude seems to be one of lax morals that allows shop-lifting to be regarded as a trivial offence. For many young people, it is a bit of a dare or a challenge. From my own experience in retailing over about 25 years, I know that a great many young children see it as a bit of a challenge to steal a lipstick or something of that nature.

Mr Underwood: Many shop-keepers invite shop-lifting.

Mr WHITE: The member for Ipswich West—I will make sure I have the correct nomenclature—said—and it is true—that many people say that retailers make it attractive for people to steal. The simple fact is that, in retailing today, if a shop-keeper does not lay out his store in an attractive manner, does not supply his merchandise at a competitive price, and does not make it convenient for people to shop, he will not run a viable business. It is simply a matter of marketing and economics.

Now, who are the shop-stealers? Although no definitive research material is available, what evidence there is indicates that 50 per cent of shop-stealing is done by staff and the other 50 per cent by customers. The figures indicate that shop-stealing by customers amounts to about \$59m a year, or almost \$25 per head of population per annum in Queensland. Those are the 1981-1982 figures. Employers are probably in a better position to deal with shop-stealing by staff, because they can simply dismiss staff. Customers are far more difficult to deal with, because the shop-keeper relies on the deterrent effect of court penalties.

Still on the subject of who shop-stealers are—it is quite significant that little attention seems to have been given to that question. Figures provided to me by the Retailers Association of Queensland show that people involved in shop-stealing are primarily under the age of 17 years—in fact, 60 per cent of offenders are under that age; in other words, they are juvenile offenders.

What do they steal? In most instances, they steal concealable, small articles, although recently there has been a great movement towards the theft of television sets, video equipment and the like. Shop-stealers, particularly the professionals, are very ingenious. Not enough attention has been paid to the professionals. Most attention has been centred on the minor shop-lifters rather than on the professionals.

As I said earlier, community attitudes have changed, with many people believing that the offence of shop-lifting is not serious. Moreover, many shop-lifters believe that they can get away with it. The fact is that, if apprehended, they may well be discharged or, at worst, subjected to a small fine. One of the criticisms of the retailers is that the fines imposed have been too small.

What has been done about the problem? I do not believe that legislation alone is the answer. Looking for a moment at what is happening in Queensland, certainly there have been educational programs by retailers, with some co-operation from the Education Department. Certainly, the Juvenile Aid Bureau has spent a great deal of time working with children under the age of 17 years, particularly first offenders. The police have also been active in respect of first offenders over the age of 17 years. It is fair to say that there has been a degree of success, which enables the young and the aged to be given a warning with a high degree of likelihood that most will not offend again.

The third aspect is the deterrent activities of retailers themselves. Many efforts have been made by retailers to do something constructive to reduce the incidence of shop-stealing. The retailer who fails to take action in that direction is, of course, paying the piper. The retailers to whom I speak are using many methods, such as signs in their shops stating, "Shop-lifting is stealing. Offenders will be prosecuted." They display warning notices, advising customers that their bags will be checked. Closed-circuit television has been installed. Security checks are carried out at doors, such as those

carried out at K mart stores. Today, many of the larger stores employ security people and use other devices, such as one-way mirrors.

A lot of effort is put into staff-training. It is fair to say that staff are trained to be vigilant and, as a result of policing that aspect of their daily work, quite often they come across persons wanted for other crimes. I know that many police officers are grateful for that sort of assistance.

Apart from legislation, what should be done in the future? I suggest to the Minister that there be an upgrading of education and publicity by retailers and the Government working together. The sort of campaign that I imagine should emphasise the seriousness of shop-stealing, its cost to the community and the consequences for those people who are convicted.

It is worthy of the Government to consider looking at the establishment of a police retail investigation squad. I recommend that the Government give consideration to the setting up of such a squad or division. It would provide for the ready availability of police, who are knowledgeable of the retail industry, to quickly and expertly attend to retail crime, including shop-stealing. Many of the problems in that area result from a lack of knowledge on the part of the police. The very fact that such a squad existed, which gave special attention to the retail industry, would provide an extra deterrent to shop-stealing.

As previously indicated by my colleague the member for Sherwood (Mr Innes), the Liberal Party cannot accept the legislation in its present form and it will be moving amendments that, it is hoped, will make the legislation more acceptable. To reverse the onus of proof and thereby to take away a person's right of appeal to a jury is to set a dangerous precedent.

I am disappointed that the Minister is proceeding with the Bill when there is widespread concern. The Queensland Law Society and also the Bar Association of Queensland have come out and criticised the speed which this legislation has been dealt with. Over the week-end, apart from the civil liberties group, more and more people have come out and criticised the legislation. Retail organisations themselves, now that they understand what the legislation is all about, are expressing their concern, because they, as retailers, do not want to see people losing fundamental rights that they have had right down through the centuries.

The president of the Bar Association (Mr Ian Callinan) said that the association was opposed to the legislation, which removed shop-stealing from the Criminal Code. He went on to say that it should not prevent, as it does, an accused person from electing to be tried by a jury.

I applaud the Minister for trying to streamline proceedings, and I think that one should not overlook the fact that the Government has at least tried to do something and to give first offenders a let-off by not regarding a minor first offence as a criminal offence. However, it would seem to me that the better way to go would be to amend the Criminal Code; for example, to treat a first offence involving goods up to a value of, say, \$75 as a non-recordable charge. As the honourable member for Salisbury (Mr Goss) pointed out earlier tonight, under this legislation, a person stealing goods up to a value of \$75 is denied the rights of a person who steals goods of a much higher value. In other words, a minor offender has no right to trial by jury, but a professional shop-stealer can elect to be tried by a judge and jury. In other words, there will be one rule for the little petty thief and another for the professional operator, the person who steals substantial quantities of goods.

The defences in the Criminal Code are there for a very good reason. I know of many people who, over the years, have inadvertently walked out of a shop with goods that they have not paid for. When I worked in a pharmacy many years ago, many people with their kids would quite unwittingly pick up an item, take it out of the shop and not realise that it had not been paid for. The Government must be very careful about that

type of occurrence. Anyone who walks out of a restaurant or who drives off from a petrol station without paying can be charged under the Bill and not allowed a plea.

The reversal of the onus of proof is an unwarranted provision and, in my view, is the worst aspect of the Bill. It goes against the long history of British justice that a man is innocent until he is proven guilty.

I do not have legal training, but I would have thought that the Minister could have left all stealing charges in the Criminal Code, that offences involving up to \$1,000 could be dealt with as summary offences by a magistrate and that the right to elect to take a case to the District Court should remain. This would have the effect of reducing costs and delays that are currently bogging down the system.

Another suggestion would be to eliminate red tape. For example, the production of certificates of incorporation and proof of ownership could be dispensed with, and magistrates could be provided with power to take judicial notice of such facts. Another proposal would be that an offender should give ample notice, say, seven days, to the prosecution and the court if he intends to plead guilty. That would avoid the cost of witnesses, which is an expensive item.

One of the interesting statistics that I mentioned earlier was that over 60 per cent of these types of offences are committed by juvenile offenders. No constructive effort has been made to deal with this aspect of the problem, and I invite the Minister to comment on that. Currently, juvenile offenders are given a rap over the knuckles or sent to Westbrook. That is what it gets down to. It is an enormous problem and police officers have told me that they are not bothering to do anything about it.

In this situation, a wider range of sentencing options is needed. Fines have been mentioned, but nothing has been said about restitution, probation or a code of good behaviour, which involves participation by parents. No suggestion has been made of community services orders or, for that matter, compulsory attendance at attendance centres.

In all, I must say that it is not a happy piece of legislation. It takes away from people fundamental rights, and that is a very sad thing. I would have thought that a Government such as this, which makes a great deal of noise about being a conservative Government, would have been the last Government to introduce such a radical piece of legislation.

Hon. N. J. HARPER (Auburn—Minister for Justice and Attorney-General) (9.43 p.m.), in reply: I thank honourable members for the contributions that they have made to this debate. Even the negative views expressed by the Opposition Labor and Liberal members have some significance.

In briefly commenting on some of the issues raised by individual members, I will deal firstly with those of the Opposition spokesman for Justice, the honourable member for Wolston. During the debate on the Judges' Salaries and Pensions Act Amendment Bill, I indicated agreement with him in acknowledging that there was more to the achievement of speedier trials than merely the appointment of additional judges.

Measures associated with the restructuring of the Justice Department are proceeding and, although no specific media announcement has been made, a call-over system has been introduced in the District Court, under Judge Helman, which I expect will play a significant role in achieving speedier trials in that court.

The honourable member appears to have intentionally overlooked the fact that the Bill presently before the House contains an appeal provision. That appeal lies under the Justices Act and can be made to a judge of the District Court or to the Full Court.

Mr R. J. Gibbs interjected.

Mr HARPER: I thank the honourable member for acknowledging by way of interjection that that fact is correct.

I suggest it is unrealistic for the honourable member to talk about the reversal of the onus of proof in regard to clause 5 (2). The onus remains on the Crown at all times to prove the offence beyond reasonable doubt.

This Government is even more mindful than either the Labor Party or the Liberal Party of the need to protect what is commonly referred to as the right of onus of proof. However, idealism can be taken to excess. Does the honourable member suggest that Telecom should be required to prove that a subscriber has received his telephone account into his hands before it disconnects a service for failure to pay a rendered account? The fact is that, when a charge is brought under the proposed Regulatory Offences Act, the prosecution will still have to prove its case. The defence provided in clause 5 allows a person to refute a charge.

Hospitality offences, covered in clause 6, require the prosecution again to prove the charge. This is not a reverse onus. The truth is that the opponents of this legislation have completely misunderstood it. Because it involves a new concept and requires an effort to grasp it, perhaps that is not surprising. The legislation deals with an offence that is outside the normally accepted category of criminal offences. The full application of criminal offences would elevate a regulatory offence to the level of a criminal offence.

The honourable member failed, I am sure not unwittingly, to acknowledge that in this legislation the Government has removed the power of civil arrest that presently exists. No honourable member on the Opposition side, either Labor or Liberal, was prepared to acknowledge that fact.

The member for Wolston appeared to express concern that a person charged with shop-lifting should be treated as a major criminal. Of course, that is what the Bill is all about—persons charged for a first time with what the honourable member terms “shop-lifting” but what the Bill describes as “unauthorised dealing with shop goods” will not be treated as major criminals. They will not have a record under the Criminal Code.

Provisions relating to arrest are covered under clause 8 of the Bill. Fingerprints and photographs are necessary to identify persons who may have committed more than one offence. This provision is also in the Vagrants, Gaming, and Other Offences Act.

Some play was made by the honourable member for Wolston on the question of costs. Firstly, it should be noted that these are in the discretion of the court and that the costs may only be those which are reasonable costs of the investigation. Surely it is time that the true complainant—the shop-keeper—was not required to bear the losses associated with offences of the type dealt with in this Bill. I challenge honourable members opposite, both Labor and Liberal, to dispute the justice of the provisions made in that regard in this Bill.

The honourable member for Lockyer was quite correct in claiming that this legislation is a realistic and sensible approach to the need to impose a penalty on a person committing a first offence—a minor offence. The guilty will be fined; they will not be allowed to get away with the offence without pecuniary penalty. The honourable member is correct in claiming that this does not interfere with the right of a person who is charged with a criminal offence to have a trial by jury. It in no way interferes with that right of trial by jury when a charge is brought under the Criminal Code.

Let me remind honourable members that there is no right, and there never has been a right, to a trial by jury for a speeding offence. Let me say something further about the right to trial by jury, which has been much bandied about in the House. There has never been an unlimited right to trial by jury for a non-criminal offence. The community simply could not afford it. Trial by jury is a very expensive mode of trial. It has always been a matter of selecting out of the very many matters that come before the courts those matters that, because of their far-reaching consequences, ought to be tried by jury.

Honourable members of the Opposition might like to reflect upon the fact that, by way of example, this is how the selection has been made in New South Wales: if it is

alleged that the property stolen is of a value of \$2,000 or less, the offender is dealt with by a magistrate. There is no right to trial by jury and a person convicted is convicted as a thief.

By interjection, the honourable member for Sherwood questioned whether the Bill would apply only to first offenders. Guide-lines to be given to the Commissioner of Police by the Director of Prosecutions on how this Bill is to be dealt with will indicate quite clearly that first offenders who do not have previous convictions for offences of dishonesty will be charged under clauses 5 and 6 of the Regulatory Offences Act. Similarly, with clause 7, where an offender does not have a conviction for wilful destruction of property, the provisions of this Bill shall apply.

The guide-lines to be issued by the Director of Prosecutions to the Commissioner of Police under the provisions of this Bill may be reviewed as the need arises. I am not too sure who is echoing whom, but both the Bar Association and the Law Society seem intent on convincing the people of Queensland that this legislation has been hastily conceived. Such a notion is very far from the truth, and I am sure that both the Bar Association and the Law Society are sufficiently in touch with their sectors of the profession to know that the idea of a regulatory offence has been tossed about for years.

It was as a result of my concern about the increasing number of representations being received for the entering of nolle prosequis and a consequent discussion with the Director of Prosecutions that this Government determined to grasp the nettle from which previous Attorneys-General have shied away for whatever reason. I can assure honourable members that the legislation was given a great deal of consideration before its introduction.

I am better aware of the Law Society's attitude to the concept than is the honourable member for Rockhampton (Mr Braddy), even though his calling as a lawyer may persuade him otherwise. It is unfortunate that he is not in the Chamber so that I could direct those remarks directly to him.

I understand the attitude of the Bar Association and the attitude of the Law Society, although the former was only conveyed to me officially last Thursday, 4 April, and, as the honourable member said, other people are entitled to their point of view. So be it with solicitors who are represented by the Law Society and barristers who are represented by the Bar Association.

I cannot accept that the honourable member for Rockhampton is so lacking in understanding that he genuinely misconstrued the legislation. That being so, he must have deliberately set out to confuse and mislead what he referred to as "the little bloke", not, you may note, Mr Deputy Speaker, the "little mate". It is the little blokes—the young and the elderly male and female basically honest people who will benefit from this legislation! The major offender and the major or minor second offender will elect to be dealt with summarily or by judge and jury under the Criminal Code.

All offenders under the Regulatory Offences Act will be treated equally. The honourable member would be aware that, for indictable offences under the Criminal Code, this equality can be absent for in practice it often depends on the quality of legal representation. I have no doubt that the honourable member for Salisbury would agree with that. The equality can very often be absent simply because in practice it depends on the quality of legal representation. The contribution of the honourable member for Rockhampton clearly indicated that he is still very much a solicitor at heart.

Honourable members become accustomed to the haranguing of the honourable member for Sherwood, and this was again a typical contribution by that honourable member, who was again carrying his customary brief.

In regard to the retention of fingerprints and photographs of a person who is not convicted—clause 8 (3) makes it quite clear that, if the person charged is found not guilty or is not proceeded against, any photograph or fingerprints or palm prints shall be destroyed in his presence or in the presence of a person nominated by him.

As the honourable member for Sherwood well knows, arrest under the Vagrants, Gaming, and Other Offences Act for minor offences carries a similar provision in regard to the taking of fingerprints. I point out to the honourable member that terms used in the Bill such as "take away" and "honestly" were chosen to avoid criminality associated with criminal offences in which terms such as "stealing" and "false pretences" are to be found.

I refute the claims made by the honourable member for Sherwood in his uncalled for attack on those highly skilled officers of the Parliamentary Counsel. As the honourable member is well aware, the drafting of ideas submitted by any Government rests in the hands of the Parliamentary Counsel, in this State led by a very competent and experienced barrister in Mr Leo Murray of Queen's Counsel. Well intentioned though the honourable member for Sherwood (Mr Innes) may be, as I have previously indicated, his was a typical contribution of "my learned friend"

I leave assessment of the contribution made by the honourable member for Windsor (Mr Comben) to those who understand and appreciate what the Government has set out to achieve. However, I do invite attention to the fact that that honourable member of the Australian Labor Party disapproves of very minor offences being taken out of the Criminal Code for first offenders.

The honourable member for Southport (Mr Jennings) spoke with his usual common sense and I thank him for his contribution.

The honourable member for Salisbury (Mr Goss) spoke at length. I was interested to hear of the many hundreds of cases that he has handled in the courts in this particular area. Obviously, he has no understanding of the deterrent effect to which he referred. Of course, it is not his fault that he has not had the experience of holding the office of Attorney-General of this State and understanding what does happen in practice.

Mr Prest: Who wrote that crap?

Mr DEPUTY SPEAKER (Mr Row): Order! I consider that to be an offensive word. The honourable member for Port Curtis used the word "crap". There was no justification for it, and I ask him to withdraw it.

Mr PREST: I withdraw it.

Mr HARPER: I assure the honourable member for Salisbury that the Bill is not a rose by any other name. One day he may appreciate that it is a totally new species.

The honourable member made much of the stress suffered by one of his clients, a lady. He said that she was under a great deal of stress because of time delays. I understand what he was saying and I appreciate his sympathy. However, he might be interested to know that the Act will lead to an avoidance of such time delays. It will militate against that type of stress being placed on unfortunate people. It will also lead to a reduction in the cost to which the honourable member referred.

Again I point out that the Bill does not reverse the onus of proof. The Crown must still prove the charge beyond reasonable doubt and the defence may raise evidence on the balance of probability that the Crown must still negative beyond reasonable doubt.

The honourable member for Redcliffe (Mr White) really must speak with tongue in cheek. As a major small-businessman in his own right, it is surprising that he publicly opposes the legislation. The honourable member certainly put a large degree of responsibility on his fellow-businessmen. He claimed that they make it attractive for persons to engage in shop-stealing. Of course, a little later he put the blame on the police.

In reality the legislation will present a much greater risk of conviction and punishment to the would-be offender. Therefore, there will be a much greater deterrent and a greater likelihood of a reduction in shop-lifting and loss of profits. Unfortunately, retailers in the initial stages, after the legislation was introduced, were led up a false path. Either

deliberately or by chance, they held misconceptions about the legislation. In my opinion, in many cases those misconceptions were engendered by the Opposition.

I am not at all sure that the honourable member for Redcliffe did not really speak in support of the Bill.

I do appreciate the motivation of the president of the Queensland Law Society, but the stance taken by at least some of its membership in this matter is not so motivated. Many are concerned with the Bill's effect on their own practices rather than its effect on the future of people who offend against the laws, in a minor way, once in a lifetime. The honourable member for Salisbury indicated that some solicitors build up very significant practices in this field. Let the legal fraternity in the Opposition—the Gosses, the Braddys and the Inneses—deny that fact.

How can the Liberal Party leadership—men such as John Moore and Sir William Knox—call for a return to coalition with the Government while they are being led blindly by the nose into coalition with the Australian Labor Party? It did not attract media headlines—and I wonder why—but let us not forget the attitude taken by the Opposition—the Labor Party and the Liberal Party, which flew with it—to the recent building societies legislation when this Government accepted argument from the Law Society that the status quo should not be altered in regard to the charging of fees for documentation prepared in house by building societies. What happened? Both the Labor and Liberal Parties within this Parliament condemned that decision. They defied what they saw as protection of solicitors' incomes against the interests of the people. The Liberal and Labor Parties in coalition divided this House on the issue. They clearly indicated to the people of Queensland that they stood as a united Opposition! I do not doubt that they will do the same in the present issue.

One must wonder at their incentive on this occasion. Is it that, this time, they are out to protect the incomes, not of a large-ranging sector of the legal profession, but of a very small group which plays on the misfortunes of people who commit a minor misdemeanor—once! They may stand in this House and be sanctimonious about their reasons, but deep down the truth, for them, lies in the hip-pocket nerve.

Let me tell honourable members—those who do not know—and the people of Queensland what presently happens. In real life, what happens is something like this. A person is stopped by a security officer after leaving a store without paying for goods. The police are called. They obtain particulars of the alleged offence. If they are satisfied that an offence is committed, they seek the person's name and address and proof of those particulars. Usually that is provided and there is no arrest. If a person refuses to provide those particulars, the police have no course open to them other than to arrest. Upon arrest, fingerprints are taken that may lead to the person's identification and reveal whether or not he has a previous conviction.

The honourable member for Southport told the rest of the story. A smart solicitor says to the poor unfortunate to whom the honourable member for Salisbury referred, "Let me represent you. You plead not guilty and it will go to the District Courts. I will make representations to the Attorney-General, pointing out that it is a first offence and that you are an elderly lady (or a young person) and that all you have done is steal a pair of thongs valued at a few dollars. I will make representations to the Minister for Justice and Attorney-General and, because of the cost involved and the minor nature of the offence, you'll get off." But what will happen to the poor unfortunate who cannot afford the assistance of a solicitor? Such people probably say, "All right, we'll plead guilty and we'll cop it." Justice is certainly not being done. Such a state of affairs simply cannot continue.

Let me outline the alternatives. Would the honourable member for Redcliffe (Mr White) suggest that the Government should tell business people that protection of the law is no longer available against minor offences of theft of property and business wares? Or should the Government say that all offenders who have been charged will be dealt with under the Criminal Code, irrespective of whether the offence is of a minor or major

nature? How can any member of today's society accept either proposition when an alternative is available? The alternative has been provided by the Government under the provisions of the Regulatory Offences Bill. The Government has the foresight and fortitude to act in the interests of the community as a whole.

Some honourable members who have genuine misgivings have suggested that an option be given to the accused on a first offence charge, and that the accused should be charged either under the provisions of the Regulatory Offences Bill or the Criminal Code. In such an event, what would happen? I suggest that the same group of solicitors as those whom the united Opposition seeks to protect would say to people who are able to afford their professional services, "Plead not guilty under the Criminal Code, and we will ask the Attorney-General not to proceed with the indictment because of the minor nature of the offence." Apart from the small group of solicitors referred to, very little would be gained by anyone. I emphasise that the group I refer to is a small group, and I certainly would not label members of the legal profession at large with a similar description.

For those who have genuine concern—and I mention that such people include a man for whom I have the greatest respect, the president of the Law Society (Mr Jim Carey)—an avenue of appeal is available against a conviction brought under the provisions of the Regulatory Offences Bill.

Because the Bill embodies a new concept that is designed to protect first offenders who commit a minor offence, the Government will be monitoring the effects of the legislation. Should any remedial action be necessary, the Government will take the appropriate steps. However, I point out that the Government is prepared and determined to give first offenders who commit minor crimes an opportunity to go straight and not commit similar offences, and those first offenders will therefore not be labelled by having a criminal record. It is for that reason that the Regulatory Offences Bill has been introduced.

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

AYES, 42		NOES, 35	
Ahern	Lane	Braddy	Scott
Alison	Lester	Burns	Shaw
Austin	Lingard	Casey	Smith
Bailey	Littleproud	Comben	Underwood
Bjelke-Petersen	McKechnie	D'Arcy	Vaughan
Booth	McPhie	De Lacy	Veivers
Borbidge	Menzel	Eaton	Warburton
Cahill	Miller	Gibbs, R. J.	Warner, A. M.
Chapman	Muntz	Goss	White
Cooper	Newton	Gygar	Wilson
Elliott	Powell	Innes	Yewdale
FitzGerald	Randell	Knox	
Gibbs, I. J.	Simpson	Kruger	
Glasson	Stephan	Lee	
Goleby	Stoneman	Lickiss	
Gunn	Tenni	Mackenroth	
Harper	Turner	McElligott	
Harvey	Wharton	McLean	
Henderson		Milliner	
Hinze	<i>Tellers:</i>	Palaszczuk	<i>Tellers:</i>
Jennings	Kaus	Prest	Davis
Katter	Neal	Price	Hamill

Resolved in the affirmative.

Committee

Mr Booth (Warwick) in the chair; Hon. N. J. Harper (Auburn—Minister for Justice and Attorney-General) in charge of the Bill.

Clauses 1 and 2, as read, agreed to.

Clause 3—Act not to alter The Criminal Code—

Mr INNES (10.16 p.m.): Although the honourable member for Southport was commended by the Minister, I think that even he would have been surprised by that commendation. He gave a vigorous performance.

An Opposition Member: A vitriolic performance.

Mr INNES: Yes, a vitriolic performance. The honourable member is always amiable and entertaining, but one could not call his contribution substantial. I am sure that he was more than flattered by the Minister's commendation.

The honourable member said that this legislation does not remove the operation of the Criminal Code. Clause 3 refers to the relationship of this legislation to the Criminal Code, and states—

“Subject to the provisions of section 10, nothing in this Act shall be construed to alter the provisions of The Criminal Code.”

Under clause 10 of the Bill, the proposed new subsection (3) of section 22 removes almost the entire operation of Chapter V of the Criminal Code that deals with criminal responsibility. As members of the Committee will recall, it was that chapter to which I referred extensively in my speech during the second-reading debate. Chapter V incorporates in a written statutory form most of that learning of the law that evolved in case-law during the development of the common law over 10 centuries. This required that before a person could be convicted of any criminal offence—and “criminal” includes simple offences—there had to be the element of mens rea, a guilty mind. If a person did not have a guilty mind, he was not guilty of the offence.

In Chapter V, the author of the Criminal Code reduced that broad concept down to the fine detail. Among the things that are specifically excluded as defences are, for instance, those included in section 22, which states—

“But a person is not criminally responsible, as for an offence relating to property, for an act done or omitted to be done by him with respect to any property in the exercise of an honest claim of right and without intention to defraud.”

Referring to that defence, I gave the illustration of two people, a husband and wife, walking out of a shop, both carrying an identical object and believing that to be the one that they purchased. Even if they turned round and walked back into the shop, under this legislation—which removes that protection—they would be deprived of a defence that is available in relation to all other offences relating to property in which there is a requirement of dishonesty.

Section 23 of the Criminal Code, which is one of the most important sections, refers to intention. This involves the concept of mens rea, and states—

“Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.”

Two people may be talking as they walk out of a shop, and I have said that I have done that myself. One might not realise or might have forgotten that an item had not been paid for, and turns round to go back inside the shop to pay for the item. Under the Criminal Code, the defence stated above is available to that person. Under this legislation, it is not available, because a person must prove positively that he was not negligent. In the example that I gave, a person would fall foul of the new provision and would not have that potential defence available to him.

Section 24 refers to mistake of fact and states that a person who does or omits to do an act under an honest and reasonable but mistaken belief in the existence of any state of things is not criminally responsible.

Section 25 provides for extraordinary emergencies in that a person who does something upon compulsion or provocation or in self-defence is not criminally responsible for an act or omission made under such circumstances. I cite as an example a wilful damage case. If a person breaks into a car by breaking a window in order to escape from a situation that he thinks is life-threatening, a defence is available under the Criminal Code. Because this legislation removes that chapter, he now has no such protection. This section of the Criminal Code applies to the Vagrants, Gaming, and Other Offences Act and to every offence in Queensland, unless an offence is specifically removed from the provisions of the Code.

The defences of involuntary intoxication, immature age and mental infirmity are available under the Criminal Code and were distilled as a result of 10 centuries of wisdom. Those defences have been removed in a radical and very anticonservative departure from tradition.

Mr Gygar: Does this mean that, under the law of Queensland now, a three-year-old child can be convicted of shop-stealing or a regulatory offence?

Mr INNES: The defence provided by way of immature age under section 29 of the Criminal Code will remain.

An Honourable Member interjected.

Mr INNES: No, three small provisions are involved, but the whole chapter deals with basic, commonsense defences that were available to a person charged with a criminal offence in Queensland.

I will flag that section on the way through and deal with the amendments, beginning with clause 5.

Mr HARPER: This Bill is not intended to alter the Criminal Code, other than those provisions that are required to allow the Bill to operate. If an element of mens rea is included, which is the element that distinguishes criminal acts from non-criminal acts, a conviction for an offence will always require the existence of a criminal mind. This Bill attempts to avoid that situation.

Clause 3, as read, agreed to.

Clause 4, as read, agreed to.

Clause 5—Unauthorized dealing with shop goods—

Mr R. J. GIBBS (10.24 p.m.): It is noteworthy that in his reply this evening the Minister engaged in a vitriolic, savage and very unwarranted attack on the legal profession. He made specific mention of the Bar Association of Queensland and the Queensland Law Society. The hatred that obviously still exists between the former coalition partners came to the fore. The Minister launched a spiteful attack on the Liberal Party for daring to at least occasionally show a little bit of backbone—I stress the word “occasionally”—to take a stance and agree with the Opposition’s criticism of the legislation before the Committee.

It was significant that the Minister made such a subintelligent statement that people have misunderstood the Bill. The Minister claims that the Bar Association of Queensland, the Queensland Law Society—

Sir William Knox: The retailers.

Mr R. J. GIBBS: The retailers, that is correct, and people in this Chamber with legal expertise have misunderstood it. I suggest to the Minister that he is the one who has misunderstood it, and has misunderstood it gravely.

Because I have always been a reasonable admirer of the gentleman, I am greatly concerned that, through the type of approach to legislation that the Government displays

with this Bill, the person who, regrettably, is copping quite some criticism over it around Brisbane happens to be the newly appointed Director of Prosecutions. That is very sad, because that person came into that office with a great deal of support from the Opposition and, I dare say, from the Liberal Party. There was no criticism of his appointment. That person enjoyed a great deal of respect. The Minister has made a grave and harsh error in allowing that person to be placed in what I would term a most invidious position. This evening, the Minister has spoken about the misunderstanding of the legislation. As the member for Nundah (Sir William Knox) pointed out by way of interjection, I, too, have certainly had retailers approach me about the problems that they see with the legislation. One is that they will have to provide professional child-minding facilities at shopping centres. The extremes that the Bill goes to absolutely frighten and terrorise retailers.

The Minister's statement that the Bill does not reverse the onus of proof is completely incorrect. It is highly debatable.

Clause 5 (2) states—

“It is a defence to a charge of an offence defined in subsection (1) (a) to prove the taking was neither deliberate nor negligent.”

That spells out very clearly that the accused must prove that the taking was neither deliberate on his part nor was it negligent.

The reason that the Opposition is so concerned about the legislation is embodied in the very simple example that I give to the Chamber tonight. How many parents have had their children with them in a supermarket—I can well recall this happening to me on innumerable occasions when my children were young—with one in a pram and guiding another child around by the hand and one of them has very easily picked up an item from the shelf and placed it in the pram? When that pram is pushed through the check-out and is outside the store, the person in such an example could be apprehended and would have to prove that he was not negligent in allowing the child to pick up that bar of soap, bar of chocolate or packet of Smarties and drop it in the pram. Not too many members of this Chamber would not have experienced that.

The Minister speaks about wanting to simplify legislation. The Opposition has no objection to the simplification of legislation that will pave the way for easier access for people to the legal system and will play a contributing role in cutting out the backlog that currently exists in the higher court jurisdictions in this State; but the Opposition will not be party to legislation that will further rob Queenslanders of their fundamental rights.

The Minister should not speak to me about how he wants to simplify legislation. A gentleman in my electorate who works for the Queensland Railways is being dragged through criminal proceedings by a Minister of the Government on the basis that the Crown suspects and intends to prove that he stole 40c out of a collection box at the railways. Where is the justice in that? The Minister should not talk to me about the Government's wanting to simplify justice. Such a statement is just not correct.

I reiterate that the Opposition is totally opposed to this legislation. The Opposition intends to oppose it all the way through. Opposition members are certainly opposed to clause 5.

Mr INNES: Perhaps it is as well to try to remove some of the spitefulness from the debate. It is somewhat difficult when the debate begins and, as so frequently occurs in justice matters, there is denigration of the Minister's predecessors. It naturally provokes some self-defence. One cannot really be convinced of an argument that goes along the lines that, because the Minister is receiving more applications for nolle prosequis than his predecessors, they have somehow failed to grasp the nettle of the number of nolle prosequis, which then causes the present Minister to look for an alternative. There is something wrong with that logic.

Mr FitzGerald: That is not what he said.

Mr INNES: That is exactly what he said.

Mr FitzGerald: He did not say that there were more.

Mr INNES: He said that an increasing number of nolle prosequis were going to him and that that caused him not to shy away from grasping the nettle that other Attorneys-General had refused to grasp. I noted the words that he used.

I know that statistics show that an increasing number of nolle prosequis have gone to the Minister. The argument goes along the lines that, because he is receiving more approaches to exercise leniency, he has to find some other way of dealing with those cases. It might be an unhappy matter for him that he is left with a decision. However, if he wants to be tough on crime, the toughness is very easy—he just refuses the nolle prosequi and says, “Let the matter go through to trial.” The Minister has not raised a very happy or very logical argument. It certainly does not justify an attack on his predecessors.

It might be that economic adversity or depressed times lead to an increase in the number of offences and therefore an increase in the number of applications for a nolle prosequi. I know that there is a relationship between them. There is a relationship in terms of the place at which offences occur. A woman’s husband may be unemployed and she may be depressed by the family’s economic circumstances. Last year, not only were more applications received for nolle prosequis but also more convictions were recorded for shop-lifting. In terms of doing something about the matter, more was achieved despite the increase in the number of nolle prosequis. There was a general increase in the number of offences and a corresponding increase in the number of convictions. That is not a particularly logical background to the argument or to the search for a radical new approach to this problem.

Clause 5 comes right down to the main problems with this Bill. Tonight I waited with some interest to see who would speak from the Government side. The Minister has certainly given us the rounds of the kitchen, but I know that there are members of his party with some professional expertise who spoke to members of the Minister’s committee. I understood that they were assured that matters would be raised vigorously in this Chamber to modify what seemed to be very untoward effects of this legislation. However, their heads are down and the bull charges on.

Let us look at why the lawyers in this Chamber, the Bar Association, the Law Society and other persons entertain some disquiet. Members of the Liberal Party have voted with the Government and we have voted against the Government. We will vote for what we regard as being in the best interests of the people of Queensland. If that does not happen to suit the Minister, it is too bad.

Sir William Knox: We are certainly not going to support decriminalisation of dishonesty.

Mr INNES: That is right.

Let us look at the title of this grandstanding. I will tell Government members what happens. So often ill-conceived legislation is introduced by the Government. It is often amended before it is proclaimed and amended three times before it comes into effect. The first time that a National Party member has a child or a constituent who comes bleating to him, saying, “Do you realise what this legislation has done?”, honourable members will return to this Chamber to repair the damage, but not before somebody has run the gauntlet of the worry and the anxiety of the proceedings. The Liberal Party struggles to get legislation right the first time and not put people in jeopardy of running foul of the legislation.

The title of the clause is, “Unauthorised dealings with shop goods.” The honourable member for Southport (Mr Jennings) referred to pinching. The honourable member for

Lockyer (Mr FitzGerald) referred to shop-lifting/stealing. They are all words which connote dishonesty. They are all words which involve the action of stealing. However, the clause does not refer to stealing. The Minister has confirmed deliberately that the clause does not deal with stealing but with something else.

Let us pay some attention to the words that are being proposed. The clause states—

“(1) Any person who, with respect to goods in a shop of a value of \$75 or less and without the consent, express or implied, of the person in lawful possession of them—

(a) takes them away;—”

and I will leave out the others—

“is guilty of a regulatory offence . . .”

The clause states further that—

“(2) It is a defence to a charge of an offence defined in subsection (1) (a) to prove the taking was neither deliberate nor negligent.”

In the examples given it is not suggested that the shop-keeper consented to the accidental walking out of the shop or to the person being confused as to whether the husband or wife has paid. It is not suggested that it was done with the consent of the owner. If the person takes goods away and cannot prove that their taking was neither deliberate nor negligent, he is guilty of an offence which does not involve the element of dishonesty.

Mr FitzGerald: Would you expect a lot more convictions under the Bill?

Mr INNES: Of course I would expect more convictions, because it does not require the proving of a dishonest state of mind. People whose behaviour at the moment is not criminal or in no way could be construed as criminal and who would be protected by the provisions of section 5 of the Criminal Code, which refer to innocent acts or honest and mistaken claims of right, will now be looking down the barrel of this legislation.

All the shop-keepers and retailers, to whom members of the Liberal Party have spoken, believe that the Bill would introduce a simpler way of dealing with stealing offences.

Sir William Knox: Dishonesty.

Mr INNES: As the honourable member for Nundah said, the Bill will decriminalise the offence of stealing. It will remove the requirement that a person have a guilty mind. That is what Liberal Party members said last week, and that is what the Minister has had time to absorb and act on. The Minister can perhaps be forgiven for not understanding some of the technicalities.

It is quite wrong to suggest that there is not a reversal of the onus of proof. The Bill places an onus on a person to prove his or her innocence and to prove that his or her act was neither deliberate nor negligent. If it is not deliberate and not negligent, what is left apart from, I suppose, a completely involuntary act? If somebody placed something in the pocket of somebody else and he walked out, perhaps that would be neither deliberate nor negligent. Certainly the other down-to-earth examples that have been given would fall foul of the legislation. The Minister has come back with examples that deal with mainstream shop-lifting.

Nobody on this side of the House has suggested for a minute that shop-lifting/stealing should not be dealt with as shop-lifting/stealing and visited with a penalty of some sort. Liberal Party members have said that they are prepared to support experimentation with simpler ways of dealing with the problem, but not this way. This is the wrong way. The Minister must not believe that, because people with professional training disagree with his point of view, they are out to torpedo him or stop his ministerial advancement. That is not what they are about. The Minister is dealing with something

that is vital to those of us who are trained in the law, and we seek a better amendment of the law to achieve something consistent with all that has gone before and with the desire to do something inventive or innovative to allow for summary situations.

In a very fundamental way, this clause radically alters the law. In that regard the Liberal Party proposes to put the requirement for dishonesty fairly and squarely back into that provision. I move the following amendments—

“At page 2, line 21, before the word ‘takes’ insert the word—
‘dishonestly’ ”;

“At page 2, line 22, omit the word—
‘deliberately’

and substitute the word—
‘dishonestly’ ”;

“At page 2, line 24, before the word ‘consumes’
insert the word—
‘dishonestly’ ”;

“At page 2, line 26, omit the symbol and figure—
‘\$150’

and substitute the symbol and figure—
‘\$500’.”

That is a maximum penalty. The Liberal Party is not of the opinion that \$150 is an appropriate maximum penalty for an offence of shop-lifting or shop-stealing.

Sir William Knox: You could end up with \$20 fines. It is ridiculous.

Mr INNES: There could be light fines for first offences, but there should be a more appropriate maximum. The convictions relate to property to a value of \$75 dealt with in the aggravated circumstances that we propose of a deliberate act of dishonesty.

I move the following further amendment—

“At page 2, omit all words comprising lines 27 and 28.”

That is subclause (2), which involves a reversal of onus, with an obligation to prove that an action was either deliberate or negligent. That is almost impossible to prove. In other words, the Liberal Party proposes to ensure that shop-lifting—shop-stealing—stays as it is. We accept the Government’s main thrust of making this a summary offence. We are trying to ameliorate the legislation, to make it better than it is, while accepting the broad intention to make it an offence that is dealt with in a totally summary way.

Mr GOSS: The Minister has pointed out that the Queensland Bar Association, the Queensland Law Society, the Council for Civil Liberties, members of the Labor Opposition, members of the Liberal Party, members of Parliament who are also members of the legal profession, retailers and just about everybody else have misunderstood the legislation. The Minister is in the position of the soldier marching along in a platoon, claiming that everybody else is out of step with him. In his response tonight, we witnessed a pathetic and contemptible performance of a Minister under pressure who is trying to weasel out of his discomfort—weasel out of his pressure—by using the smear tactic of accusing all lawyers or sections of lawyers of protecting their financial position by opposing the legislation. That, of course, is a downright lie, and I suspect that the Minister knows it.

The proposition put by the opposition—not just by the formal Opposition in this place but by a broad spectrum of opponents—is one that would leave the general and simple proposition of a regulatory offence operating in the great majority of cases. It would have no substantial effect one way or another on the incomes of individual lawyers. The amendments moved by the member for Sherwood illustrate that quite

clearly and, for that reason, they should be supported. They are quite clear. Nobody who understands this area of law should have any difficulty at all in supporting them.

The opposition is not to the concept of a regulatory offence simpliciter but to the removal of traditional rights. It is a very sad day when this State's Attorney-General insults the integrity of Mr Callinan of Queen's Counsel, president of the Queensland Bar Association, and the criminal law subcommittee of the Bar Association, and similarly insults the integrity and intelligence of Mr Carey, the president of the Queensland Law Society, and his criminal law subcommittee.

Mr HARPER: I rise to a point of order. At no time did I insult the integrity of either the president of the Bar Association or the president of the Law Society. I find those remarks offensive and ask that the honourable member withdraw them.

The TEMPORARY CHAIRMAN (Mr Booth): Order! The Minister claims that at no time did he cast doubt on the two gentlemen mentioned by the honourable member for Salisbury. In the light of that, the honourable member will withdraw that comment.

Mr GOSS: It is a matter of interpretation. Quite clearly, he did.

The TEMPORARY CHAIRMAN: Order! The matter at issue is that the member cast a personal reflection on the Minister, who has asked that it be withdrawn.

Mr GOSS: In compliance with your direction, Mr Booth, I withdraw it. I would be tempted to call the Minister a liar, but I know that that would be objectionable, too, so I would not make such a statement. Perhaps it would be more accurate to say——

The TEMPORARY CHAIRMAN: Order! The honourable member is drawing the longbow there. The word "liar" is unparliamentary. I ask the member to withdraw that word.

Mr GOSS: I said that I would not use the term. I withdraw my reference to the fact that I would not use the term. Perhaps it would be more accurate to say that the Minister has a very "high" regard for the truth. Indeed, the Minister puts the truth on such a high pedestal that he reserves its use for only the most special occasions.

Perhaps I could explain my earlier point in this way: the way in which the president of the Law Society Incorporated (Mr Carey) operates and the way in which Mr Callinan, QC, operates—a person for whom I thought the Minister had some regard, but from the Minister's actions this evening I was obviously wrong in that assumption—is to convene the criminal law subcommittees of both associations. Those subcommittees comprise experienced practitioners, solicitors in one case and barristers in the other. When the subcommittees have formed their respective views and recommendations have been formulated, the president puts the recommendations to the main bodies of the associations for resolution.

If the Minister is suggesting that the presidents of those associations disagree with the recommendations of the respective criminal law subcommittees, and that the presidents have a different view, the Minister ought to say so. However, the Minister cannot say that, because it is not the case.

The presidents of the respective associations disagree with the legislation brought forward by the Minister in exactly the same way as lawyers who specialise in the area of minor offences have done. The point that should be remembered about the clause presently under consideration is that the Minister has claimed that the onus has not been reversed. As other honourable members have said—and as I wish to confirm for the sake of the record—that assertion is quite wrong. The balance that previously weighed in favour of an accused person has been changed, as has the onus of proof. Statements made by the Minister, either deliberately or negligently, have deliberately avoided the truth of what the Minister is attempting to do.

Mr HARPER: The honourable member for Wolston (Mr R. J. Gibbs) has implied outicism of the Director of Prosecutions. I inform the honourable member that criticism should not be levelled at the Director of Prosecutions, because I stand before the Chamber as the Minister responsible, and I accept responsibility for the legislation that is presently being considered by honourable members. Within the area of my responsibility, no officer of my department accepts responsibility for my actions in bringing legislation before the House.

I accept full responsibility, and I ask the honourable member for Wolston to respect the fact that no officer of my department should bear criticism by that honourable member or any other honourable member, or by any member of the community.

Mr R. J. GIBBS: I rise to a point of order. I wish to point out to the Minister that I certainly did not criticise the Director of Prosecutions. What I in fact said was that, regrettably, the Director of Prosecutions was copping the blame in some quarters round town for presentation of the legislation. I find that regrettable.

I did not criticise the Director of Prosecutions. I merely drew the attention of the Minister to the fact that the Director of Prosecutions was being criticised, and I find it offensive that the Minister has suggested that I criticised the director. I ask for a withdrawal of the Minister's comments.

The TEMPORARY CHAIRMAN (Mr Booth): Order! I have been listening to the Minister, and I have not heard the Minister say that the honourable member criticised the Director of Prosecutions. Can the honourable member tell me the words that the Minister used?

Mr R. J. GIBBS: Yes. The Minister said that I criticised the Director of Prosecutions. I find that assertion offensive, and I ask for it to be withdrawn.

The TEMPORARY CHAIRMAN: Order! If that is correct, I will ask the Minister to withdraw that remark. However, I did not hear the Minister say that, and I will refer the matter to him.

Mr HARPER: I do not believe that what the honourable member has said is correct. However, if the honourable member for Wolston has interpreted my remarks in that way, I certainly did not intend any offence, and I withdraw the remark accordingly.

What I said was that—and I wish to make this quite clear to the people of Queensland—no criticism should be made of the Director of Prosecutions. If criticism is levelled at him in the community, as the honourable member for Wolston has suggested, then I, too, believe that that is most regrettable. I repeat that, within my area of responsibility, no officer should have to bear criticism for legislation that I have introduced on behalf of the Government in this State.

I note the example provided by the honourable member. It must be acknowledged that the defence must prove, on the balance of probabilities, that the offence did not arise from negligence and that the Crown must negative beyond reasonable doubt that the offence was not constituted merely by negligence. I invite the attention of the honourable member to the point I have made.

The honourable member for Sherwood (Mr Innes) should realise that the intent of the legislation is not decriminalisation of dishonesty. The honourable member's encapsulation is an over-simplification of the issues, and it is quite misleading. The Bill decriminalises an act by a first offender that could be described as a minor offence in that it is an unauthorised dealing with property.

Offences of significant dishonesty are covered by the Criminal Code, and second offenders are also covered by the provisions of the Criminal Code. I say this very deliberately and with the greatest of respect: the honourable member for Sherwood still does not seem to have absorbed the fact that this is a new concept, an offence that is not a criminal offence within the terms of the Criminal Code.

The honourable member for Salisbury also commented on this subject, but I noticed that at no time did he comment on the stance taken by his comrades in New South Wales. I drew attention to that fact, and no member of the Opposition has chosen to comment on it.

I point out to the honourable member, and to other honourable members, that at no time did I refer to Mr Callinan of Queen's Counsel personally, nor did I refer to Mr Carey, the president of the Queensland Law Society, personally other than in terms of the highest personal regard——

Mr Goss: They made the statements, didn't they?

Mr HARPER: I repeat: other than in terms of the highest personal regard. The honourable member seeks to interject; he would rather listen to his own voice than hear a reasoned explanation. So, for his benefit again, while he is being quiet, I repeat that I did not at any time refer to Mr Callinan of Queen's Counsel personally, nor did I refer to Mr Carey, the president of the Queensland Law Society, personally other than in the highest terms. I have the highest regard for both gentlemen—for their integrity and for their ability. As the honourable member correctly said, both gentlemen, as presidents of their respective associations, put forward the views of those associations. I respect their responsibility to do that. It does not in any way detract from the personal regard that I have for both gentlemen.

The Government is not prepared to accept the amendments.

Mr INNES: The Minister suggests that I am confused, but I do not believe that I am. I simply want to ask: Why should behaviour that is at present innocent become a regulatory offence, with the penalties that that involves, under this new provision? Why should presently innocent behaviour become behaviour that is the subject of an offence and penalty under this Bill?

The Minister referred also to the first offender, as did many Government members. There is no mention of "first offender" anywhere in this Bill. All that appears is a statement that somebody else, by the provisions of another Act, will in the future do something that will involve rules for or instructions to the police. Is that really satisfactory? This is a legislature that requires debate on legislation through three readings. A special committee of the Parliament looks at subordinate legislation, because that has a legal effect. Is it really satisfactory that legislation is introduced into this Chamber that has, as a main feature, and is apparently predicated upon an intention, that it will apply to first offenders without having mentioned that and not having before this Assembly the proposed rules that will apply under that other Act, if and when they are promulgated. Surely the Minister can see that that is not the right way to go about law-making in this State.

Mr HARPER: It does the honourable member no credit to suggest in this Chamber that people who are presently innocent of an offence will, under the Regulatory Offences Bill, be guilty of an offence. Obviously, a person who is presently innocent under the Criminal Code would be found innocent under the Regulatory Offences Bill.

The honourable member can huff and puff, rant and rave and harangue to the best of his ability until the night is through, but he will not alter the fact that despite any attempts by him or any of his immediate colleagues, the intention of this Bill will be achieved. The intention is to protect the minor offender from carrying a criminal record for the rest of his life. If the honourable member wants young people and old people, males and females, to carry criminal records because they commit one minor offence, he is out of step with the community.

Mr INNES: I thought that I had expressed myself clearly. I am accepting the broad path of regulatory offences down which the Minister is travelling. Taking that path, what we are now proposing to do is make the regulatory offences themselves more compatible with all of our traditions. I am accepting the Minister's broad thrust and statement that

these matters will be dealt with in a manner that will not record any conviction. The remarks that I make are entirely within that context. The last little tantrum was totally unjustified.

The TEMPORARY CHAIRMAN (Mr Booth): Order! The honourable member for Sherwood has read out a number of amendments. Is it the wish of the Committee that the amendments to clause 5 be taken en bloc? There being no objection, that course will be followed.

Question—That the amendments (Mr Innes) be agreed to—put; and the Committee divided—

AYES, 36		NOES, 42	
Braddy	Price	Ahern	Lester
Burns	Scott	Alison	Lingard
Casey	Shaw	Austin	Littleproud
Comben	Smith	Bailey	McKechnie
D'Arcy	Underwood	Bjelke-Petersen	McPhie
De Lacy	Vaughan	Borbidge	Menzel
Eaton	Veivers	Cahill	Miller
Fouras	Warburton	Chapman	Muntz
Gibbs, R. J.	Warner, A. M.	Cooper	Newton
Goss	White	Elliott	Powell
Gygar	Wilson	FitzGerald	Randell
Hamill	Yewdale	Gibbs, I. J.	Row
Knox		Glasson	Simpson
Kruger		Goleby	Stephan
Lee		Gunn	Stoneman
Lickiss		Harper	Tenni
Mackenroth		Harvey	Turner
McElligott		Henderson	Wharton
McLean		Hinze	
Milliner	<i>Tellers:</i>	Jennings	<i>Tellers:</i>
Palaszczuk	Davis	Katter	Kaus
Prest	Innes	Lane	Neal

Resolved in the negative.

Clause 5, as read, agreed to.

Clause 6—Leaving hotel, etc., without payment—

Mr R. J. GIBBS (11.4 p.m.): The Opposition is opposed to this clause in its present form. I reiterate the Opposition's concern that the clause reverses the onus of proof. Contrary to what the Minister said in his reply, that is very clear. The Bill clearly states—

“It is a defence to a charge of an offence defined in subsection (1) (b) to prove the defendant believed on reasonable grounds the cheque would be paid in full on presentation or he was authorized to use the credit card or similar document.”

Once again, a defendant is required to prove beyond reasonable doubt that he had no intent. For the same reasons that I expressed in the debate on clause 5, the Opposition opposes clause 6.

Mr INNES: In fact, unlike clause 5, clause 6 introduces the word “honestly” However, it does so in only one regard. It also reverses the onus of proof. Therefore, I move the following amendments—

“At page 2, line 33, before the word ‘leaves’ insert the word—

‘dishonestly’ ”;

“At page 2, line 34, omit the words—

‘honestly, or making’

and substitute the words—

‘to make’ ”;

“At page 2, line 36, before the word ‘purports’ insert the word—

‘dishonestly’ ”;

“At page 2, line 40, omit the symbol and figure—

‘\$300’

and substitute the symbol and figure—

‘\$500’ ”;

“At page 2, omit all words comprising lines 41 and 42, and at page 3, omit all words comprising lines 1 and 2.”

The second last amendment increases the highest possible fine, and the last amendment deals with the reversal of the onus of proof. In short, the amendments maintain the concept of dishonesty, make it consistent throughout the clause, increase the fine, as was done on the last occasion, and remove the reversal of the onus of proof.

Mr HARPER: Surely the wording of the clause imports a dishonest intent. As with the previous clause, if a person takes without consent, either expressed or implied, and does so intentionally or deliberately, that would be considered to be a dishonest taking.

Question—That the amendments (Mr Innes) be agreed to—put; and the Committee divided.

AYES, 36		NOES, 42	
Braddy	Price	Ahern	Lester
Burns	Scott	Alison	Lingard
Casey	Shaw	Austin	Littleproud
Comben	Smith	Bailey	McKechnie
D’Arcy	Underwood	Bjelke-Petersen	McPhie
De Lacy	Vaughan	Borbidge	Menzel
Eaton	Veivers	Cahill	Miller
Fouras	Warburton	Chapman	Muntz
Gibbs, R. J.	Warner, A. M.	Cooper	Newton
Goss	White	Elliott	Powell
Gygar	Wilson	FitzGerald	Randell
Hamill	Yewdale	Gibbs, I. J.	Row
Knox		Glasson	Simpson
Kruger		Goleby	Stephan
Lee		Gunn	Stoneman
Lickiss		Harper	Tenni
Mackenroth		Harvey	Turner
McElligott		Henderson	Wharton
McLean		Hinze	
Milliner	<i>Tellers:</i>	Jennings	<i>Tellers:</i>
Palaszczuk	Davis	Katter	Kaus
Prest	Innes	Lane	Neal

Resolved in the negative.

Clause 6, as read, agreed to.

Clause 7, as read, agreed to.

Clause 8—Manner of Proceeding against offender—

Mr R. J. GIBBS (11.13 p.m.): Once again, I state that the Opposition opposes this clause. As the Minister pointed out earlier, and as I am aware, provisions presently exist in the Criminal Code and under the Vagrants, Gaming, and Other Offences Act for the taking of fingerprints, photographs and palm prints of people who have been charged. Each time a division is called or when opposition is expressed to the Minister’s point of view, he argues that the Bill is designed to simplify the processes of the law and to remove the stigma attached to persons charged with a first offence. The Opposition has made it very clear that it has no opposition to that. Bearing in mind what the Opposition

would regard as a relatively minor offence, I find it extremely offensive that people who will be charged under the Act can be taken to the watch house and photographed, fingerprinted or palm printed. I am aware that the clause states—

“Provided that, if the person is found not guilty of the offence in question or is not proceeded against, any photograph or finger prints or palm prints taken pursuant to this subsection shall be destroyed in his presence or in the presence of a person nominated by him.”

It is a gross invasion of privacy for a person charged with a relatively minor offence to be taken to the watch house and subjected to the very degrading, demeaning and humiliating experience of being photographed and fingerprinted like a criminal. If a person was found guilty of such an offence, the Opposition would have no objection to those due processes of the law taking place.

I do not accept the viewpoint expressed by the Minister earlier this evening that it is necessary to take these particular records so that they can be compared to determine whether a person has a previous conviction. If a person has been convicted on a previous occasion of a serious offence, one would accept that such records would exist at that time.

At this particular stage, anyway, the Opposition is opposed to writing those requirements into this legislation, because the keeping of such a record is a humiliating experience and a gross invasion of the particular person's privacy.

Mr HARPER: I draw the honourable member's attention to the wording of clause 8, which states—

“(1) A member of the police force may arrest. . .”

It is a discretionary provision and not mandatory. If it was mandatory, it would state “shall arrest” I drew attention to that previously in indicating the present position. I gave the House an example in which I said that, if it appears that a person has committed an offence under the Criminal Code and he gives to the police officer his name and other particulars, of course no arrest or fingerprinting will take place. It is when a person declines to co-operate to that extent that a person may be arrested and fingerprinted. Again I point out to the honourable member that I think his concerns are unfounded, because the clause clearly states that a member of the police force may arrest without warrant.

Question—That clause 8, as read, stand part of the Bill—put; and the Committee divided—

AYES, 42		NOES, 36	
Ahern	Lester	Braddy	Prest
Alison	Lingard	Burns	Price
Austin	Littleproud	Casey	Scott
Bailey	McKechnie	Comben	Shaw
Bjelke-Petersen	McPhie	D'Arcy	Smith
Borbidge	Menzel	De Lacy	Underwood
Cahill	Miller	Eaton	Vaughan
Chapman	Muntz	Fouras	Veivers
Cooper	Newton	Gibbs, R. J.	Warburton
Elliott	Powell	Goss	Warner, A. M.
FitzGerald	Randell	Gygar	White
Gibbs, I. J.	Row	Hamill	Wilson
Glasson	Simpson	Knox	Yewdale
Goleby	Stephan	Kruger	
Gunn	Stoneman	Lee	
Harper	Tenni	Lickiss	
Harvey	Turner	Mackenroth	
Henderson	Wharton	McElligott	
Hinze		McLean	
Jennings	<i>Tellers:</i>	Milliner	<i>Tellers:</i>
Katter	Kaus	Palaszczuk	Davis
Lane	Neal		Innes

Resolved in the affirmative.

Clause 9—Further power to fine—

Mr INNES (11.22 p.m.): I move the following amendment—

“At page 3, lines 30 and 31, omit the words—

‘including the costs of all reasonable investigations relating thereto’.”

For the information of honourable members, I indicate that we support the amendment for the omission of those words but we will not call for a division. We will, however, divide on the next clause, which is more important.

The argument on the amendment is that the costs of reasonable investigations cannot be recovered for any serious offence committed under the Criminal Code or the Vagrants, Gaming, and Other Offences Act, so there is no good reason why the Government should be able to do so for what is accepted as being a minor offence.

Mr FitzGerald: You wanted to put the fines up before. Wouldn't this be taken into consideration?

Mr INNES: The far more appropriate way of doing it is by providing a fine. Anybody who has any experience in this type of thing realises that the cost of investigations can be very elastic. It could be far higher than the fine. The concept is novel, but it is too elastic, too susceptible to varying ideas about what is relevant and what is irrelevant. There is no justification for including it when it is not applicable to more serious offences.

Amendment (Mr Innes) negatived.

Clause 9, as read, agreed to.

Clause 10—Amendments of The Criminal Code—

Mr INNES (11.25 p.m.): I have foreshadowed the amendment that I will shortly move, but I wish to make two points before I do so. I wish to understand why the Minister has inserted a provision in clause 10 (b) after subsection (ii) that relates to section 22 of the Criminal Code. The clause reads as follows—

“(3) A person is not criminally responsible for an act or omission done or made in contravention of a statutory instrument if, at the time of doing or making it, the statutory instrument was not known to him and had not been published or otherwise reasonably made available or known to the public or those persons likely to be affected by it.

(4) For the purposes of subsection (3)—

“statutory instrument” means any Order in Council, order, rule, regulation, by-law or other instrument made pursuant to any Act;

“published” means published in the Government Gazette. . .”

I ask the Minister to explain the purpose of that provision, and the cases that he had in mind when he formulated that clause.

Mr HARPER: I inform the honourable member that it is proposed to publish details of all regulatory offences in the Queensland Government Gazette so that the community will be aware that provisions relating to such offences have come into force. A degree of flexibility is contained in the Bill, and I think that that explanation clarifies the position for the honourable member.

Mr INNES: Am I to understand, then, that the Minister proposes to create other regulatory offences in the future, and that they will automatically be covered by the provisions of the Criminal Code?

If that is the proposal, is it intended to retain the provision that effectively removes the operation of many of the provisions of Chapter V that relate to criminal responsibility?

Mr HARPER: I inform the honourable member that at present the Government does not intend to create other regulatory offences. However, it is considered opportune at this time to make the amendment for future regulatory offences which may at some time be applicable. At present, I reiterate that the Government has no intention of expanding the application of the Bill. The offences have been spelt out quite clearly, but it is considered opportune at this time to make provision for flexibility.

The TEMPORARY CHAIRMAN (Mr Booth): Order! Before I call the honourable member for Sherwood, I point out that this is his last opportunity to speak to the clause.

Mr INNES: I move the following amendment—

“At page 4, omit all words comprising lines 28 to 30.”

That provision removes the operation of most of the operation of Chapter V of the Criminal Code, which relates to criminal responsibility, including the elements relating to an honest claim of right, mistake of fact and the other factors that I have already enumerated. The removal of the effect of the Chapter V provisions is deeply offensive to all people who are associated with the practice of criminal law or who have an understanding of the operations of criminal law, and has been opposed by the Law Society and the Bar Association, as well as honourable members, members of the Liberal Party and, as I understand it, members of the Labor Party.

Sir WILLIAM KNOX: So that, in his reply, the Minister can encompass the point that I wish to make, I ask whether he plans to have any regulations introduced under the Bill?

Mr HARPER: At present, the regulations have not been considered. My previous comments directed to the honourable member's colleague related to the flexibility that will relate to some future time.

Sir WILLIAM KNOX: I point out, if it is planned to introduce regulations, that no provision has been made in the legislation presently before the Parliament for regulatory powers. It does not appear to be covered by the Acts Interpretation Act, so there is a deficiency in the Bill.

Question—That the words proposed to be omitted from clause 10 (Mr Innes's amendment) stand part of the clause—put; and the Committee divided—

AYES, 42		NOES, 36	
Ahern	Lester	Braddy	Price
Alison	Lingard	Burns	Scott
Austin	Littleproud	Casey	Shaw
Bailey	McKechnie	Comben	Smith
Bjelke-Petersen	McPhie	D'Arcy	Underwood
Borbidge	Menzel	De Lacy	Vaughan
Cahill	Miller	Eaton	Veivers
Chapman	Muntz	Fouras	Warburton
Cooper	Newton	Gibbs, R. J.	Warner, A. M.
Elliott	Powell	Goss	White
FitzGerald	Randell	Gygar	Wilson
Gibbs, I. J.	Row	Hamill	Yewdale
Glasson	Simpson	Knox	
Goleby	Stephan	Kruger	
Gunn	Stoneman	Lee	
Harper	Tenni	Lickiss	
Harvey	Turner	Mackenroth	
Henderson	Wharton	McKechnie	
Hinze		McLean	
Jennings	<i>Tellers:</i>	Milliner	<i>Tellers:</i>
Katter	Kaus	Palaszczuk	Davis
Lane	Neal	Prest	Innes

Resolved in the affirmative.

Clause 10, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

FRASER ISLAND PUBLIC ACCESS BILL

Second Reading—Resumption of Debate

Debate resumed from 28 March (see p. 4691) on Mr McKechnie's motion—

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

Mr UNDERWOOD (Ipswich West) (11.36 p.m.): This Bill could be said to do three things. Firstly, it sets up a management plan; secondly, it deals with enforcement and penalties; and, thirdly, it deals with fees and franchise.

A number of Opposition members, as well as a number of Government members, have visited Fraser Island, both in earlier times and in recent times, and have seen the changes that have occurred there. Those changes have resulted in the introduction of this Bill.

My first experience of Fraser Island occurred in 1963 when, as a 12-year-old lad, I heard about it. The description given to me was that the island contained dense scrub and forest in which people could be lost without trace. I was told about the wonders of Sandy Cape, the wide beaches, the fishing, the brumbies, the green sand, and so on. To a boy of 12 years of age, that built up a mystical image, and I still retain that image. Many other people who have visited the island and I regard it as a place of great beauty and life, a place in which one can be refreshed and enjoy Queensland.

My first real experience of Fraser Island occurred at Easter in 1970, that is, 15 years ago. In those days, people travelled to the island on an old barge from the double heads to the Lake McKenzie jetty. Since then I have visited the island on three occasions. I would have liked to return to the island more frequently and for longer periods.

Over the period, the changes that I have witnessed have certainly illustrated that it is a very fragile environment that needs protection, particularly from the heavy usage and the abuse by a number of people. I say, at the outset, that most people who visit Fraser Island treat it with respect and want to return to the island. However, this Bill has been introduced because of the idiots and vandals who show absolutely no respect for the island. They have no social conscience and they are not concerned about what they do to the island.

Over the period, we have seen the ravages of the sand-miners and how their activities have had a detrimental effect on the environment. However, they have long since gone.

Mr Powell: Have you been there and looked at the rehabilitation?

Mr UNDERWOOD: I have visited Fraser Island on several occasions. Some Government members believe that a forest of black wattles is a rain forest.

Mr Powell: It is quite clear that you have not been there.

Mr UNDERWOOD: I have been there. I have been shown round the island by officers of the Forestry Department. I have listened to their arguments. I have seen what has happened to the frontal dunes and to the dunes at the back of the island. Quite frankly, one can still see where the sand-miners were. It is not the natural environment that existed there previously. It shows how fragile the whole environment of that island is.

Mr Simpson: I suppose you have also seen the airstrip.

Mr UNDERWOOD: Yes, I have seen the airstrip and the aeroplane that crashed at the end of it.

Mr Powell: Whereabouts?

Mr UNDERWOOD: Down near the national fitness camp. The Minister is supposed to be the local member. Perhaps he does not know about that. That shows how much he knows about the island.

Mr Powell: You don't know your geography.

Mr UNDERWOOD: Is the Minister trying to tell me that there is no airstrip at the end of the island? That shows how ignorant he is. Anyway, he should interject only from his usual place. Perhaps he is trying to canvass votes or support for some of the problems that he is faced with.

Mr DEPUTY SPEAKER (Mr Row): Order! Interjections from honourable members who are sitting in other than their usual seats will not be tolerated.

Mr UNDERWOOD: The Bill represents the Government's failure and inactivity regarding the management of national parks, Crown land and Fraser Island. It has been convenient for the Government to allow the despoliation and ravage of the island to occur, because it has frequently argued that the tourists or visitors to the island create more havoc and cause more destruction than the sand-miners did. The sand-miners have long since gone.

In the last Budget, the allocation to the National Parks and Wildlife Service was increased, and all honourable members applauded that. As a result of the increased funding, additional planning was carried out, and that is now starting to take effect. An inordinate amount of public pressure has been brought to bear on the Government to do something about protecting Fraser Island and straightening up the ever-growing mess. This Bill represents the action that the Government has been forced to take, and the Opposition is pleased that it has been introduced.

I must compliment the Minister on adopting Labor Party policy by introducing a management plan. That has been Labor Party policy for a long time and it is pleasing that the National Party has followed its lead. The management plan implements a method of dealing with public usage of Fraser Island, but, at the same time, permits the public to use the island as much as possible without destroying it.

One broader aspect of the Bill that must be considered is whether the departments concerned will operate a plan of co-operation or confrontation. The fear of Labor Party members is that confrontation might be used, and may already be creeping in. I ask the Minister to state his position on this matter in his reply.

In the past, the majority of officers in the National Parks and Wildlife Service and the Forestry Department have struck a responsive note with campers and visitors to the areas under their control. They fraternised with those people and attempted to strike up friendships so that they could work as a team with the visitors and campers.

It was brought to my attention by a number of people who had been to the coloured sands area, to Double Island Point and to Fraser Island last Christmas that their acquaintances in the National Parks and Wildlife Service and the Forestry Department were instructed not to fraternise and to keep their distance from campers and visitors. One can only guess at the reasons for that instruction.

Those officers would have a drink with the campers, be it a quiet beer or a soft drink, and an excellent relationship was built up between them. It could be said that officers should not have a beer on the job, but that matter should be left to the discretion of the officers. If a relationship based on mutual trust and respect can be established, the parks and forestry areas could be run in a much better way. The officers and the campers could work together for the betterment of the area. However, the instruction

to the officers that they should keep their distance has had a detrimental effect, and I ask the Minister to explain to the House whether such an instruction was issued, particularly in the last six months. In fact, a number of officers fear retribution if they are seen to be fraternising with the campers.

Mr McKechnie: To save you pursuing it, the answer is, "No."

Mr UNDERWOOD: I am glad to hear that. That message needs to be relayed to some of the officers in the field.

The Opposition has seen, as the general public has seen—and the Government now sees—the need to control matters such as the disposal of rubbish and general sanitation. The tourists and campers are not the only ones causing rubbish and sanitation problems. In putting their side of the argument, tourists have said to me that the locals are responsible for a large amount of the garbage and the improper disposal of that garbage. One needs only to see the seepage on the beach at Eurong to realise that sanitation problems exist. I do not know the technical reason for that obvious discoloration of the sand, but that is the only place on Fraser Island that I have noticed it. Because of the long number of years that Eurong has been established, a seepage problem exists. I do not say that it is a health hazard. I do not know, and it is only an observation that I make. Others have made the same observation.

Problems have been caused by the open garbage burial pits at Eurong and because the garbage pit for the lighthouse is in the national park. That might be its traditional location—I do not know—but I make the point that visitors are not the only ones to cause garbage problems on the island. Those who live and have established businesses on the island also create garbage problems. The garbage is spread by domestic pets, feral dogs and other animals. A definite allocation of manpower, resources and planning has to be made to dispose of rubbish.

A strong argument exists for the removal from the island of a major proportion of the rubbish. As all honourable members know, it is a sand island. Little is known about the water prisms, the lake structures and the strata of the island. I imagine that much detail would be contained in the files of the sand-mining companies that have carried out surveys over many decades. With a great deal of work some information could be gained from those files.

If an increasing amount of rubbish is to be buried on the island, the resultant contamination of the water prisms and the effects on the holding capacity of the strata on the island must be considered. That is a very technical argument and I am sure that, because not enough work has been put into it, it is not one that the National Parks and Wildlife Service or the Forestry Department could presently argue. I suggest that some investigation be carried out into that aspect.

I point out to the House my experience with the coal-fields in the Ipswich/West Moreton area. For many years a battle raged between two local authorities, particularly the Ipswich City Council, which had problems with the disposal of garbage. The water authorities in that area believed that the burial of rubbish in the disused pits of the open-cut coal mines in that area would create a real danger in that some of the garbage would leach into the strata and contaminate water sources. I am saying that something similar can happen, and probably has happened, on Fraser Island. I have already quoted one particular case in which it may have happened.

One aspect of the management of the island is travel. At the moment individual vehicles are the most common mode of transport round the island and that creates serious problems on the island. Public transport should be encouraged. I know that in the past the Fraser Island Defence Organisation put up capital intensive schemes, which would need quite a deal of public assistance to be brought into operation. I do not know that they would have been economically viable for a private operator. However, as I said, public transport should be encouraged.

It is a couple of years since I saw the old sand-miners' road. On the last occasion I saw it, it was in a terrible state of repair. If that is still the case, it should be upgraded so that vehicles are either forced or encouraged to travel on it rather than on the beach in that section of the island. The whole management plan should concentrate on the aspect of removing as many vehicles as possible from the beach. All honourable members would know that even in quiet times the traffic on the beach is so heavy that, simply by being on the beach, a person takes his life in his hands. Children tend to be pretty invisible along the beach, and are therefore placed in grave danger. Even to fish on the beach is a danger. Any gear left on the beach will be run over by some idiot—that is, if he is sober.

Problems have been experienced with drunks driving on the beach and towing skid-boards behind their vehicles. Fishermen have been hit by the skid-boards. Similar problems have been experienced by pedestrians enjoying the beach. One of the greatest attractions of Fraser Island is its wide and long beaches. Unfortunately, people are not able to use the beaches any more because they are literally risking the lives of themselves, their families and friends by standing on the beach. Even though a person may stand at the water's edge, that does not guarantee his safety. Some idiots take their vehicles down to the water's edge. Under the management plan, serious consideration should be given to finding ways of removing vehicles from the beaches, or at least keeping them to a minimum.

In northern New South Wales, vehicles have been allotted certain stretches of the beach; in other areas of the beach, vehicles are banned. A similar problem has occurred at Rainbow Beach. Some years ago when I travelled to Rainbow Beach, it was possible to drive anywhere on the beach. Now, at particular times, the bathing area is cordoned off from vehicles to protect the people. Soon, similar action will have to be taken on Fraser Island.

The Minister needs to explain how the traffic will be regulated. The Bill contains wide regulatory powers and provision to make all sorts of regulations under the various clauses. The Minister should explain in specific detail how the traffic will be regulated and how the regulations will be enforced. The constant volume of traffic illustrates the need for a permanent police force to be stationed on the island.

How will speed limits be enforced? Will the provisions of the Traffic Act be enforced? Drink-driving is a problem on the island. Although I do not disapprove of persons taking large quantities of alcohol to the island, a number of those persons put at risk their own lives as well as the lives of others. How will that provision be enforced? The Traffic Act provides for penalties to be imposed for dangerous driving and other offences. How will people be deterred from drink-driving on the island? How will they be tested?

Some time ago, an aircraft had to make an emergency landing on the island. Because of the large number of vehicles on the beach, the aircraft could not land. Problems of that type have occurred. As the Minister did not mention them in his second-reading speech, he should refer to them in his reply. Despite the deaths and permanent injuries that occur fairly frequently on Fraser Island, dangerous drivers still do idiotic things.

Coincidentally, today's "Telegraph" contains a report from a long-term resident of Fraser Island. He referred to people sitting on top of roof-racks on four-wheel-drive vehicles speeding along the beach. If a vehicle hits a hump, a soft spot, an irregular wave or a creek that is deeper than it appears, a person inside or outside the vehicle could be killed. People have ridden on bumper bars and have been pulled along on skid-boards and bicycles. People do the most crazy and stupid things that one could think of because they feel that they are safe on the beach, as the nice cool air whistles round their faces. They do things on the beach that they would not dream of doing on the highway or on a dirt track in the bush. In fact, the beach is one of the most likely places for dangerous skylarking to occur.

The problem of evacuating certain areas on Fraser Island must be considered. I know that, since my first visit to Fraser Island, there has been a significant improvement

in evacuating areas. The operator at Eurong has performed many mercy dashes. He has transported people to Maryborough Hospital in the back of his aircraft, using a door as a stretcher. Many people should be thanked for merciful acts carried out to assist persons who have visited the island over a long period.

My vehicle once broke down on the island and I stopped at Eurong. It took several days, after spending a good deal of money there, to find some oil so that I could get off the island. That is one way in which they extracted payment for their services, and I suppose one cannot blame them for that.

The Minister should consider also the regulations relative to animals. Are animals to be totally banned from the island? I refer to pets in particular. Many people take their dogs to the island to run around the beach. Many people, particularly the fishermen, go only as far as the beach. They are not interested in the remainder of the island, as other people are. Are animals to be banned from the beaches, as is the case at the moment at some coastal resorts?

What about the feral animals now on the island—the brumbies, dingoes and wild dogs? Are they to be shot? If that is the case, I would suggest that the Minister reconsider the matter, because the brumbies are part of the heritage and folklore of Fraser Island. It adds a romantic touch, when one is camping along the edge of the beach, to see the brumbies grazing at night.

What about the pets of local residents? How will they be dealt with? It is all very well to say that the residents might be on private property—freehold or land that is excluded from the recreation area—and they are able to keep pets. Everybody knows that pets roam around and that they would roam into the recreation area. That is a question that many people want answered. What is the situation in relation to animals? Will a fee be charged for animals taken to the island, or will they be totally banned?

I turn to the question of staff. It is all very well to have a management plan. However, how will the island be staffed so that the management plan is implemented properly? How much of the fees collected will be spent on staffing? How much of the fees will be spent on new capital facilities? How much will be spent on providing services such as cleaning up and restoration, information services and the like? What fees does the Government envisage collecting on an annual basis? Surely at this stage it has some idea how much money will be collected. As yet, the Minister has given no figures showing what the various fees might be. Surely at this stage he can give honourable members an indication of what he expects the actual figures would be, because he plans to put the Act into operation from the beginning of the next financial year. The Minister has given honourable members an indication in his second-reading speech that they will be similar to those in other areas in Queensland, and my colleague the honourable member for Archerfield (Mr Palaszczuk) will address those matters in his speech. I will not steal his thunder.

Honourable members need to know how the moneys will be spent. A trust fund will be set up for these moneys and moneys from the general vote of the Parliament. I seek an assurance from the Minister that the vote of the Parliament as a percentage will not decrease because additional moneys will be collected in fees. In fact, I suggest to the Minister that because the public is putting in its share, the Government might consider granting an increase, particularly initially, so that the management plan can be put into operation. In the last financial year, honourable members have seen an expansion in the National Parks and Wildlife Service under the new budgetary arrangements, and they know also that expansion brings various problems. Some sections of the National Parks and Wildlife Service have actually run out of money as a result of the reorganisation and expansion. I will discuss that in a little more detail later when I consider the problem of fees.

The people visiting the island cause problems. They do not know how to handle their vehicles or the environment, which raises the problem of the general education of people in their social responsibility. In my opinion, the Government should be considering

the possibility of educating young people in the schools. It could be argued that that has been occurring through the initiative of teachers and through a greater awareness of the environment, both man-made and natural, in which we live.

The Government's philosophy is that education of that type is a danger to society, whereas the opposite is the case. Recently we heard the quite remarkable statement of the Minister for Education (Mr Powell) about information on how the High Court works. In the past, programs such as SEMP have been banned. They set about the task of educating people in their social responsibilities, how to deal with finance without being ripped off and how to handle the environment correctly. If those programs had been instituted under our education system, perhaps the idiots who cause the problems that we are legislating for tonight would have adopted a more responsible approach. In a way, the legislation results from the Government's attitude towards education and its attempt to keep people ignorant of the changes in society and of their social responsibilities, because the Government sees a danger in free thinking and an awareness of our society and environment.

The system of permits needs to be addressed in more detail by the Minister. It is interesting that permits may be issued for vessels. The recreation area extends to the beach and, I suspect, to the low-water mark. Would that be right?

Wednesday, 10 April 1985

Mr McKechnie: In instances where there are mud-flats, it is debatable where the low-water mark is.

Mr UNDERWOOD: What is the position of people who take their boats over there for crabbing, fishing or picnicking during the day? People who are holidaying at Rainbow Beach, Tin Can Bay or Hervey Bay might travel to the island and camp on the beach for the day. Would they require a permit for that? People who are holidaying make decisions on the spur of the moment. The Minister has given an indication that people will be required to give a month's notice to obtain a permit to visit the island. A great deal of latitude needs to be extended.

The Minister and his officers would say that a need exists for control over access to the island. The enforcement of permits for vessels that touch the island ought to include wide discretionary powers so that common sense prevails.

What about crab pots and other instruments for catching fish, which are legal in other places? People seeking crabs put their pots close to mangroves, in places exposed at low tide. Would they be in breach of the Act if a permit is not held? My argument might seem pedantic, but the Bill itself is pedantic, because it embarks on a great deal of detail and gives wide-ranging powers to the Minister and his authorised officers. The matters I am raising ought to be addressed so that a person's obligations are made crystal clear.

Where are the permits to be issued and by whom? Are they to be issued at Rainbow Beach, Hervey Bay, Maryborough or Gympie? Are they to be issued at Noosa or Brisbane? I suggest that all of those centres would be appropriate. Will officers who have headquarters on the island outside the national park be able to issue licences on the spot, as occurs for other national parks? Most people who visit a national park do not obtain a permit before they go. They do not abide by the six-week minimum and 12-week maximum period for seeking a permit to enter a national park.

Most people simply turn up and, if the National Parks and Wildlife Service officer happens to see them, they can be issued with a permit on the spot. However, many people do not obtain a permit because they are not contacted by the officer. I ask the Minister whether that commonsense approach will continue, or whether a rigid enforcement of the Bill and regulations will be applied. That brings me back to the initial point that I made about co-operation versus confrontation. I urge the Government to continue the co-operative role.

I should comment that the conduct of a number of officious officers in the two services has been brought to my attention. Certain officers apparently take it upon themselves to regard the national park, and in this case the recreation area, as being their own domain, which must be protected from intrusion by other humans. I draw to the attention of the Minister and the officers to whom I have referred that the area is intended for use by the people, and that the job of the officers is to make sure that the place is protected so that it can be used to the maximum enjoyment of everyone, without damage to a significant degree occurring to the environment. The obsession of officers in keeping people and vehicles out of recreation areas as much as possible needs to be addressed and attended to.

However, at the same time, it must be conceded that officers employed by the two services in the department need to have a degree of obsession, or control over the area would be lax. I suppose it could be said that the Opposition is having two bob each way, but it must be borne in mind that balance of the two extremes is difficult to achieve.

The Minister may correct me if I am wrong, but I understand that plans are in train to have the whole system of issuing permits operated by computer—not only for this recreational area but also for all other national parks. The Opposition seeks a guarantee that people's right to privacy is protected. An obvious deficiency that immediately springs to mind is the case of people who are kept under surveillance and whose activities can be followed, not necessarily only by the officers employed by the two services but by other departments that may have an interest in the movements of certain people. Protection is needed, and it should be built into the system if and when the system comes into operation.

I recognise that when it is necessary to trace vandals and thieves who have caused damage and loss to the environment, National Parks and Wildlife Service officers will find it necessary, as they have in the past, to refer to the records of visitors who go in to national parks. It is necessary to keep such records so that people, such as those I have described, can be brought to justice. Some people think that, because they have visited a national park for a short time only, they cannot be traced if they desecrate areas of a national park.

Mr Simpson: The National Parks and Wildlife Service officers ought not to issue those people with another permit.

Mr UNDERWOOD: That is an interesting point—whether or not future permits ought to be issued.

Mr Simpson: If their treatment of national parks has been bad in the past.

Mr UNDERWOOD: I would debate whether it is legitimate to say straight-out that those people will never be issued with another permit, because that involves the imposition of a double penalty.

Mr Simpson: I did not say that. I said that the officers should have the capacity to do so.

Mr UNDERWOOD: That is a debate that could take place at another time, but I suppose that it should be addressed now. It is a point that the Opposition had not considered, and it is an interesting one. It involves a factor of double penalties being imposed, and if people are convicted on the spot or through the courts—

Mr Simpson: That is not necessarily the case. Refusal to issue future permits can be used as a penalty.

Mr UNDERWOOD: Yes. However, that is a fairly drastic penalty. For example, I can imagine a problem arising if a person has consumed too much beer—and it is well known that people do stupid things when they are drunk—or is brash because of his

youth. It may be that, with the passage of time, he will learn to appreciate the beauty of a national park and may be repentant for his previous wrongdoing. Why should such a person be prevented from the future use of the areas when he has developed a responsible attitude as he matures?

Mr Simpson: But I instance the case of repeated offences.

Mr UNDERWOOD: Yes. A legitimate case can be made out if there are repeated offences, depending on their nature.

Opposition members envisage the development of a problem similar to that existing at, say, Girraween and Double Island Point, where, because of the shortage of campsites and the popularity of those areas, there is now balloting for camping, particularly at Christmas and Easter. The problem would obviously develop at Fraser Island, particularly in time of heavy visitation and in certain areas. Are there sufficient camping sites? The Bill relates to Fraser Island, so I will not dwell on Double Island Point and Girraween, except to say that those areas could have more sites at different locations in order to ease the burden on the main sites at Fraser Island. Where will people camp? Will they camp anywhere on the front or will they all be required to camp in designated camping areas?

Mr McKechnie: To save you labouring the point, I have already said that we are not going to cut out beach camping completely. But, of course, we would spell areas, as a national park spells areas now. I firmly believe that just for a few days of the year there can be fairly heavy visitation.

Mr UNDERWOOD: That is good, because one of the things people like about Fraser Island is that they can pick their spot, even though at busy times they have to take whatever they can get, rather than being herded into a camping area.

Mr McKechnie: It will probably be an incentive to go to a camping area.

Mr UNDERWOOD: OK.

I now turn to the manner in which people enjoy the island. I know that this subject is outside the parameters of the Bill and the actual area described by the Bill, but I want to mention the problems faced by amateur fishermen, who probably take most of the tailor caught on the island. Most people go to Fraser Island to fish. Eyewitnesses have described to me occasions when helicopters have actually herded the tailor back out to sea for trawlers to catch.

Mr Simpson: Garbage!

Mr UNDERWOOD: As I said, that has been described to me by eyewitnesses. The poor fishermen who have spent so much money travelling to Fraser Island are left without any fish to catch. Be that as it may, with or without helicopters, the trawlers still scoop up an enormous number of fish. The Minister should liaise with the fisheries people in an attempt to solve that problem. I suggest that trawling for tailor off the beach at Fraser Island should be banned outright or limited to certain periods so that the amateur fishermen get a fair go. I suggest that even the professional net fishermen who operate from the beach—this is where the provisions of this Bill could come into operation—could be either limited in the catches they make or banned at certain times of the year so that the people who catch the majority of fish, the amateur line fishermen, get a fair go. I have never had the good fortune to witness what is apparently an incredible sight with an enormous number of fishermen—

Mr Powell: You will never get up there under this Bill.

Mr UNDERWOOD: The Minister is not even in his correct seat. That shows the disrespect he has for the orders and forms of the House. He is a great one for preaching to others. He is carrying on in a very boyish manner. One would think that he had been somewhere else earlier in the evening.

Mr Powell: Did I hurt the little boy?

Mr UNDERWOOD: No, the Minister is the one who is sensitive. As he is the member for the area covered by the Bill, his ignorance is quite amazing.

Reference has been made to a management plan for the island, and as the resource that people go to the island to exploit and enjoy is fish, the problems of fishermen should be attended to.

Another aspect of the management plan about which the Minister could liaise with the fisheries people or whatever department is involved relates to shark-netting. A shark net is in place off Rainbow Beach, and, although I am not sure of the cost involved, perhaps nets could be located off a couple of the more popular spots of Fraser Island so that people can actually go swimming without worrying about the sharks that are always present in the area. I do not know the cost involved, but the Government will be raising a fair deal of money—I suspect that it will be a great deal of money—and perhaps one of the local professional fishermen could be employed to attend to shark-netting. Shark nets have been very successful in protecting the lives of swimmers on many beaches along the coast of Queensland.

The next part of the legislation concerns enforcement and penalties. It deals with the operation of the management plan. Here we find that people's civil liberties are being attacked in various ways. The Government is saying to the people who visit Fraser Island, "Trust us." So far the Government has said in its publicity, "We are introducing legislation. We will introduce a fee to clean up the island and to protect it." That is fine. But the Government did not tell the people about the reversal of the onus of proof and civil conscription.

In clauses 35 and 41, the onus of proof is reversed. In other words, the British system of justice, that a person is innocent until he is proven guilty, is thrown out the door. I am sure that the Government will argue that those provisions are necessary so that the protection of the island can be maintained. However, an innocent person on Fraser Island has an added disadvantage. Firstly, the island is isolated. If a person is in a city or town, he can immediately contact a lawyer and get advice on penalties that are to be imposed on him. If his property has been taken from him under the provisions of some legislation, he can immediately get advice on his rights. A person on Fraser Island is isolated and is not able to obtain that information. As I say, he suffers an added disadvantage.

Furthermore, the Bill does not provide enough protection for an individual. A person pleads guilty to committing breaches of the Traffic Act by signing the appropriate ticket that is handed to him. He does that rather than go to court and challenge the charge, which involves not only money but also time. As happens in other instances in which on-the-spot fines are imposed, a person on Fraser Island will sign a form and say, "Yes, I am guilty.", when in fact he is innocent. That will occur because the authorised officers are being given wide discretionary powers. In relation to the two clauses to which I have referred, the authorised officers do not have to prove that the person is guilty; the onus is on the person to prove his innocence. That is unacceptable, and the Opposition will oppose those two clauses.

Civil conscription is built into clause 35. I shall cite an extreme example. A person may be conscripted by an authorised officer or officers to act against his own family and mates. He may be asked to help with the confiscation of goods under various provisions of the legislation. His vehicle may be commandeered or he may be instructed to drive his vehicle to assist an authorised officer in some way. In fact, the provision relating to civil conscription is similar to the powers given to the State Electricity Commissioner under the totalitarian, anti-union, anti-Queensland legislation that was unceremoniously introduced into and passed by this Chamber.

The Opposition opposes the provisions relating to civil conscription and to the reversal of the onus or proof. It does not believe that enough protection is being given

to people. If the Minister is fair dinkum in this matter—I believe that he is—I urge him to include in the regulations sufficient protection for the innocent individual, bearing in mind the problems that a person on Fraser Island faces. A person should not be placed in the position of signing a chit which says, “Yes, I am guilty.”, when in fact he is innocent.

The Bill contains other wide-ranging powers. Clause 10 of the schedule enables the Governor in Council to override, change or add clauses to the legislation as desired.

I turn now to discuss the officers of the Forestry Department, the National Parks and Wildlife Service, the Police Department and any other department who may be authorised under this legislation. Police officers are given extensive training in how to deal with the sorts of powers that are contained in this legislation. I ask the Minister to explain to the House what training has been, or will be, given to officers of the National Parks and Wildlife Service and the Forestry Department, although he cannot answer for that department, in how to handle people and enforce the various provisions contained in the Bill. I know that some of the provisions are very similar to those in the Forestry Act and in the National Parks and Wildlife Act. However, this Bill goes further, and I have already spoken about the onus of proof and the civil conscription provisions.

The officers of the National Parks and Wildlife Service and the Forestry Department will need additional training, otherwise serious problems will arise in the administration of the Bill and the management plan. I envisage that antagonism will develop between the public and the officers or between the departments and the general public. It does not take too many newspaper reports about the mishandling of forestry areas or national parks to make people aware of the inability of departments to administer legislation. Unless the well-intentioned officers are given the wherewithal to carry out the provisions of the Bill, problems will arise.

The Opposition calls for a continuation of unobtrusive management control of areas such as Fraser Island rather than the strict enforcement of the provisions contained in the Bill. I hope that the Government intends to adopt that approach. If it does not, it will find that the public will come right down upon it.

Mr McKechnie: Just to save you labouring the point, I assure you that the aim of the administrators of the legislation will be co-operation.

Mr UNDERWOOD: That is important because the Bill is very detailed and the rights of people and civil liberties would be affected if the provisions of the Bill were abused.

Mr McKechnie: I am just trying to be helpful; I am not trying to cut into your time.

Mr UNDERWOOD: I asked the Minister for such an indication.

The third section that I wish to deal with concerns fees and franchises. As I mentioned earlier, the Minister must have an idea how much money the Government will raise and what the fees will be. It must be pointed out that a vehicular fee and a camping fee will be charged on Fraser Island. Are other fees envisaged, such as fees for fishing on the island? A variety of fees may be introduced. Although the Government claims to be a low-tax Government, it increases its taxes and charges by stealth. A clear indication is needed from the Government about what it will charge and whether it will limit fees to camping and vehicles. The Minister has indicated that the fees to be imposed will be similar to those applying in other parts of Queensland.

A component of the fee that visitors and campers pay for the barge service that runs backwards and forwards to the island goes to the Government. Will the barge fee component be maintained at its current rate, or will it be increased in line with the imposition of camping and vehicular fees? I know that presently the barge fees are collected by another body. Will the authority be taking over their collection?

The legislation provides that a person who is on the electoral roll for Fraser Island and has his principal place of residence on Fraser Island will not pay a fee. That creates an anomaly. Does an owner of freehold land require a permit to get on to the beach or into the national park or the State forest? The Minister may think that that sounds pedantic and ridiculous, but that matter should be cleared up. Those little points can crop up later and be a source of major problems.

Prior to the recent local government elections, a candidate for the Moreton shire signed a false declaration that he was an Australian citizen. The Principal Electoral Officer said that he would not worry about that because many people make false declarations. Already a number of western Queenslanders spend more time on the Gold Coast than on their properties, yet they remain on the electoral roll for the western seats rather than enrol down on the Gold Coast. In fact, one could say that the Gold Coast is their principal place of residence. In an endeavour to evade paying the fee, will people ensure that they are on the electoral roll for Fraser Island? The Minister might say that only a few dollars are involved, but honourable members know how miserable some people can be about paying even the smallest fee. Will some people try to cheat the system in that way? I agree that to place a standard on a person's principal place of residence is difficult. However, I bring those matters to the attention of the Minister so that when the regulations are being drawn up they will cover those possible anomalies.

The Bill provides for exemptions. That interests me because I would have thought that other details in the Bill would cover all exemptions. I ask the Minister to give instances of the exemptions that he would envisage being granted over and above those already described in some detail in the Bill.

I know that all the fees will be put into the trust fund, but will they all be spent on Fraser Island? Also, how are they to be spent? I want the Minister to detail how the Vote will be increased, maintained or decreased as a percentage of the Budget. If the fee brings in a great deal of money, will the Government see it as an opportunity to decrease the Vote for the management plan? I imagine that the initiation of the management plan will require an increased Vote. However, the current Budget has caused a shortage of finance. In the past, officers in regional centres have had to cover an area with a radius of 100 km from their offices but, because of the expansion and reorganisation of the department, that radius has been radically increased. As a result, the officers have been travelling longer distances to carry out their tasks and responsibilities. Unfortunately, the Vote for their travelling allowances was not increased in proportion to the increased distances so, because of the keenness of the officers in trying to carry out their tasks, the service has run out of money. That has limited the officers' ability to service their areas. I know that that has happened in certain areas of the National Parks and Wildlife Service. I hope that the Treasury will provide extra money for the National Parks and Wildlife Service so that these officers will not continue to be hindered in carrying out their tasks.

The legislation represents the thin edge of the wedge in the introduction of fees for entry to national parks in Queensland. The Fraser Island recreation area is the first national park in Queensland for which an admission fee will be charged. Will this be the first and the last national park in which fees will be charged, or is it only the first? That matter needs to be spelt out clearly by the Minister.

The Minister has made it quite clear publicly that he is very keen on the system that has been in operation for some time in the United States of America, under which franchises are issued and physical capital developments are placed within the boundaries of national parks and fees are charged accordingly. The United States is moving away from placing big capital enterprises within national parks, because it realises that such establishments detract from the nature of the national parks and are a detriment to their individuality. The Opposition would like to know whether this is the first and last national park in which fees will be imposed or whether other parks will be treated in a similar fashion.

Mr McKechnie: St Helena will be one.

Mr UNDERWOOD: Right.

The business of franchising is something to which I have referred in the past. It can now be seen in writing in the Bill. Franchises will operate within the recreation area. The Minister, in his second-reading speech, stated that all current operators will be given a licence to operate in the area and that other persons will be given a licence as well. What guide-lines will be set down by the authority? The authority is given the power to decide who will operate and what sort of operations will be carried out. No guide-lines are established as to what will be preferred by the authority when issuing licences and imposing fees. Will the local operators and interest groups of various types be able to make public submissions before franchises are granted? Franchises can vary from scuba diving to boating activities, tourist activities, camping activities and any other sort of activities.

Mr Elliott: Are you going to keep this up all night?

Mr Borbidge: He has only got another 34 minutes.

Mr UNDERWOOD: That shows how much interest the Gold Coast member has in Fraser Island. It is ridiculous. Government members expect Opposition members to spend all their time listening to them. That interjection shows how much interest Gold Coast persons have in the people's right to make sure that one of the jewels of Queensland, Australia and the world is properly protected. The honourable member for Surfers Paradise should return to the log from which he crawled and go back to sleep.

As to franchises—the local people have an interest and great experience in the area. The Minister should listen to their views and take them on board. The authority should not make an in-camera decision on licences and franchises. Public hearings should be conducted so that members of the public are made fully aware of the arguments for and against various franchises. Even though persons in some areas may be given a franchise to operate a refreshment stall on a special purpose lease inside a national park, the franchise, as it is described in the Bill, introduces a whole new concept. The local community and the public need to be involved in the matter. Provision for public hearings and submissions needs to be built into the regulations.

The Bill contains no right of appeal against the refusal to grant a permit or franchise to an individual or a tour-operator. That matter also needs to be built into the regulations proclaimed under the Bill.

The loss of control by the two services through the implementation of these franchises—and this needs to be borne in mind by the Minister during the progress of this particular policy—is causing a drop in the morale of the service. Officers in the services see it as a reflection on their ability to ensure that the place is properly managed. They see the private financial interests of people who will have franchises impinging upon their public responsibility to ensure that the place is fully protected for the benefit of all as opposed to the individual financial interests of the persons or companies with the franchise. I ask the Minister to bear that in mind when he introduces franchises.

People in these areas need to have the concept of public transport brought home to them. That is one way to lessen the burden of traffic on the beaches and on the narrow and winding tracks of the island proper.

The concept of walking holidays needs to be promoted.

Mr Elliott: You should sit down and give the honourable member for Archerfield a go. He might make a better fist of it.

Mr UNDERWOOD: It is no wonder that the honourable member for Cunningham was sacked from the Ministry. He is obviously ignorant of the problems of the area. He was so incompetent in so many areas of his portfolio that Mr Callaghan had him sacked.

Now the honourable member sits there whining on the back benches. I bet that he rues the day that he was so incompetent.

I turn to third-party insurance, which I raised earlier with the Minister. Will unlicensed drivers be allowed to drive in the recreation area? Will unlicensed vehicles be allowed to be used no matter what their description? If either of those is the case, will people somehow or other be able to get some sort of recompense through their third-party insurance?

Mr ALISON (Maryborough) (12.37 a.m.): It is with pleasure that I rise to take part in the debate on this very important Bill. First, I refer to some of the comments made by the Minister, which I think sum up what the Bill is all about. In his second-reading speech he said that Fraser Island is one of the areas that are in danger of becoming degraded through increased use, and that the purpose of the Bill is to begin initiatives which will allow those people who wish to visit the island to do so without putting the island at risk. The Minister said also that the Bill proposes to control the public usage of the island and the use of vehicles on the island. In my opinion, that sums up what the Bill is all about.

The southern half of Fraser Island comes under the jurisdiction of the Maryborough City Council and the northern half under the jurisdiction of the Hervey Bay Town Council. Unfortunately, the rates that those councils get from the freehold and other rateable land amounts to only a few thousand dollars, with the result that they cannot be expected to make anything other than a token effort in providing the usual facilities provided by a local authority.

For instance, the Maryborough City Council and the Hervey Bay Town Council could not be expected to provide much in the way of camping facilities, cleansing, rubbish collection, roads and drainage, as I have said, because of the paltry few thousand dollars a year that they get by way of rates. Another way to provide these facilities must be found, and a structure must be put in place to police, for want of a better word, what goes on on the island and to stop some of the practices that are degrading some areas.

In my opinion, the stage has been reached at which the Government can safely introduce the user pays principle. That is what the Bill does. People who use and enjoy the island will contribute something towards the cost of maintaining basic facilities, at any rate, on the island.

Mr Elliott: For years people have been saying they would be very happy to do that.

Mr ALISON: That is quite correct. I have spoken to four-wheel-drive organisations and private citizens in my area. Because they, along with other people in the State and all over Australia are the users of the island, they are quite prepared to accept that the user pay. Eventually a fee will be imposed. Whether it is imposed on a vehicle as well as on people we will have to wait to see. However, the principle is now accepted by all reasonable people.

The only other way in which the facilities on the island would be developed would be at the expense of Maryborough and Hervey Bay rate-payers, and that would be quite unfair.

The Minister agrees that the structure of fees ought to be reasonable. A number of matters have to be taken into account. At least on two occasions the figure of \$40 a vehicle has been mentioned in a newspaper. I was very pleased that the Minister made it quite clear that the fee set would not be anything like that. Just where that figure came from, I would not know. Perhaps it was the result of a journalist's fertile imagination.

Mr Elliott: Our friend who spoke for 60 or 80 minutes.

Mr ALISON: I have heard it suggested that the member for Ipswich West (Mr Underwood) was attempting to be mischievous and causing trouble for the Government by frightening people.

Mr Stephan interjected.

Mr ALISON: That is to be expected.

The most reliable figures I have been able to obtain on the number of people visiting the island annually show that the number is in the vicinity of 250 000 or 300 000. That covers day trippers as well as those who camp or stay at a holiday resort for a week or a month.

Mr Davis: 250 000?

Mr ALISON: I realise that such a figure would be mind-boggling for the member for Brisbane Central, but that is what I am told.

Mr Davis interjected.

Mr ALISON: I suggest that the member for Brisbane Central have a cup of tea and lie down. He will feel much better when it is all over.

People on the island have informed me that the number of day trippers is declining. I have no evidence of that. Perhaps it is a case of, "Been there, done that." The expense of getting to and from the island and travelling on it should also be considered. I ask the Minister, when he is setting the fees, to take into account that the barge and ferry charges range between \$20 and \$32 return. We ought not to destroy the tourist industry on the island or discourage people from visiting the island.

An allowance should be made for people on conducted tours as opposed to those visiting the island by four-wheel-drive vehicles. People on a bus tour or staying at a holiday resort for a few days or a week are looked after by tourist operators. A considerable amount of work is done by the operators in cleaning up. That should be taken into account when fees are set.

My colleague the honourable member for Isis (Mr Powell) and I have had a number of discussions about Fraser Island and on more than one occasion have carried out inspections of the island to keep ourselves informed of what is happening there and what steps ought to be taken. We would like an assurance from the Minister that recreational fishermen landing on the sand or mud-flats between mean high-water mark and low-water mark will not be expected to obtain a permit. I refer to those people who are after yabbies or worms.

It might seem a small problem, but that is not really the case. It is a problem that would be causing people concern because, by virtue of the area designated in the Bill, they are actually landing on the island itself. The Bill sets out the areas that will come within the Fraser Island Public Access Act upon proclamation, and it states, in brief, that it is the area between the mean high-water mark and the low-water mark. Mr Powell and I would like to be given an assurance that will satisfy our constituents that recreational fishermen will not be expected to purchase a permit.

A second point has been discussed and considered at length by Mr Powell and me. I suggest to the Minister that a committee be established to advise the board that it is proposed to set up under the provisions of the Bill. I realise that it is difficult for honourable members opposite to understand, but I will do my best to get the message through to them. The merit in such a suggestion is that it would be a very useful exercise because people who have vast knowledge and experience of the island, and who understand the problems associated with it, could act as members of an advisory committee to the board, which will be constituted by the under-secretary of the Department of the Arts, National Parks and Sport and the Conservator of Forests. I would like the

Minister to take that suggestion on board, because a very useful function could be performed by the board. Naturally, the advisory board will be appointed by the Minister.

Mr Comben: You would like to nominate Mr John Sinclair as a member of the board.

Mr ALISON: I will address some remarks to the honourable member for Windsor and Mr John Sinclair in a moment, but I wish first to make some comments about the timber industry. My comments will be brief, because it should be recognised that the previous speaker spoke for approximately 40 minutes too long.

The timber industry is very important to the citizens of Maryborough because two major sawmills, employing at least 500 people, either directly or indirectly, operate in the city. All of the hardwood logs that are felled on Fraser Island make up approximately 50 per cent of the requirements of the two major sawmills to which I referred. The hardwood logs make up about 8 per cent of the total hardwood supply of Queensland. Twenty-six per cent of all State forests are located on the island, and approximately 17 per cent of the island is covered by commercial forestry operations. It is an unfortunate fact of life that Australian Labor Party policy espouses an intention to wind up the timber industry on Fraser Island, should a Labor Government ever be elected in Queensland.

Mr Davis interjected.

Mr ALISON: The honourable member for Brisbane Central has said, "What a complete untruth." The honourable member ought to take the matter up with the former leader of the Labor Party in Queensland, although I am not sure whether it is one or two former periods of leadership to which I refer. I refer to the former honourable member for Rockhampton, Mr Wright, who enunciated quite clearly prior to the last State election—and was supported by the late Dr Denis Murphy and certain other Labor dignitaries who campaigned around my electorate—that a Labor Government would put an end to the timber industry that operates on Fraser Island.

Mr Yewdale: Have you any evidence of that?

Mr ALISON: If the honourable member for Rockhampton North requires evidence, I will produce tomorrow copies of the "Maryborough Chronicle", which is a source of direct quotation.

Mr Borbidge: It is a matter of public record.

Mr ALISON: As the honourable member for Surfers Paradise has said, it is a matter of public record.

Ten days prior to the last State election, the garrulous member for Lytton (Mr Burns) made his now famous statement that, upon election, a Labor Government would appoint Mr John Sinclair as head of an environmental department. That statement scared many Maryborough people witless, because the attitude of that gentleman towards certain resources on Fraser Island is well-known.

Mr Borbidge: That must have gone down well.

Mr ALISON: That statement went down very well, yes. I would appreciate it if a member of the Australian Labor Party would make a similar statement at about the same time before the next State election.

Mr Comben interjected.

Mr ALISON: I believe that the honourable member for Windsor will be visiting Maryborough on 11 May. I should like him to explain to the people of Maryborough, particularly those employed in the timber industry, the work that a Labor Government would find for timber workers when a future Labor Government puts paid to the timber

industry. The timber workers would be delighted to hear the honourable member's proposals.

Mr Borbidge: That policy would affect the majority of timber industry workers.

Mr ALISON: A substantial majority.

Such a policy is quite unnecessary, because anyone who knows the island at all knows that timber has been felled there for nearly 120 years.

Mr Powell: 122.

Mr ALISON: I accept the figure of my colleague from Isis.

It is also a fact that there is now more commercial timber on the island than there was 30 years ago, and that, because of the very wise management and reforestation programs of the Forestry Department, the forests have a more aesthetically pleasing aspect than they did 30 years ago. So let us have no more of the nonsense of the ALP's trying to do away with the timber industry.

I now want to make a couple of comments about sand-mining. In 1976, the Fraser Government stopped sand-mining through its very unfortunate and illegal use of the export licensing powers of the Federal Government. It stopped sand-mining for all the wrong reasons. Environmental problems were referred to, but the decision was really a sop to the radical conservationists so that the Federal Government could get on with the job of mining uranium in the Northern Territory. That is what that decision was all about.

The sand-miners wanted to mine slightly more than 1 per cent of the island for a period of five years. That would have created about 400 jobs directly and indirectly in the Maryborough/Hervey Bay area. It is a great pity that those jobs do not now exist. All I am saying here tonight is that I want this Government to ensure that none of the areas containing minerals are alienated in any way, because I am quite confident that eventually the truth will get through to the powers that be and that sand-mining will recommence. Anybody who has walked round the revegetated areas on Fraser Island, particularly the D. M. Minerals revegetation areas, would get lost unless he had a compass.

Mr Davis interjected.

Mr ALISON: The honourable member for Brisbane Central would have no use for a compass, because he could not read it. As he would get lost, he would need a dog.

Mr Davis interjected.

Mr ALISON: It is not a matter of being stupid; that is the truth. The revegetation program, especially that of D. M. Minerals, has been an outstanding success. As the years go by and the trees grow higher, more people will realise that the carryings on of FIDO and others were a load of rubbish.

I now want to refer to a couple of comments made by the Minister in his second-reading speech dealing with the fees that will be charged under the Bill. The Minister said—

“The fee for the purpose of entry to the recreational area for both people and vehicles will be reasonable and affordable and the charge for camping on the recreational area will be much in line with accepted fees elsewhere in the State.”

I am pleased to hear that. That is the sort of statement I would expect from this Minister. He continued—

“This should ensure that those people who presently provide resort accommodation, unit accommodation or camping facilities on the island are not disadvantaged.”

I was also very pleased to hear that statement, because it would be quite wrong for the creation of what are virtually Government camping facilities to unfairly treat people who have spent a lot of money on the island to try to attract tourists to their camping and other facilities. I take it from the Minister's statement that a commercial rate will be charged for appropriate Government facilities on the island so that they will not compete unfairly with the private enterprise people who provide similar facilities.

In conclusion, I pay tribute to the forestry officers who operate on the island. They do a tremendous job. I have mentioned their efforts on previous occasions. They are farming the crop of timber. Unfortunately, the addle-brained academics and greenies did not understand that trees are a crop and that, provided the farming situation is handled correctly, they can be cropped in perpetuity without any immediate damage to the environment, even right in the area in which the trees are growing.

I also pay tribute to the National Parks and Wildlife Service officers who are doing a very good job on Fraser Island. They are always most co-operative. I have never had any complaints from my constituents, or any other people for that matter, that the National Parks and Wildlife Service officers are anything but co-operative.

I also congratulate the Minister for introducing this Bill. I am sure that he will make all the right decisions on fees, advisory boards and suchlike.

Mr PALASZCZUK (Archerfield) (12.55 a.m.): Firstly, I support the Bill in its aims to protect the environment of Fraser Island. I will not discuss anything that the honourable member for Maryborough (Mr Alison) has said. I will leave that to the honourable member for Windsor (Mr Comben). I found many of the remarks of the honourable member for Maryborough quite reprehensible.

It is interesting to note that the proposals for a possible permit system for Fraser Island were mooted by the two councils in the area, namely, the Maryborough City Council and the Hervey Bay Town Council, as far back as 1976. Their proposal was for a \$45 per year permit fee for a four-wheel-drive vehicle. At present, we do not know what the fees will be. We do not know for how long they will be in force—whether it will be for a week, a month, three months, six months, a year, or whatever.

It is a fact that the world is fast losing its wilderness areas, but it still has Fraser Island, one of Australia's last subtropical wildernesses. All would agree that Fraser Island must be protected from the vandalism that surrounded the Daintree rain forest road.

Mr Comben: And the member for Maryborough.

Mr PALASZCZUK: That is right.

Fraser Island, or Great Sandy Island, was charted by both Cook and Flinders. It has been the subject of two of Patrick White's novels—"A Fringe of Leaves" and "The Eye of the Storm"—and the film, "Eliza Fraser". Other artists have been inspired by the beauty of Fraser Island. Sydney Nolan has done a series of paintings of the island. The beauty of the island has also captured the heart of the poet Judith Wright. She first went to Fraser Island in 1947. In those days there was a lack of facilities for the visitor, and she worked as a cook on a timber barge to visit the island. On her arrival on Fraser Island, she said—

"It was my first experience of country at all like Fraser Island, and quite an early experience of rain forest itself, and I found it very moving indeed, and I would say that, at that time, walking through the island was a more exciting experience in its then more or less untouched state than driving across it. Of course, when you are walking, when you are actually camping in a place, you do have an experience of it that cannot be provided when you are in a vehicle, which is one reason why I think that the wilderness experience of Fraser Island should be preserved and that access should be more by personal excursion than by actually being brought there."

When she returned subsequently, she felt the same experience.

Alas, that is not the experience of today! The island has been loved to death. The large influx of visitors and the popularity of four-wheel-drive vehicles have made the need for some sort of regulation of the island very necessary. Recently, it was said that plastic would be the curse of the twentieth century. One should add the irresponsible four-wheel-drive vehicle fanatic. Turn both of them loose on Fraser Island and the curse turns into a sentence.

Unfortunately, visitors have been roaming loose on the island and indiscriminately disposing of their rubbish and waste. Very few visitors have bothered to take their rubbish home with them. Recently, concern was expressed that this uncontrolled disposal of waste matter is starting to affect the water-table.

I read with interest that the management board will comprise the Conservator of Forests and the Under Secretary of the Department of The Arts, National Parks and Sport. That is a welcome change. No National Party hacks are to be appointed.

I understand that the revenue to be obtained will be credited to the Fraser Island Public Access Fund. Moneys so obtained must be used strictly for the improvement and upkeep of island facilities. Too often in the past such revenue disappeared into the Consolidated Revenue Fund.

All honourable members would agree that the public is more co-operative when it can see tangible results from the fees and camping dues that it pays. It is a good feeling when one visits national parks to know that a ranger gives protection and provides services, and that any fees collected are used for the development, management and maintenance of facilities.

The regulation of public access to and the use by the public of Fraser Island will be watched closely. It will obviously be the forerunner of entrance fees to all national parks, including Girraween and Carnarvon.

Although Moreton Island is controlled by the Brisbane City Council, it has similar problems to those found on Fraser Island. Because of the close proximity of Moreton Island to Brisbane, its problems are of a greater magnitude.

As the Minister has agreed, national parks are used by low-income-earners to give their families an affordable holiday away from the hustle and bustle of the city in fresh, natural surroundings. That must be taken into account when fees are imposed on entry to national parks.

It is interesting to note that, in the United States of America, most national parks do not charge admission fees. Where fees are charged, they vary between \$1 and \$3, either per person or per vehicle. Concessional passes are available. A Golden Eagle Passport, which costs \$10 per annum, permits entrance to all parks during a year. A Golden Age Passport is free and is available to people aged 62 years or over.

Mr McPhie interjected.

Mr PALASZCZUK: I remind the honourable member for Toowoomba North that the Parliamentary Annexe contains a library.

The United States also offers a Golden Access Passport, which is free and is available to handicapped people.

Honourable members who have taken the trouble to check out the cost of camping fees on the north coast and south coast beaches will have found that they have been priced out of the range of the low-income-earner. Indeed, as councils seek more land to attract higher revenue, many of the cheaper parks have disappeared. The closure of the popular Kirra camping area by the Gold Coast City Council is a case in point.

Many people do not go to Fraser Island for the beaches alone. When the beaches are not used as thoroughfares, they become parking lots for four-wheel-drive vehicles. Swimmers must compete with tailor fishermen and sharks for a spot in the surf. The

real lure of Fraser Island is its hinterland of lush forest and fresh-water lakes. Orderly rubbish collection facilities and the correct disposal of human waste are needed to protect the ecology of the forests and lakes which, at the moment, are under threat.

Camping areas have been mentioned by the Minister, and I will give honourable members my ideas on how they should be established on Fraser Island. Small, designated camping areas that are not over-populated as a means of raising revenue should be set up. Tents should be pitched far enough away from one another so that campers do not feel shut in and lose the feeling of the great outdoors. A policy should be developed relating to pets because, as all honourable members are aware, feral animals destroy natural habitat.

In conclusion, I point out that too many controls, refuse bins and signs take away the feeling of pure wilderness that Fraser Island projects.

Mr INNES (Sherwood) (1.4 a.m.): The Liberal Party supports the Bill and the aims set out by the Minister.

I say to the honourable member for Archerfield that Fraser Island has been saved from the vandalism of the Daintree rain forest road mainly because of a distance of 1 000 km. The suggestion that the island will be loved to death is not apposite. Fraser Island is suffering from assault and violence as much as indications of love, as are all Queensland's sand islands. Unless the honourable member had an odd view of a loving relationship—

Mr Yewdale: From the trendy Liberals.

Mr INNES: There Opposition members go again. They still cannot get over that little problem with the Brisbane City Council. They are smarting away. "Wishy-washy" or "trendy", we don't mind, as long as we keep on winning those elections.

Mr Vaughan: How does the song go—"Sally, Sally"?

Mr INNES: It sounds good to me.

The principle of making the user pay is one that the Liberal Party can accommodate. In fact, we have suggested that in appropriate cases fees could be, and should be, charged to ensure that the adequate revenue is gained to provide the sorts of facilities necessary for our vast national parks estate.

Fraser Island is a more urgent case than many of our national parks because it is an area of multiple use. Everybody who uses the island uses the foreshore as the main road. Because of that, the same thing happens on the beach as happens on roads everywhere—litter is deposited along its margins. The incidence of driving behaviour interfering with the quiet enjoyment, or even the safe enjoyment, of the island is also dominant. The provisions in the Bill that allow law enforcement by the issuing of tickets for driving offences are particularly welcome. Reckless driving intrudes upon the feeling or the type of atmosphere for which people go to the island and frequently brings danger to those who use the beach for fishing, walking and allowing their families to run free.

I do not know about the suggestion of the member for Archerfield (Mr Palaszczuk) about a conflict between swimmers and tailor fishermen. Anybody with any sense would stay out of the water on Fraser Island, certainly where the tailor are. It would be a fairly foolhardy person who took to the waters on the ocean side of Fraser Island. To take to the clear, fresh waters of the inland lakes is a different kettle of fish.

Mr Powell: The western side is all right to swim in.

Mr INNES: Yes, the western side is all right.

Fraser Island is remarkable. I think everybody agrees that it should be protected from the excesses of man-made interference.

Mr Powell: Four-wheel-drives and motor bikes.

Mr INNES: Yes, four-wheel-drive vehicles, two-wheel-drive vehicles and motor bikes. The simple fact is that control is needed. To achieve that control requires special funding and special police powers.

Mr Powell: Motor bikes should be kept out.

Mr INNES: Yes, keep motor bikes out and also keep out those people who believe that driving a four-wheel-drive vehicle requires the presence in the hand of a stubbie or a can of beer. The idiots who like perching children in the back of utilities or on bull-bars should also be kept out. When people get onto a sand island, they seem to run amok. There is certainly a sense of freedom and I am sure that all honourable members have enjoyed bowling along the open beach.

Mr Scott: Didn't you go to Lakefield National Park once?

Mr INNES: Yes, I did. What has that to do with it? Unhappily for me, I have been to Fraser Island on many more occasions than I have been to Lakefield National Park.

I wish to make a couple of comments on the question of fees, which have to be related to the type of person who goes to the island and enjoys reasonable use of it. To people who go there once a year for their annual fishing safari, \$10 might sound like a nominal sum, but if one is an avid, dedicated four-wheel-drive enthusiast, of which there are many in this State—the federation of four-wheel-drive clubs is a leader in attempting to educate people in proper standards of four-wheel-drive use and of access to the bush—one might go to Fraser Island on a number of occasions each year. A fee of \$10 every time becomes an additional burden and can be the straw that breaks the camel's back. Keeping a four-wheel-drive vehicle going is a very expensive business. Some people put all of their money into their hobby. To keep a four-wheel-drive vehicle in fuel nowadays is a very expensive exercise.

That extra \$10 every time the four-wheel-drive enthusiasts go where they want to go can be too much. Although the Minister has given an indication, I point out that fees for the sort of persons who use four-wheel-drive vehicles regularly should be set on a half-yearly or annual basis so that people are not stopped from pursuing legitimate recreational interests.

Whether fees can be charged in all national parks is not to the point; they can be charged conveniently on Fraser Island. They cannot be charged conveniently or economically in all national parks. It is feasible to collect them only when it is worth while to do so. When the cost of collecting fees is more than the amount that is collected, there is no point in imposing them.

Some other national parks could be considered. Moreton Island is an island that also requires the benefit of similar legislation. A special committee has been established for Moreton Island. A proper management plan, a process of revenue and a process of permanent access are needed. No matter how unpalatable or unfortunate it might seem, on Moreton Island the stage is being reached at which the number of vehicles going to the island will need to be limited.

As Fraser Island is much larger than Moreton Island, it can accommodate more vehicles. Looking into the future, I can envisage the day when the number of vehicles that have access to the island at any one time will need to be limited, because the beach can accommodate only a certain number of vehicles before drivers take to the dunes and break them down. When there is an unusually high tide, people drive farther onto the covering grasses, and the process of erosion begins.

In short, the members of the Liberal Party support anything that retains Fraser Island as a remarkable natural asset. We support any reasonable steps to bring the users under control. We support the principle of charging people what must be a reasonable sum and one that must not stop people going to the island. The fees collected should

be earmarked for the sorts of policing that will bring the island under control and make it a happier place for all users.

We believe that this precedent can be adapted to Moreton Island, where management and vehicle control is needed urgently. In other selected locations, such as other national parks and recreational resorts, similar legislation could be used.

Mr COMBEN (Windsor) (1.13 a.m.): This Bill could probably be more appropriately titled the voyeurs' enabling Bill, because under it anyone acting in the recreation area in a manner that is likely to cause danger, inconvenience or annoyance to any person can be subjected to certain penalties, and authorised officers can ask anyone in the area to come along and make inspections or examinations. I put to the Minister that a topless bather or a nude bather on the beach at Fraser Island could constitute an annoyance. I would certainly challenge anyone to say that Senator Lady Bjelke-Petersen would not find a nude bather fairly annoying. When a person acting in that manner is an annoyance, an authorised officer—any person attached to the National Parks and Wildlife Service or the Forestry Department—can ask anyone to accompany him and aid him to make any inspection or examination that he may see fit to make. The Bill legalises voyeurism in its worst form. That is the interpretation that is open under two provisions of the Bill. The wording in the Bill is so wide that such an absurd interpretation can be read into it quite properly and effectively.

I can see certain members of the National Party back bench smiling at the thought of going to Fraser Island, finding one of these authorised officers and getting a little team of half a dozen people to go along and inspect every nude bather on Fraser Island, and there are quite a few of them. For the first time, the Government is legalising that sort of act because of this poorly and widely drafted Bill.

A Government Member: You see more nude bathers at Noosa than on Fraser Island.

Mr COMBEN: It does not matter where they are seen, it will still be possible, under this Bill, for an authorised officer to get someone to accompany him and make an inspection. Those people will not suffer a penalty. It is legalised voyeurism.

Mr Alison interjected.

Mr COMBEN: The honourable member for Maryborough interjects. Honourable members have already heard his dissertation on forestry. They have heard that rain forests can regenerate in 30 years. A colleague of mine has already labelled that as an absurdity.

Mr Alison: You have not told me why you take the extreme view all the time.

Mr COMBEN: I am taking the view open under the Bill. I am not taking an extreme view. I take the view that our resources should be conserved and that there should be sustainable development. The honourable member for Maryborough, who is an old man and probably is not long for this earth, although I wish him well, is certainly not concerned about the future. The future should be held in trust for our children. If that is taking an extreme view, I am happy to take it. Honourable members should be concerned about where the State is going and ensuring that resources are available in the future.

The management plan that has been talked about by a number of members and is referred to in the Minister's second-reading speech is in actual fact a figment of someone's imagination. The powers and the functions of the board set up under this Bill, and the authority that is set up, are in actual fact only to control, co-ordinate and manage vehicle access and the use by the public of the recreation area for recreational purposes. The board will also collect money and provide and maintain buildings, improvements or other works.

Mr Miller: Would you be prepared to go up to Maryborough and debate this with the honourable member for Maryborough?

Mr COMBEN: The last time that I debated a matter with the honourable member for Maryborough concerned the closure of the railway workshop and it was reported in the local paper. On a reading of the Maryborough "Chronicle", I came off best. If the honourable member wants to do it again, he can name the time.

The powers and functions of the board are to enable road management and the collection of revenue. The Bill makes no provision for the overall management of the island, however much——

A Government Member interjected.

Mr COMBEN: If the honourable member wants to talk about overall management of the island, I will go back to 1978 and the National Party's Fraser Island management plan. Its three volumes weigh 2 kg. Where is that management plan today? It has nothing to do with the Bill. That management plan contained consideration of Fraser Island water resources by Water Resources Commission officers; sea transport by the Department of Harbours and Marine; the management of the coastal areas of Fraser Island by the Beach Protection Authority; the management of the Fraser Island fisheries by the Fish Management Authority; the Fraser Island tourist industry by the Department of Tourism; the Fraser Island visitor survey by the Department of Forestry, and so on. That is the sort of management plan that should be implemented. I do not agree with everything contained in that management plan. However, much of it certainly deserves complimenting and recommending to the Minister and any properly constituted board that will really implement a management plan. The intent of that management plan which, at the time, was heralded by the Government as a great management plan, is not being implemented. Honourable members still have not seen the effective implementation of the report. All that I can find in the whole report that has been implemented is the revocation of certain sections of State forest, which was done about three weeks ago to allow them to be classed as national parks, which they should have been in 1977.

The recommendations of a large interdepartmental committee have not been acted on in any way. The Bill does not provide for that type of detailed management plan. As the title of the Bill says, it is a management plan——

"To provide for the authorization and control of vehicle access to and the use by the public of Fraser Island Recreation Area for recreation and for related purposes"

I ask Government members to tell me how the Fraser Island fishery is managed under the Bill. There is total silence from the Government benches. Government members know perfectly well that the Bill is limited in its extent and functions. It should have had wider provisions.

The history of attempts to arrive at a management plan for the island extend beyond the 1978 report. In 1971, a State Government committee examined development on Fraser Island and made a series of recommendations about mining and other land uses, future development and the adoption of a schematic plan as a basis for future, more-detailed plans. The committee's recommendations were adopted. That is 14 years ago—— but still the Government has not introduced a proper management plan.

Mr Alison: Speak to the Bill.

Mr COMBEN: I am. The Bill is supposed to be about "the use by the public of Fraser Island Recreation Area for recreation and for related purposes" I am speaking about what should be happening for the management of the island. It is only the old men on the Government side of the Chamber who attempt to argue differently.

I ask the Minister to tell us in his reply about the very attractive map at the end of a management plan showing commercial forestry over approximately one-third of the

island and scenic and scientific areas over an even greater portion of the island. None of that plan is being followed to any degree by the Government. The Minister ought to be ashamed of himself. If he is so incompetent as to claim that the Bill represents a management plan of some sort, he ought to resign or be fired.

What is the plan proposed under the Bill? According to the Minister's second-reading speech—

“The Bill proposes that a management structure be established that will have an authority consisting of the Ministers of the Crown for the time being charged with the administration of the Forestry Act 1959-1984 and the National Parks and Wildlife Act 1975-1984 respectively, together with a management board consisting of the Conservator of Forests and the Under Secretary of the Department of The Arts, National Parks and Sport.”

It seems to me that the two gentlemen in charge of the departments under whose administration the island is presently split are being asked to superimpose a management plan on the present practices. That is not acceptable to the Opposition. I ask the Minister to explain to me why he could not adopt a proper development and management plan for the whole of Fraser Island and accept the type of program provided under the Great Barrier Reef Marine Park Act, which established an authority with a full-time chairman and two part-time members, one being nominated by the Queensland Government.

Mr Alison: What has that got to do with it?

Mr COMBEN: That is the alternative to the Bill. The day when the Opposition cannot address itself to a Bill by proposing alternatives will be an even sadder day for democracy in Queensland. The Government has ridden roughshod over the Parliament in the last few weeks. No longer does Queensland have a Westminster system of Government. It is a Westminster-derived system. The only similarities between this and the Westminster system are the green carpet and the space between the Government and the Opposition.

I refer to the scheme envisaged under the Great Barrier Reef Marine Park Act. Connected with the authority is a Great Barrier Reef Consultative Committee, which has an input into the management of the reef.

Mr McPHIE: I rise to a point of order. Even at this late hour, the Opposition can range free, but the member for Windsor is completely off the Bill. He is speaking about the Great Barrier Reef Marine Park, which has nothing to do with the Bill. Surely he ought to return to its principles.

Mr DEPUTY SPEAKER (Mr Randell): Order! I ask the honourable member for Windsor to confine his remarks to the subject-matter of the Bill.

Mr COMBEN: I will keep totally to the provisions of the Bill. It attempts to set up a management system, and I propose an alternative management system. I do not care about the term that is applied to it, but a management system should include a consultative committee whose function should be to furnish advice to the Ministers, either by its own motion or upon requests made to it by Ministers, in respect of matters that relate to the operation of the Act when it is proclaimed, and to furnish advice to the board, when that is set up, on matters that relate to land that has been designated by the provisions of the Bill. The advice should include information about areas that ought to be regarded as part of the national park or recreation area and have been referred to the consultative committee by the relevant authority in charge of such areas.

The members of such a consultative committee should be selected from a wide-ranging group of voluntary organisations and interested parties who can provide a real input into a management scheme that will operate in respect of the island. An example of the kind of people who should constitute the consultative committee can be found in the committee that serves the Great Barrier Reef Marine Park Authority. It could

include people from the Australian Conservation Foundation, the Australian Littoral Society and FIDO. Certainly, people such as my good friend Mr John Sinclair ought to be prominent members of such a committee, because they would have much to tell the Minister about the management of Fraser Island, and the manner in which it should be properly carried out.

People of the calibre of Mr John Sinclair ought to be included. Representatives from the Australian Coral Reef Society also had an input into the consultative committee that serves the Great Barrier Reef Marine Park Authority. Representatives from either commercial or amateur fishing organisations should also be included, because they are able to contribute positively to the full and proper management of Fraser Island.

It will be a great day for Fraser Island when a proper management committee is established to control Fraser Island and to take into consideration all of the options and not just the implications of motor vehicles travelling on the beach and the Minister's lauding the Government's efforts on Fraser Island while ignoring many facets of the island's ecology. The sooner that day comes, the better.

Mr McPHIE: I rise to a point of order. I draw your attention, Mr Deputy Speaker, to a malfunction that has occurred in the clock. It shows that the honourable member has 16 minutes remaining in which to speak, whereas the timer had steadily come down to 8 minutes to go. When the malfunction occurred, the clock again showed 16 minutes to go. I do not wish to listen to another 8 minutes of the honourable member's speech.

Mr COMBEN: If I may be permitted to finish the point I was making—a full-ranging management plan ought to be implemented, and members of the Opposition want to know what the Minister for Tourism, National Parks, Sport and The Arts intends to do in that direction. The Opposition would certainly support a proper, environmental impact consideration in the form of a plan, and the sooner that day comes, the happier Queenslanders will be. Queenslanders will certainly be happier that one of the State's great natural assets will be properly protected and will be a sustainable resource that will yield a return to Queensland for the dollars spent on it over the years and centuries to come, and in perpetuity.

Mr STEPHAN (Gympie) (1.28 a.m.): It gives me a great deal of pleasure to join in the debate of the Fraser Island Public Access Bill. Before I deal directly with the Bill, I would like to take the opportunity to address some remarks to the previous speaker, the honourable member for Windsor (Mr Comben). He appears to have taken up the role of the Fraser Island Defenders Organisation spokesman in the House. It is also noticeable that the honourable member did not indicate whether or not he supports the timber and logging industry that presently operates on Fraser Island.

Mr Comben: Come to Hervey Bay on 11 May.

Mr STEPHAN: On that date, does the honourable member intend to announce his support for logging on Fraser Island, or is the honourable member against the loggers and timber-millers who carry on business in that area?

I am very surprised that the honourable member even found Fraser Island, because at one stage he took part in a freedom ride and lost his way. The road to freedom led him to actually find Fraser Island, and from then on, he was all right.

Mr Powell: He got lost in the electorate of Isis once before, as well.

Mr STEPHAN: The honourable member has been lost in the House ever since he was elected, so the whole episode has been very interesting.

The Bill is designed to preserve the environment of Fraser Island for present and future generations.

Mr Comben interjected.

Mr STEPHAN: The honourable member was trying to tell me the areas that need to be protected.

Mr DEPUTY SPEAKER (Mr Randell): Order! I suggest that the honourable member address the Chair instead of cross-firing in the Chamber.

Mr STEPHAN: I am sorry, Mr Deputy Speaker, but it is obvious that a good deal of work is being done to protect Fraser Island. Anybody who has been there would recognise that, because it is very sandy and lacking in stability, it certainly needs a great deal of protection, but protection of a certain kind. It should not be locked up completely and not used. That is why I maintain that a number of areas can be used in various ways, one of which is the logging of timber. It must be realised that one of the fastest-growing trees in the world grows on the island, and the Government would be failing in its responsibility if it did not utilise that resource.

An Opposition member, I think Mr Palaszczuk, said that there should not be another Daintree on Fraser Island. I wonder whether he realises that bitumen roads, which traverse the island, are being utilised and maintained.

A number of local residents and the barge operators are doing a tremendous job in taking visitors to the island and keeping the island clean. They are encouraging visitors to take their rubbish away with them. It is no wonder when one sees photographs of some of the litter spread round the place. It behoves all visitors to play their part and not leave any litter on the island. All that should be left on the island is a footprint.

Mr Davis: When are you going to visit Fraser Island?

Mr STEPHAN: I have visited Fraser Island on many occasions. It is just across the border of my electorate.

As I said, the barge operators and others are making a great effort to keep the island clean. One operator charges each of his passengers \$3 for a garbage bag. When he brings the bag back full of garbage, he refunds \$2. He told me only this afternoon that his scheme is working very well indeed. He has not received any complaints about the charge that he makes and, in fact, he receives a lot of commendations. I congratulate him on his initiative and foresight. The \$1 that he retains goes towards the cost of disposing of the rubbish. His scheme is certainly helping greatly to keep the island clean.

Mr Palaszczuk: What goes into the garbage bag?

Mr STEPHAN: Mainly tins and bottles, but he is taking some other rubbish.

Mr Palaszczuk interjected.

Mr STEPHAN: I know that it is not the complete answer, but it is certainly a step in the right direction. I am not saying that other charges are not necessary to help clean up the island in the first place and to maintain it. That is the idea behind the fees that are to be charged. They will be used to clean up the island and keep it clean. I do not think that anyone would argue with that.

Mr Davis interjected.

Mr STEPHAN: He is charging \$1 to dispose of somebody else's garbage. It is an encouragement. As I said, he has not had one complaint. It is interesting to note the types of people who visit the island.

It was suggested, I think by an Opposition member, that only the family man utilises the island. That is not the case. A large number of professional people take their own four-wheel-drive vehicles to Fraser Island. They want to get away from the city environment and to feel the sand between their toes.

I said that I would not speak for very long, but I wish to make one other point. I refer to the sensationalism of the press from time to time. An article in last Sunday's "Sunday Sun" stated—

"Easter marks the end of an era for the thousands of people who visit Fraser Island at weekends and for holidays.

The free and easy lifestyle of families and fishermen, who have had unrestricted use of the island for the 18 years since the barge service began, will end soon."

The writer of the article was not being practical in his comments. The article continued—

"Some estimates have put the visiting fee as high as \$40."

Earlier in the debate, it was mentioned that a fee of \$40 had been suggested. Such a fee has not been suggested by the Minister or by any Government back-bench member. That rumour has been begun deliberately by Opposition members in an endeavour to create concern among the members of the general public who visit Fraser Island. That has done a lot of damage. People are saying, "It is going to cost me \$32 to get across and another \$40 for the permit fee. I cannot afford that." The barge-operator has reassured the people that, at present, that fee is not operating. Before Opposition members make such silly comments, they should think of the damage that they will do. Those statements will keep people off the island.

I commend the Minister for his initiative. I certainly hope that he calls on the expertise that is available in close proximity to Fraser Island. The people who have that expertise are only too willing to assist.

Hon. P. R. McKECHNIE (Carnarvon—Minister for Tourism, National Parks, Sport and The Arts) (1.37 a.m.), in reply: I shall deal first with the comments made by the honourable member for Ipswich West (Mr Underwood).

The regulations will be enforced by the national parks rangers, forestry officers and the police. I stress that, where practicable, their attitude will be one of co-operation. Regular courses are run for National Parks and Wildlife Service rangers. I know that there is the odd exception, but, generally, they have a good relationship with the public, and I believe that the powers that they will have under this legislation will be administered sensibly. They have the runs on the board under the existing legislation.

The honourable member referred to the so-called reverse onus of proof. I say to him and to all honourable members that that applies only where the person concerned is the only person capable of providing the information. The powers are similar to those provided under the Local Government (Chinatown Mall) Act, which was approved by the former Labor Brisbane City Council. The powers are contained in other Acts, but I specifically mention that Act because the colleagues of Opposition members did not find those powers unreasonable. Honourable members should not hear that accusation made again.

Mr Glasson: They were included at the request of the Lord Mayor.

Mr McKECHNIE: Yes.

The honourable member for Ipswich West mentioned also unlicensed vehicles, unlicensed drivers and third-party insurance. Unlicensed drivers will not be allowed in the recreation area. The normal rules of third-party insurance will apply, including the provision for the Nominal Defendant. Unlicensed vehicles will be allowed only with the permission of the board. I am not aware of any private roads, so it is unlikely that unregistered vehicles will be allowed in the recreation area.

Mr Underwood: In areas in which unregistered vehicles will be allowed, what sort of compensation will be available in the event of an accident?

Mr McKECHNIE: I am saying that I do not see the need to make provision for unlicensed vehicles. There will be power under the legislation; but, as far as implementation is concerned, I do not see that unlicensed vehicles will be allowed. The Bill provides for something that might not eventuate; that is what it boils down to.

Animals have been mentioned, and it is my intention to ban cats from the recreation area. However, other animals will be admitted by permit.

The Bill contains provisions to exempt from permit fees other people as well as electors enrolled on the island. Naturally, the board will implement this provision with common sense. It must be realised that this part of the Bill had to be written broadly so that a commonsense approach could be adopted in applying exemptions. The fact that electors are mentioned in the Bill is a guide-line, and other exemptions will be available.

Money received from the permit scheme will be spent on the management of people on Fraser Island. Administrative costs will be kept to a minimum. It will take some time to draft the regulations, and the actual fees will be worked out at that time. However, I do stress that the fees will be fair and reasonable. As I said in my second-reading speech, only a nominal fee for vehicles and visitors will be charged. Camping fees will be another matter and will be in line with fees charged elsewhere in Queensland.

I point out to honourable members that I have not considered it wise to spend much of the time of officers from my department and from the department controlled by the Minister for Lands, Forestry and Police (Mr Glasson) in working out details until the Government and the Parliament approve the legislation. Much more work must be done, but I ask the House to accept my assurance that the fees will be fair and reasonable.

I compliment the honourable member for Maryborough on his speech. I assure him and the Minister for Education (Mr Powell) that an advisory committee will be appointed by me to advise the board. I make that very clear. Such a committee has been discussed with my colleague the Minister for Lands, Forestry and Police.

Mr Comben: Why isn't it in the Bill?

Mr McKECHNIE: The National Parks and Wildlife Service has a number of advisory committees. The Central Highlands consultative committee is one. Those committees operate quite successfully without being incorporated in an Act of Parliament and I see no reason to incorporate the proposed advisory committee in this legislation. The committee will be set up with my blessing and with that of the Minister for Lands, Forestry and Police.

The honourable member for Maryborough mentioned recreational fishermen landing on the island. That matter will be handled with a commonsense approach. One cannot talk in legalistic terms, and I know that the honourable member does not expect me to. I assure him that common sense will be exercised in the implementation of that provision in the Bill.

As honourable members have mentioned, all sorts of wide-ranging proposals have come forward for schemes for vehicle access to Fraser Island. So that a wrong impression is not given, I point out that various sections of the National Party, including the Hervey Bay branch, have been advocating this course of action for some time. Ten years ago the Hervey Bay branch urged this course of action. The stage has been reached in the management of Fraser Island at which the Government has decided that it is wise to introduce this Bill.

Mention has been made about aircraft landing on the beaches. In certain circumstances that has occurred and I am sure that it will continue. However, now that the board will implement a total management control plan for people on the island, the occurrence of aircraft landing on the beaches will be looked at closely, but I predict that it will continue under certain circumstances.

The Forestry Department and the National Parks and Wildlife Service will operate within their own areas. The honourable member for Maryborough has a very keen interest in ensuring that the forestry industry on Fraser Island continues. No doubt that view is shared by Government members and, particularly, by the Minister for Forestry.

All I can say to the honourable member is that the milling on Fraser Island is very important to the economy of that general area. The Bill is about people management. The timber industry in the forestry areas will still be managed by the Forestry Department and the Minister for Forestry, just as the national park area will continue to be managed by my administration and me. Those two areas make up the bulk of the land mass of Fraser Island. Within the limits of the funds available, the officers do a very good job in the administration of that area. In that regard I reject the comments made by the honourable member for Windsor.

I thank the honourable members for Archerfield, Sherwood and Gympie for their contributions, in which they obviously believed. I respect their points of view.

Motion (Mr McKechnie) agreed to.

Committee

Mr Randell (Mirani) in the chair; Hon. P. R. McKechnie (Carnarvon—Minister for Tourism, National Parks, Sport and The Arts) in charge of the Bill.

Clauses 1 to 5, as read, agreed to.

Clause 6—Effect on Motor Vehicles Control Act—

Mr UNDERWOOD (1.47 a.m.): In his reply, the Minister answered quite a number of the points I raised. One of the aspects that he did not touch on was traffic control—speeding, drink-driving and the minimisation of the use of the beach by vehicles. Can he tell the Committee whether the provisions of the Traffic Act will be used?

Mr McKECHNIE: As I understand it, right down to the low-water mark will be a public place and the Traffic Act will apply. The authority will have plenty of power to deal with offenders, particularly those who do silly things in motor vehicles.

Clause 6, as read, agreed to.

Clause 7—Fraser Island Recreation Area—

Mr UNDERWOOD (1.48 a.m.): Clause 7 (a) provides—

“all of those lands excluding if he sees fit any lands held from the Crown by way of any specified leasehold or other tenure.”

What other tenures or types of leasehold does the Minister envisage excluding from the recreation area?

Mr McKECHNIE: I instance the difference between leasehold land on the island that is being managed by the person who holds that lease and leasehold land held by an absentee landlord who never goes near it—land that the public is running all over. One would be included and the other would not be. Obviously, freehold land would be excluded.

Clause 7, as read, agreed to.

Clause 8—Authority—

Mr UNDERWOOD (1.49 a.m.): I make it quite clear that the Opposition supports the structure of the authority and is pleased that the Government is not setting up another quango, with all the bureaucratic connotations.

Clause 8, as read, agreed to.

Clauses 9 and 10, as read, agreed to.

Clause 11—Functions of Board—

Mr UNDERWOOD (1.50 a.m.): The clause deals with the granting of franchises. At the second-reading stage, I spoke to the matter of public hearings and the right of appeal against the determination of franchises and permits. The Minister did not reply to my comments. I ask him to consider the taking of public submissions, the conducting of public hearings and the right of appeal on franchises and permits.

Mr McKECHNIE: I do not plan to give an assurance on that at present. I told the honourable member that the Bill will be administered in a commonsense way. As far as managing islands and people is concerned, the Bill is landmark legislation. It is something on which the Government will need to feel its way. However, I am not prepared to give that assurance now.

I have said already that an advisory committee to the board will be established. As the two Ministers of the authority are accessible to members of Parliament, that is a reasonable amount of good faith.

Clause 11, as read, agreed to.

Clause 12, as read, agreed to.

Clause 13—Authorized officers—

Mr UNDERWOOD (1.51 a.m.): The question of having a police force on the island has been raised. Will a permanent police force be established on the island? Does the Minister envisage increasing the number of staff working on the ground on the island?

Mr McKECHNIE: It is a matter for the Minister for Police as to how he deploys his police force. Naturally, he has competing demands from all over the State.

Mr UNDERWOOD: But as a member of the authority, the Minister for National Parks will have some input into it?

Mr McKECHNIE: It is not within my authority to commit the Minister for Police.

Mr UNDERWOOD: But the Minister for National Parks is in tandem with the Minister for Police on the authority?

Mr McKechnie: I cannot hear the honourable member.

Mr UNDERWOOD: As the Minister for National Parks is on the authority, will he be making a recommendation?

Mr McKECHNIE: I am jointly on the authority with the Minister for Lands, Forestry and Police in his capacity as Minister for Forestry. I do not think that I have the right to tell him in his capacity as Minister for Police where he should put his police officers. If it is thought that there is a need for more police on the island, representations will be made.

Mr Underwood: Do you think that there will be?

Mr McKECHNIE: That will be up to the Minister for Police. If necessary, representations will be made.

Clause 13, as read, agreed to.

Clauses 14 to 21, as read, agreed to.

Clause 22—Power of Board to grant permits—

Mr UNDERWOOD (1.52 a.m.): Subclause (4) of clause 22 refers to a permit that is revoked, surrendered or cancelled. The matter of the return of the money has been raised. If a large party has paid a significant permit fee, one would envisage that that

could be of some significance to the persons involved. If a permit is cancelled, does the Minister envisage any refund of the whole or portion of the money that has been paid by way of fees?

Mr McKECHNIE: Each case will be considered on its merits.

Clause 22, as read, agreed to.

Clause 23, as read, agreed to.

Clause 24—Interpretation—

Mr McKECHNIE (1.53 a.m.): A drafting error has been made in clause 24. I therefore move the following amendment—

“At page 14, line 38, omit the expression—

‘(g)’

and substitute the expression—

‘(1) (g)’.”

Amendment (Mr McKechnie) agreed to.

Clause 24, as amended, agreed to.

Clause 25—Service and effect of infringement notice—

Mr UNDERWOOD (1.55 a.m.): Subclause (7) deals with the period of 14 days after the serving of notice. Assuming that the notices relate to on-the-spot fines or penalties, the problem arises of persons who are on holidays on the island for a period of more than 14 days. Will provision be made for such people to pay their fines somewhere on the island at a convenient location? If not, will they have to be paid to the nearest clerk of the court, whether it be at Gympie, Maryborough or Brisbane? That would present a problem.

Mr McKECHNIE: That will be considered in the regulations, and the honourable member's point will be taken on board.

Clause 25, as read, agreed to.

Clauses 26 to 29, as read, agreed to.

Clause 30—Regulating movement of vehicles and vessels—

Mr UNDERWOOD (1.56 a.m.): Clause 30 is a clause that parents should take note of. Many children ride recklessly around the island in beach buggies and on bikes and so on. I point to the penalty provisions and the penalties that can be incurred under this particular clause.

Clause 30, as read, agreed to.

Clause 31, as read, agreed to.

Clause 32—Seizure and forfeiture of vehicles and vessels—

Mr McKECHNIE (1.57 a.m.): Again, a drafting error has occurred. This is the last amendment that I have. I move the following amendment—

“At page 24, line 5, omit the expression—

‘(i)’

and substitute the expression—

‘(1) (i)’.”

Mr UNDERWOOD: On page 25, line 3, the Bill states—

“(a) if the owner of the vehicle or vessel claims it within 30 days ”

As I have suggested to the Minister previously, I ask him whether he would be prepared to have a look at the 30-day period after expiration in which to claim a vehicle that has been seized for a three-month period. Many people do not realise their rights under the law, and 30 days is not a very long time when one considers the time that it takes for mail, especially official mail, to travel back and forth. I ask the Minister to make some provisions in the regulations for an extension to be made to that 30 days.

Mr McKECHNIE: As I have said previously, I think that the particular piece of property has to be abandoned for three months and then a 30-day notice is issued before my department can get ownership. The Bill does not intend that my department will go out and auction the vehicle the next day. Each case will be treated on its merits.

Amendment (Mr McKechnie) agreed to.

Clause 32, as amended, agreed to.

Clause 33, as read, agreed to.

Clause 34—Unauthorized obstructions in the Recreation Area—

Mr Alison: You are deliberately filibustering.

Mr UNDERWOOD (1.59 a.m.): The honourable member for Maryborough says that Labor Party members are filibustering. Very important points are being raised in order to clarify the matter for people at a later date. That interjection shows how much the honourable member cares about his electors. His electors go over to Fraser Island. He obviously has not done his homework at the Committee stage. Thankfully, the Minister knows some of the answers and can help him out of the problem.

Subclause (3) reads—

“Where any building or structure is erected or anything is deposited within the Recreation Area—”

the contents of the building or the structure can become the property of the Crown. At Double Island Point, huts were removed after due notice was given. On Moreton Island some old-timers have lived in their huts for a considerable time. They are hurting no-one and are part of the romantic history and attraction of the island. If people at Fraser Island are living in similar circumstances, I suggest that they be allowed to continue until they die or leave the island voluntarily. People living in huts that are offending ought to be given due notice and sufficient time to organise their affairs. People who are not hurting anybody ought to be allowed to stay.

Mr McKECHNIE: Prior to the introduction of the Bill, and acting in my capacity as Minister for National Parks, I authorised action to remove squatters' dwellings on Fraser Island. I cannot reverse that decision. The Minister for Lands, Forestry and Police (Mr Glasson) and I have control over a wider area. We will handle it with common sense, as we have in the past. I might add that the removal of the shacks from the national parks was not effected overnight. A great deal of thought was given to it before action was taken.

Clause 34, as read, agreed to.

Clause 35—Specific offences—

Mr UNDERWOOD (2.2 a.m.): Subclause (1) (e) deals with civil conscription and subclause (1) (i) deals with reverse onus of proof. The Opposition is opposed to those aspects.

Mr McKECHNIE: I have checked with my officers and they verify that this is not a new provision. In an isolated area such as Fraser Island, it is reasonable that, if there is trouble, officers ought to be able to call on citizens for assistance. We stand by that.

Clause 35, as read, agreed to.

Clauses 36 to 40, as read, agreed to.

Clause 41—Evidentiary aids—

Mr UNDERWOOD (2.3 a.m.): The Opposition has already expressed its views on this matter. Subclause (iii) contains a reverse onus of proof, which the Opposition opposes.

Mr McKECHNIE: The member for Ipswich West and I are reiterating the stand that we have each previously taken. As I said earlier, the former Brisbane Lord Mayor was quite keen to have such provisions in the legislation creating the Queen Street Mall. He is of the same political party as the member for Ipswich West. I do not see those provisions as a problem. Although it is claimed that it is a reverse onus of proof, the person himself is the only one who can provide the information. We do not accept the Opposition's argument.

Mr UNDERWOOD: It is interesting to hear the Minister use Roy Harvey as his justification. It was also interesting to hear the member for Maryborough (Mr Alison) excuse himself from the actions of the Liberal-National Party Fraser Government whereas, in his false election material, he blamed everybody else but the National Party and the Liberal Party for banning sand-mining on Fraser Island.

Clause 41, as read, agreed to.

Clause 42—Service of notices, etc.—

Mr UNDERWOOD (2.4 a.m.): This clause relates to clause 28. Subclause (1) (ii) refers to prepaid post. On occasions, prepaid letters do not arrive at their destination. I ask the Minister to recognise that problem when framing the regulations.

Mr McKECHNIE: I take on board the comments made by the honourable member for Ipswich West and give an assurance that when the regulations are presented consideration will be given to all the matters that have been raised.

Clause 42, as read, agreed to.

Clauses 43 to 48, as read, agreed to.

Schedule—

Mr UNDERWOOD: Clause 10 of the schedule confers a general power that can be used to either modify, change or amend the provisions of the Bill in any way that the Governor in Council desires. The Opposition points out that that clause of the schedule gives virtually unlimited power to the Governor in Council to determine the way in which the provisions of the Bill shall be administered. Accordingly, the attention of members of the public is drawn to the provisions of the schedule to the Bill.

Mr McKECHNIE: In reply to the comments made by the honourable member for Ipswich West, I state that such a power is usually found in any of the Queensland statutes. I do not think there is anything unusual about it.

Schedule, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

ADJOURNMENT

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

“That the House do now adjourn.”

Peanut Marketing Board

Mr KRUGER (Murrumba) (2.7. a.m.): I rise to speak in the Adjournment debate in an attempt to find out from honourable members who is running the State of Queensland. Is it the Government, Cabinet, or a couple of National Party members who have not been elected by the people of Queensland to govern the State? I refer to the president of the National Party, Sir Robert Sparkes, and the vice-president, Mr Charles Holm. Honourable members will recall that Charles Holm was the person who was roting milk entitlements, and that was a matter raised previously by me in the House.

The people whom I have mentioned have taken the operation of the peanut industry out of the hands of the Government and also out of the hands of the grower-elected Peanut Marketing Board. Why have those people suddenly come out against the board and in favour of independent shellers?

Last year, legislation was passed by the Parliament that allowed inspectors to police the delivery of peanuts to the board, and it empowered the board to acquire the total crop. There can be only one reason why such a situation has come about. As usual, the independent shellers are prepared to pay someone, or an organisation, to get results that have now been obtained—hence the involvement of the National Party.

Where does the Minister for Primary Industries fit into the events I have outlined? The Minister might as well not hold his present position.

I now wish to examine some of the documents that have been published in the press recently. Peanut industry officials have accused the State Government of hypocrisy because the Government has moved to allow marketers to buy peanuts. The officials have said that the submission presented to Cabinet by the Minister for Primary Industries (Mr Turner) would open the market and bankrupt the board, which already has a heavy debt. I wish first to examine a recent statement that emerged during the row that erupted over the move to curb powers that previously had been exercised by the Peanut Marketing Board. It read—

“Peanut growers have attacked a move by the State Government to alter powers of the Peanut Marketing Board.

The board chairman, Mr Ralph Magnussen, said the move had reaffirmed growers’ feelings of ‘no confidence’ in the National Party State president, Sir Robert Sparkes.”

That row occurred not very long ago in the Tablelands area. It has been necessary to take steps to get rid of Sir Robert Sparkes because of his interference.

Once again I ask: Why there has been this interference by people who are not elected by the growers of peanuts in this State? The board growers learned only late on Saturday, 30 March, that a submission was being presented to Cabinet on Monday, 1 April, which would abolish the orderly marketing system in the peanut industry and render the board ineffective. That statement was made by Mr Magnussen. It is obvious that the Government wants to render the board ineffective in order to make a move that will create further problems in the industry.

I now want to quote from an article in “The Queensland Graingrower”, headed “Peanut growers irate”, which states—

“Peanut growers in the Burnett are disgusted with a Government plan that would abolish the industry’s orderly marketing system.

Following a breakfast discussion on the peanut industry at Parliament House last Thursday between Sir Joh Bjelke-Petersen, Sir Robert Sparkes, Mr Charles Holm and the Minister for Primary Industries, Mr Neil Turner, the P.M.B. growers learned late on Saturday that there was a submission being presented to Cabinet on Monday, April 1, 1985 ”

I read that part of the article to confirm that a meeting was held between those people.

It is a most unusual situation when officials of the National Party move to take control of an industry. Why were Charles Holm and Sir Robert Sparkes at that meeting? Surely the Minister for Primary Industries would do what had to be done. National Party officials, however, are not satisfied with that. The only reason I can see for those negotiations is that money must be coming from the independent shellers to the National Party—or to somebody in this State, anyway.

I am sick and tired of this sort of interference with the peanut industry. Following that breakfast to which I referred, the Premier spoke to Mr Magnussen and the people at Kingaroy. He asked that the litigation against the independent shellers be dropped, and that the board continue to work with them. That litigation has been going on for some time. Why does the Premier suddenly want it dropped? That request backs up my assertion that there is some connection between the National Party and the independent shellers. Members will recall statements I made in the Chamber not so long ago condemning the actions of certain people associated with the industry. Historically the industry has suffered problems during periods of inactivity by this Government.

Time expired.

Defence

Mr McPHIE (Toowoomba North) (2.13 a.m.): Two weeks ago, during the debate on matters of public interest, I drew the attention of this Parliament to changes in the defence arrangements of this nation. Before I could conclude my remarks my time ran out, so I will continue those remarks tonight.

The changes in Australia's defence arrangements are a direct result of the actions of the New Zealand Prime Minister (Mr Lange) in declaring a nuclear free zone in the New Zealand area and effectively emasculating the ANZUS Treaty. The significant item in the ANZUS Treaty, which was introduced by a Labor Government in 1951, is Article IV, which states—

“Each Party recognises that an armed attack in the Pacific area of any of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.”

By effectively declaring a nuclear free zone around their nation, the New Zealanders have imposed unacceptable restrictions on the deployment of the defensive and offensive capabilities of the United States in the area. They have even gone as far as putting United States servicemen at risk. That is surely not acceptable if a member nation is to participate fully in a treaty. Incidentally, the New Zealand action does not affect Russia in any way whatever; it affects only New Zealand's and Australia's partner in the ANZUS Treaty, the United States of America. It is a selfish action that will not achieve a single positive result.

It is idealistic, and I find it to be a nonsense. That is borne out by no less an authority than Professor Blainey, who sees the maintenance of the arms race as one of the things that have contributed to peace in the world since World War II. Interestingly enough, too, from the Labor point of view is that the present Labor Ambassador for Disarmament in Geneva is working actively and sensibly towards nuclear disarmament through control and restriction, not through a ban on nuclear weapons which cannot be enforced and will not be respected in any way by any likely foe.

Why New Zealand has done that, I do not really know. The ban also applies to the peaceful use of nuclear weapons and nuclear material. Interestingly, it was mentioned by my namesake in the Federal Parliament, Mr Macphee, that the New Zealanders are worried about the French tests on Mururoa Atoll. Usually with underground testing, a protective zone of 20 km is provided. The nearest major centre to the nuclear test area in Nevada is Las Vegas, which is 160 km away. Omsk is the nearest city to the Russian test area, and it is 560 km away. In China, the capital of Sinkiang Province is 500 km away from the test area. Mururoa Atoll is 1 200 km away from Tahiti, and it is even

further away from New Zealand. Only 5 per cent of the nuclear tests carried out in the world are carried out at Mururoa.

Surely it is a nonsense to suggest that the closeness of the test area is the reason for New Zealand's action in wrecking the ANZUS alliance and the traditional ties between the two countries, which started with the Anzacs and continued through two world wars. The ties between Australia, New Zealand and the United States of America were strongly established during the war in the Pacific, and they continued in Malaysia and in Vietnam. The Kangaroo training exercises held near Rockhampton were another example of the ties that existed between those countries. Those ties have been destroyed by the selfish and thoughtless action of the New Zealand Prime Minister.

The Australian Government is no better off, because it is doing nothing. The major contribution that Mr Hawke made was to cancel unilaterally the ANZUS Council talks in Canberra in July. Something should be done to resolve the matter, but neither New Zealand nor Australia is prepared to put up a single dollar to establish defence capabilities to replace those that have been lost. This is happening at a time when there is trouble in New Caledonia. Terrorists are being trained in Libya to take over and establish another Cuba on our doorstep. Surely the communists are gleeful. SEATO has gone, the reds are in South East Asia and ANZUS is now emasculated.

Time expired.

Queensland Science and Technology Limited

Mr SMITH (Townsville West) (2.18 a.m.): Earlier, the Minister for Industry, Small Business and Technology (Mr Ahern) replied to a question about the justification for investing \$2m of public funds in a trial ethanol and fructose plant that is proposed to be built at the Tully sugar-mill by Queensland Science and Technology Limited.

Since I expressed some doubts about QSTL and its association with high-technology research, I have received a very considerable input from a number of informed sources. The critical fact that needs to be understood and in fact highlighted is that, although the executive officer of Uniquet Limited and the technical people associated with it acknowledge and make no attempt to conceal or minimise the prospect that the sucrotech process, although achievable under control conditions, may fail under field or production conditions, many investors—indeed, the great majority of them—do not appear to understand or fully appreciate that the project may never come to commercial fruition.

Without in any way detracting from the scientific standing of the individuals associated with Uniquet Limited, the plain but indisputable fact is that the process has not been subjected to external scrutiny and remains unproven in both a scientific sense and an economic sense.

Unfortunately, a known confidence man, Alan Miles Metcalfe, who is the principal of QSTL, has seized the opportunity to exploit the fears and aspirations of cane-growing and co-operative-milling interests. This man has won the confidence of people desperate for a solution to their economic woes. In turn, sugar interests have pressured the Government into committing \$2m to what can only be described as a highly speculative venture. The Government does not have a moral right to invest public funds in such a venture.

I am informed and the Minister for Industry, Small Business and Technology (Mr Ahern) has confirmed that the economic attraction of the sucrotech process over well-developed and proven ethanol-producing processes is that fructose may be produced as a saleable commodity. What has not been stated publicly is that the sucrotech process that will produce fructose and ethanol uses a bacteria called *zymomonas*.

Experienced research chemists have confirmed that the next step necessary for commercial utilisation of fructose from sucrose is to bring about crystallisation of that product. On present evidence, it is very unlikely that that will become economically viable.

The negative aspects of fructose production go much further. It must be remembered that the sucrotech process that produces ethanol and fructose is supposed to help the sugar industry. The only market for fructose, even if it could be produced economically by this process or by any other process, would be created by displacement in the existing sugar market. In view of the capital investment in the cane-sugar industry, the process cannot be considered as a viable option.

Further down the track—if fructose from sugar-cane could also be produced economically, a domestic market could easily be lost to fructose, which is produced from corn or wheat. For this reason, this Government and previous Governments have traditionally outlawed the importation of fructose products. It is equally unrealistic to talk of export markets for ethanol or fructose, because such markets do not exist now and are unlikely to exist in the foreseeable future.

The Minister has put up a two-way bet. He said that, if a fructose market is established, the fructose should be produced from sugar-cane. That is a nonsensical statement. If a fructose market is developed, the fructose will be produced from cane, wheat or corn, whichever offers the best return. In the event that wheat and corn are more profitable, the sugar-cane industry will be at risk.

It is also interesting to note that, at a time when the production of ethanol by way of an alternative process is proposed as a solution for over-production on the sugar market, CSR is reducing ethanol production because it has not been profitable for that company. "The Australian Financial Review" of 3 April 1985 carried a very good article about that fact. In an article in the same paper on 28 March 1985, the headline read "CSR quits ethanol production" I do not have time to discuss the article.

Another article that appeared in the Sydney "Sunday Telegraph" newspaper on 6 January contained some very interesting information. It was pointed out that Sydney investors put up most of the capital to take up the six million 50c shares in Queensland Science and Technology Limited. It is also true that small investors, including cane-farmers and sugar-mill staff, have committed their meagre savings to the future of this very chancy company. What is an acceptable risk for a professional investor may not be an acceptable risk for the small man.

Time expired.

Assets Test

Mr LITTLEPROUD (Condamine) (2.23 a.m): I was delighted to read in last Saturday's "Courier-Mail" that a former member of this House who is now the Federal member for Capricornia (Mr Keith Wright) spoke out about the unfairness of the assets test in its application to rural dwellers. In that article, Mr Wright quoted from a table that has been doing the rounds for some time. In fact, it was published in the "National Farmer" in October 1984. An example involving two different people was given. A city dweller with assets of \$250,000, which was made up of a home worth \$200,000 and \$50,000 in other assets, qualified for a full pension. The other person was a country dweller who owned a home worth \$50,000 but had other assets, probably land, valued at \$200,000. Although the sum total of that person's assets was the same as the city dweller's, the rural dweller was excluded from receiving a full pension.

It is interesting that some ALP members realise that the assets test contains a number of flaws. In recent weeks a cry has gone up from many pensioners because they realise that they will not get a pension any more.

Mr Booth: What has the ALP done about it?

Mr LITTLEPROUD: It will be interesting to wait and see.

An interesting fact is that, in November last year, I spoke in the House on this matter, but I did not make the front page of "The Courier-Mail".

Mr Simpson: You did not hear from Mr Wright about it, either.

Mr LITTLEPROUD: No, he did not speak about it when he was a member of this Assembly. Mr Wright now has some constituents who live in the country. The seat of Capricornia takes in areas outside the boundaries of Rockhampton.

The week-end press revealed that people are becoming very critical of the performance of the Hawke Government. The word that really sticks in my mind is "Whitlam-esque". That is spot on.

To point out the injustice of the assets test, I quote the case of a spinster pensioner in my electorate who lives in a house that could only be described as being very modest. Most people would not live in it. It happens to be located on 640 acres of virgin scrub that anyone would be flat out poking a cow through. Other than the pension she has received for a number of years, she has no income. She was informed that after 21 March, because the land was assessed at well in excess of the allowable value, she would no longer receive the pension. She was faced with two alternatives. The first was that she could sell the farm, which meant selling her home and her way of life. She had lived there for 30 or 40 years. The other alternative was to opt for the pension in the form of a loan repayable against her estate. Either option was not very good. I understand that only three people throughout Australia have opted for the pension as a loan against the estate. The other alternative of selling her home is quite unfair.

This spinster has no relatives. The only way of life she has known for 30 or 40 years is that home. To make matters worse, she is an in-patient at the Chinchilla Hospital. She is almost illiterate. Can honourable members imagine the trauma that she faces to try to put her affairs in order? Her accountant has approached me and the Federal member for Maranoa (Mr Ian Cameron). As a matter of urgency we have asked that something be done.

The woman appealed to the tribunal for some sort of action, but the Hawke Federal Government turned her down. That is a perfect example of the heartless scheme that has been introduced. Mr Wright now has enough sense to realise that things are not going well. He has also worked out which way the wind is blowing and knows what the consequences will be.

I will cite another case, one that involves a paraplegic man in my electorate. He has a third share in 800 acres of farming land which is let out to share farmers. His unemployed sister owns a third and cannot afford to buy him out. Another brother owns a third share and does not want to sell. How can that man who used to receive an invalid pension now be denied one because the farm is worth a certain amount of money but yields only \$50 a week income? How can he get some sort of an income? He cannot realise his assets.

Mr Lee: They really are not taking his pension away, are they?

Mr LITTLEPROUD: Yes, the tribunal has denied him his pension.

I wish to use my time tonight to point out how grossly unfair the assets test is. I will watch with interest what comes out of the ALP in Canberra now that a former member of this Assembly, Mr Wright, is down there, at last making representations on behalf of some rural people in Queensland.

Premier and Treasurer's Attitude to Industrial Relations

Mr VAUGHAN (Nudgee) (2.28 a.m.): I wish to take the opportunity to comment on a press report that appeared on page one of last Sunday's "Sunday Mail" and was headed, "Joh tells unions: Take softer line." The article states—

"Militant trade unionists have been told to consider the real meaning of Easter and drop 'their confrontationist line' in a special Easter message from the Premier, Sir Joh Bjelke-Petersen.

Sir Joh, speaking from his Bunya holiday home, said: 'I hope that these people think and contemplate over Easter and realise that they need to adopt a softer line.' "

In my life I have never heard such hypocrisy! Fancy the Premier and Treasurer talking about anybody else adopting a confrontationist line! He and his political advisers are responsible for what has happened in SEQEB and for the current confrontation that exists between the Government and the trade union movement. He and his political advisers are also responsible for the continual confrontation between the Government of this State and the Commonwealth Government, no matter whether a Labor or a Liberal-National Party Government is in power in Canberra. He and his political advisers are responsible for the division that exists in our society and they will be responsible for the resultant damage that is done to this State and nation.

The Premier and Treasurer of this State thrives and survives on confrontation and division, yet he has the audacity to talk about the "real meaning of Easter" and about the "real message of Easter is God's love to us through His Saviour, Jesus Christ" What gross hypocrisy!

Fancy a man, who is persecuting hundreds of Queensland workers and their families who are trying to protect their livelihoods and their future, talking about the real meaning of Easter—God's love and Jesus Christ! This man who professes to be a Christian is a fake. I repeat that this man who professes to be a Christian is a fake. If he had one ounce of Christianity in him, he would not be so viciously vindictive towards the sacked SEQEB workers, who are ordinary Australians constituting a cross-section of our community. They are returned servicemen, Catholics, Protestants, Masons, etc.—all ordinary people.

If this so-called Christian, who is Premier and Treasurer of this State, knew the real meaning of Easter, he would realise that he is the one who should be adopting a softer line. Unfortunately, he believes that everything he says and does is right and that people who disagree with him are wrong. Because of his deep hatred of trade unions and workers, the Premier has decided to make an example of those unfortunate SEQEB workers and is punishing them for not returning to work on Monday, 11 February, as he ordered. In an endeavour to obtain community support for his vindictive actions against them, he blames them for the black-outs that occurred between 11 February and 21 February. On Thursday, 21 February, he laid down that sacked SEQEB workers would be offered re-employment 30 days after power station operators had restored full power and had become staff employees and had signed no-strike agreements. However, full power was restored on 21 February, but not one operator has become a staff employee with a no-strike agreement so, in accordance with the Premier's own dictates, no-one should yet be re-employed.

The Premier not only makes the rules but also reserves the right to bend and break them. That is the problem. The Premier is in charge of industrial relations in this State but believes only in dictation, not conciliation. I say that, if the Premier is the Christian that he professes to be, he should show some compassion for the sacked SEQEB workers. He has made his point and extracted his pound of flesh. Let them return to their jobs and let SEQEB get back to normal.

Because of the Premier's haste in proclaiming a state of emergency on 7 February and sacking the SEQEB workers on 11 February, Queensland has incurred a loss estimated at about \$1 billion.

Mr Scott: And the Premier doesn't care less.

Mr VAUGHAN: Of course he does not care less.

Unless the confrontation between the Premier and the unions is brought to an end, more than financial loss will result. It is time that sanity prevailed for the good of all concerned—SEQEB, the State and the nation.

Police Radar Traps

Mr GYGAR (Stafford) (2.32 a.m.): In yesterday's newspaper honourable members saw another example of why most motorists in this State are totally dissatisfied with the radar trap system that is presently in operation. For those honourable members who did not read the article, I draw attention to a letter to the editor of "The Courier-Mail" signed by Mark Meyer, of Archimedes Street, Darra, outlining the circumstances which he alleged occurred and which led to his receiving a ticket from the officer in charge of a radar trap. The man stated in his letter that there was no possible way that he could have been travelling at the speed at which he was alleged to have been travelling by the policeman who booked him.

All honourable members know that such allegations are not new. Many people have said that they were not travelling at the speed for which they were booked. The horrifying fact is that most of those persons are right. There are two reasons why people have no confidence in the current radar trap system: firstly, the accuracy of the alleged readings and, secondly, the methods of operation adopted by the police in this State in the use of radar traps.

As to the accuracy of the machines—as extensive research on speed guns was undertaken by the RACQ, I would have thought that there could be very little doubt in the mind of anybody who has sought to inform himself on the issue that speed guns are grossly inaccurate unless they are used totally within the parameters for which they were designed and in accordance with the instructions that have been laid down. Regrettably, the Queensland Police Force, either of its own volition or acting on outside directions, is not using the equipment properly.

Speed guns were not designed to be used in built-up areas in which a heavy volume of traffic travels in both directions in multiple lanes. It is quite easily proven and demonstrable that they will reflect off targets that are not on the correct alignment with the gun and that targets that are larger than the alleged vehicle at which they are being directed will be picked up.

The speed guns are just not suitable for use in urban areas; yet the police persist in using them. In spite of the fact that the police force entered into an agreement with the RACQ that it would not use them in urban areas, and in fact withdrew them from urban areas when the pressure was too heavy on them, the guns are again being used. It is not good enough.

Mr Neal interjected.

Mr GYGAR: I merely use him as an example of the widespread dissatisfaction in the community over the way in which radar guns are used and their accuracy.

I turn to the methods of operation that the police use in placing radar traps. Everyone knows that certain unwritten rules seem to be creeping in about where they will be put. In spite of assurances day in and day out that radar traps are not placed at the bottom of hills, everybody knows that they are. Radar traps are placed in positions where they can be used deliberately as revenue-gatherers when they are supposed to be placed in dangerous positions. All honourable members know from their own experience, just driving around the streets of Brisbane, that radar traps are not used to increase road safety. They are used to increase Government revenue. If that is not so, why are they placed at the bottom of hills where they are not supposed to be? Why are they habitually placed on the approaches to hills where motorists driving vehicles that are not perhaps as good as they were a few years ago need to speed up to get up the hill?

The worst possible example of this revenue-gathering apparatus is when it is placed just beside a speed zone sign. The fact is that while these abuses persist, the public is losing confidence not only in the police force but also in our system of law and order. If the Government is so stuck for revenue that it has to send the police out onto the highways and byways to gather up revenue wherever possible, I suggest that it is in

severe difficulties. The use of such tactics brings the police force and the system of law and order into disrepute. It is just not worth the money.

I urge the Minister for Police and the police force to review their methods of operation, to acknowledge that speed guns are not accurate when used in urban areas and to start using those machines for road safety, not merely for revenue-gathering. It does the Government, and, in particular, the police force no good to have their reputation destroyed by the stupid employment of speed guns in urban areas and as revenue-gathering tools.

Motion (Mr Wharton) agreed to.

The House adjourned at 2.38 a.m. (Wednesday).