

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 27 NOVEMBER 1985**

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

### PETITIONS

The Clerk announced the receipt of the following petitions—

#### Local Government Superannuation Scheme

From Mr D'Arcy (162 signatories) praying that the Parliament of Queensland will delay the implementation of the new form of Local Government Superannuation Scheme until after full consideration of its effects.

#### Griffith University Course in Family Relationships

From Mr Turner (18 signatories) praying that the Parliament of Queensland will establish an inquiry into the Griffith University course in family relationships.

[Similar petitions were received from Mr Price (16 signatories) and Mr Littleproud (22 signatories).]

Petitions received.

### PAPERS

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

#### Reports—

The Nominal Defendant (Queensland) for the year ended 30 June 1985  
Queensland Cultural Centre Trust for the year ended 30 June 1985.

The following papers were laid on the table—

#### Orders in Council under—

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

Industrial Development Act 1963-1981

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

Land Act 1962-1985

National Parks and Wildlife Act 1975-1984

Rules under the Casino Control Act 1982.

## MINISTERIAL STATEMENTS

### Brisbane Transit Centre, Roma Street

Hon. D. F. LANE (Merthyr—Minister for Transport) (11.4 a.m.), by leave: I wish to inform the Parliament of the excellent progress that is being made on Brisbane's most significant transport development—the \$50m Brisbane Transit Centre at Roma Street.

Construction of this private enterprise project, which is being built on railway land and includes a long-distance railway station, interstate and intrastate coach terminal, a 192-room hotel, two office towers of 12 and seven storeys, and retail facilities is on schedule and will be completed by June next year. The \$10m extension to the standard-gauge railway across the Brisbane River from South Brisbane to Roma Street, which is

associated with the development, and the retail facilities will be completed by April next year.

I remind honourable members that completion of this project will have considerable impact on the travel benefits available to Queenslanders, and visitors to this State. For the first time, Brisbane will have a single centralised passenger terminal catering for both Queensland and interstate long-distance trains, coaches, suburban trains and buses, taxis and private vehicles. I should also like to point out that, as well as the travel benefits accruing from this development, considerable employment opportunities are being created as a result of its construction.

Even at this early stage, about 500 people are working on the site or are directly associated with it. When it is operational in 1986, the project will create 120 new jobs at the coach terminal, 90 jobs in retailing, 230 permanent and 120 casual new jobs in the hotel, and 20 in the car-park and administration. I believe that this project is a credit to the initiative of this National Party Government and is one of which all Queenslanders may be justifiably proud.

### Australian Bill of Rights

**Hon. Sir JOH BJELKE-PETERSEN** (Barambah—Premier and Treasurer) (11.6 a.m.), by leave: On 23 October 1984, I stood in this Chamber to alert honourable members, and indeed all Australians, to the perils inherent in the then secret Bill of Rights drafted by Senator Evans and the members of the left wing of his party.

We had the strange situation in which the citizens of Australia were not to be given the right to see and study the Bill that allegedly contained protections from all forms of oppression. Unless I had spoken out, Australians would have remained ignorant of the true situation. The Hawke Government was so fearful of allowing that ill-conceived piece of legislation to see the light of day prior to an election that it was shelved as quietly as possible until after the Government was returned.

Honourable members will be aware that another Australian Bill of Rights, sponsored by the present Commonwealth Attorney-General (Mr Lionel Bowen), has now surfaced.

**Mr Warburton:** It has you worried.

**Mr SPEAKER:** Order! Yesterday, I warned honourable members that there would be silence while ministerial statements are being made. I warn the Leader of the Opposition accordingly.

**Sir JOH BJELKE-PETERSEN:** I am worried and all honourable members ought to be worried. If the Leader of the Opposition had any loyalty to his country, and particularly to this State, he would be worried.

**Mr R. J. Gibbs** interjected.

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

**Sir JOH BJELKE-PETERSEN:** As I said, honourable members will be aware that another Australian Bill of Rights, sponsored by the present Commonwealth Attorney-General (Mr Lionel Bowen), has now surfaced. It was passed by the House of Representatives on 14 November 1985. I note, from press reports, that the Australian Democrats intend opposing the Bill when it is introduced in the Senate—not for the good reasons that I will outline later but supposedly because it is not strong enough. That is the attitude of the Democrats!

The Evans draft Bill sought to bind the States totally. However, no doubt as a result of my efforts, the Bowen Bill contains a provision that only part 5 of the legislation binds the States. For the information of honourable members, I point out that part 5 deals with the operations of the proposed new Human Rights and Equal Opportunity

Commission. Under this part, the Queensland Government and any other State Government will be subjected to the intrusive, inquisitorial procedures of the commission. I will comment further on that body later in this ministerial statement.

If the Commonwealth Government thought that it would silence me by making the States subject to the Bill in only one area, it is sadly mistaken.

Let me again draw the attention of honourable members and the citizens of Queensland to some of the provisions of the Bill that is said to have been introduced to allow the implementation in Australia of the provisions contained in the International Covenant on Civil and Political Rights. Who are the parties to that covenant? I will mention just three—Russia, Libya and Afghanistan. There are many others of similar nature. Why should Australia associate itself with these nations, which, by no stretch of the imagination, can be regarded as paragons of democracy. The USA and Britain have not found it necessary to become a party to the covenant. The fact that Australia saw fit to ratify the covenant in 1980 is an indictment of the Fraser Government. This ratification was subject to specific reservations and declarations designed to protect the States and indicated the grave concern that they held for the prospect of subjecting this country to international whims. The Hawke Government, notwithstanding State protests, has unilaterally denounced the reservations and gone along with it where Fraser left off.

Honourable members opposite will claim that as the Bill does not bind the States, there is no need for concern on the part of the States. However, the enactment of the Bill is the thin edge of the wedge. It can be made to apply to the States almost instantaneously by a simple amendment, and such action is already being advocated. In his second-reading speech, Mr Bowen made it abundantly clear that unless the States comply with the so-called rights contained in the Bill of Rights and amend or repeal any offending legislation, the Commonwealth will enact specific overriding legislation and will extend the operation of the Bill of Rights to the States.

The biggest threat posed by the Bill of Rights is to the sovereignty of the Parliaments of Australia, both Federal and State, and to the right of the Australian people, through their freely chosen representatives, to determine how Australians should be governed.

A Human Rights and Equal Opportunity Commission will be created that will be composed of Commonwealth Government appointees such as a race discrimination commissioner, a sex discrimination commissioner, a judge and not more than three other appointees. That body will be charged with the responsibility of socially engineering the Australian people in favour of these so-called human rights through propaganda and influence on the education system. It is to be given enormous powers to interfere in the private affairs of every Australian citizen, company, church or other social group and to demand under penalty that people produce information and material to the commission where it receives a complaint and commences an investigation.

**Mr Burns** interjected.

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

**Sir JOH BJELKE-PETERSEN:** Virtually no limitations are imposed upon those powers of investigation. The commission can do anything it chooses. No police force in Australia possesses such powers. That is very interesting.

Not even Parliament is going to be safe from the activities of the commission. If Parliament wishes to pass a law on any subject, it runs the risk of having this so-called body of unelected appointees disagreeing, disputing and perhaps even overturning the voice of the people through Parliament.

However, it is not only the Human Rights and Equal Opportunity Commission that Australians will have to fear. The Bill of Rights prevents the courts of Australia from being the interpreters and upholders of a legal tradition stretching back over the centuries and makes them the final arbiters of what is the meaning of fundamental,

social, cultural, economic and political rights. It covers every facet of activity in every organisation, from the courts to Parliament.

Although my Government has every respect for the judiciary as a whole, I point out that it has never been the task of the judiciary to intervene in the political process. This Bill will produce such intervention. More and more partisan political appointments to Federal courts can be expected in order that the right ideological viewpoint might be expressed.

The Australian political system is based upon the will of the people, reflected through Parliament, determining the destiny of the nation. The ALP now seeks to place unelected, partisan, political personalities, be they in the judiciary or in bodies such as the Human Rights Commission, in the way of the will of the people.

As an illustration of the dangers that are posed by the commission and the judges to the rights of the people, I draw the attention of the House to the provisions of article 7 of the so-called Bill of Rights, which seeks to protect freedom of expression, including freedom of the press. This will mean that it will now be for the Human Rights Commission and for the judiciary to determine what standards society is to apply in this area. Parliament, reflecting the views of the people, will not be able to protect the people from displays of pornography and other objectionable material without running the risk of having the standards set by the community, through their elected representatives, being overturned by the views of non-elected judges and appointed officials. The responsibility of ensuring that decent standards are maintained in the community will thus pass from Parliaments generally to non-elected officials.

I turn to another article, article 10—the right of peaceful assembly. For many years, Queenslanders have supported the laws passed by my Government designed to ensure that the streets of Queensland are freely available to all Queensland citizens and are not subjected to arbitrary interference by the rent-a-crowd mob. This so-called right will now prohibit Governments from introducing mechanisms to regularise access to our public streets in those circumstances. Does the ALP want the rights of ordinary Queenslanders to use our streets being continually interrupted by marches and protests led by ALP figures, such as the member for Kurilpa and Senator Georges and their ilk?

**Mr McLean** interjected.

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

**Opposition Members** interjected.

**Sir JOH BJELKE-PETERSEN:** Honourable members opposite think it is just a laughing matter.

**Mr De Lacy** interjected.

**Mr SPEAKER:** Order! I give the honourable member for Cairns his first warning.

**Sir JOH BJELKE-PETERSEN:** The Bill of Rights will achieve all of those things.

I could go on and on pointing out how most of the clauses of this so-called Bill of Rights are designed to destroy the sovereignty of Parliament and the inherent rights of every Queensland citizen, and replace them with a set of alien values imposed by the United Nations. It has been suggested by the ALP that the imposition of a Bill of Rights is a normal part of the political development of any democratic country. I merely draw the attention of the House to the situation that exists in Canada, a fellow member of the Commonwealth. The Prime Minister has written to me citing Canada as a model to follow. Any examination of a current Canadian newspaper and any discussions with senior judges of the Canadian courts would indicate quite clearly that the so-called Charter of Rights and Freedoms imposed on the Canadian people in 1982 by the Trudeau Government has resulted in enormously increased litigation, which is clogging up the Canadian courts and preventing them from carrying out their normal functions. This

litigation has struck down numerous federal and provincial laws, resulting in enormous social turmoil. A campaign for repeal of the charter is growing in Canada. The Australian people should reject the whole concept of social engineering contained in this Bill of Rights package and send it to the rubbish bin, where the previous Bills of Lionel Murphy and Gareth Evans now rest. It is nothing more than a Bill of Wrongs.

## PRIVILEGE

### Presentation of Document by Concerned Christians

Mr HAMILL (Ipswich) (11.17 a.m.): Mr Speaker, I rise on a matter of privilege. This morning, outside Parliament House, my colleagues and I were presented by a group of concerned Christians with a document, which I will table. They were seeking entry to bear witness in this place. They are concerned about the erosion of civil and political rights in this State and I congratulate them on their stand.

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

## QUESTIONS UPON NOTICE

Questions submitted on notice were answered as follows—

### 1. Interests Rates

Mr NEAL asked the Premier and Treasurer—

(1) Is he aware of a promise made in 1984 by Mr Hawke and Mr Keating that interest rates would fall in 1985 and that since that promise was given the prime lending rate has risen by 5½ per cent, and the interest rate for small business has increased by 4 per cent, the Bankcard rate has gone up to 21 per cent, all as a result of the ALP/ACTU accord?

(2) Is he also aware that rural producers and small businesses have been exposed to this crippling interest rate burden at a time when they are being hit by increased taxes and charges, falling commodity prices and a prediction by the Bureau of Agricultural Economics that farming incomes will decrease by 26 per cent this coming year?

(3) Is this an indication of the present Federal Labor Government's economic bumbling, its complete sell-out of the rural and small-business sector and its subservience to the ACTU?

(4) Is Mr Keating deserving of the title of "World's Greatest Treasurer" in view of the plunging Australian dollar on overseas exchange markets?

*Answer—*

(1 to 4) Yes. I do recall the promises made by Mr Hawke and Mr Keating during the last Federal election campaign. They told the Australian people that interest rates would fall in 1985. They also outlined time and time again the benefits that would flow from the ALP/ACTU accord.

What a disaster the so-called "World's Greatest Treasurer" has turned out to be. Look at Australia's overseas debt. It has grown by 87 per cent since Mr Hawke came to power in March 1983. We now owe over \$70 billion, and that figure is growing by more than \$1 billion a month. It will grow to over \$100 billion by 1988 unless something practical and positive is done. The cost of servicing that debt now takes about a third of our export earnings.

The Hawke Government covers up this problem by playing golf and by placing continued emphasis on the growth that it says would make it easier to control wage increases. It is the wage increases that are causing serious problems. The Prime Minister knew that the wage rise that his Ministers negotiated with the ACTU would increase pressure on interest rates and inflation, but did he put the future of this country first? He did not. All he was concerned about was looking after his ACTU comrades.

Inflation in the Organisation for Economic Co-operation and Development area is less than half of that in Australia and falling, whereas Australia's inflation rate is increasing. Our inflation rate rose to 7.6 per cent over the 12 months to September 1985 and is still increasing. The rate over the last six months was 4.6 per cent.

Time is running out for the economic policies of the Hawke Labor Government. Eventually, it will either have to take the boot to the Australian Council of Trade Unions or cave in to it again over the 3 per cent national productivity claim, which is to be taken in the form of extended superannuation benefits. Tomorrow, I will make a statement on that matter to point out how disastrous that undertaking is.

There was an undertaking between the ACTU and the Hawke Labor Government that the cost of new or improved superannuation benefits did not occur before July 1986. The Hawke-ACTU Labor Government is slowly bludgeoning to death incentive and private enterprise.

It is the ACTU that is issuing directions to Mr Hawke and Mr Keating on economic policies. Unless the Prime Minister comes to his senses and takes action to curb that union interference in governmental affairs, an economic disaster of enormous magnitude is facing this country. I wish he would give up playing golf and concentrate on doing his job.

Rural Australia is facing grave economic hardship. The Bureau of Agricultural Economics has already indicated that primary producers face the worst year since the 1982-83 drought. What are Mr Hawke and his Government doing about it? Nothing! To make matters worse, the Federal Labor Primary Industry Minister said there was no reason for genuine farmers to fear Labor's tax proposals. What a hollow statement! What claptrap!

On the matter of capital gains tax on the value of the family home—what the Labor Government did was exempt it; but Labor, supported by Mr Kerin, would not give the same exemption to the family farm. Family farming concerns have to pay.

The new capital taxes represent a threat to the continued viability of family farms. The quarantining of farm losses would remove from the farm sector potential land investors deriving cash flows from other sources.

Labor's rural policies—fuel, tax, sugar, etc.—are draconian and discriminate against rural people. It could be that the first case to be heard by the new Human Rights Commission under the proposed Bill of Rights could be one pertaining to the Hawke Labor Government's discriminatory anti-rural policies.

## 2. Human Rights Commission

Mr HENDERSON asked the Minister for Employment and Industrial Affairs—

(1) Why is it that the so-called Human Rights Commission failed to act on behalf of a Victorian unionist who was sacked because he refused to pay a levy supposedly designed to help so-called sacked SEQEB workers?

(2) Was the same so-called Human Rights Commission the very body that saw fit to condemn Queensland legislation designed to ensure continuity in the supply of electricity?

(3) How does he account for this obvious inconsistency in the commission's actions?

*Answer—*

(1 to 3) One would really wonder why the Human Rights Commission was established. I instance a case of a poor fellow in Victoria who refused to pay a levy that was to be used to support electricity workers in Queensland who had walked out on their jobs and responsibilities. The Human Rights Commission failed to act in support of that fellow, who was sacked from his employment.

I have to ask: What stand is taken by the Human Rights Commission? At the behest of the Australian Labor Party, when the boot was on the other foot, that same

body acted on information that was wrong in an attempt to condemn the Queensland Government when it stood up for the rights of the ordinary citizen. I say to the Human Rights Commission, "Get your house in order and try to do the right thing by ordinary citizens. Stand up for people who want to be counted." After all, why should unions defy the laws of the land and cause harm to everybody in the path of trade union action? Ordinary people have rights, and it is about time that the Human Rights Commission got its act together once and for all, so that it will not be seen to be as one-sided as it obviously is.

### 3. Women's Health Services

Ms WARNER asked the Minister for Health—

- (1) Has he any commitment to women's health?
- (2) What funding, in detailed terms, has been made available to specific women's health services?
- (3) What submissions have been received from women's organisations regarding women's health?
- (4) What are the reasons for approval or rejection of these submissions?

*Answer—*

(1 to 4) The Queensland National Party Government has demonstrated its commitment to providing for the health of all Queenslanders—men, women and children—unlike the Federal Labor Government, which is attempting to starve this State of funds for health services.

The Queensland Health Department's estimated expenditure for the current financial year is in excess of \$990m, a substantial proportion of which will be spent on health services catering for women of all ages with a variety of needs.

Submissions from many organisations are received by my department on health issues, and these are considered on their merits in the light of Government policy and the availability of funds. The State Government's capacity to respond to these submissions has been severely hampered, however, by the disgraceful Federal Government funding policies towards Queensland, which have seriously disadvantaged this State in comparison with other States.

This financial year, Queensland is receiving a total of \$72.76 per head from the Commonwealth in Medicare payments and the Identified Health Grant in comparison with an average of \$173.18 per head in the other five States. Queensland would have to receive an additional \$257.8m per year to achieve the average level of Commonwealth funding enjoyed by the other States.

Despite this criminal neglect by the Federal Labor Government, we now have the spectacle of a Federal Government back-bencher, Mrs Elaine Darling, attempting to dump further health costs onto the Queensland tax-payer. I refer to the so-called Women's Health Centre at South Brisbane, which has been left stranded by the Federal Government after that Government chopped its funding and now is attempting to blame the Queensland Government. This health centre is yet another victim of the Federal Government's tactic of funding a program for one or two years, then pulling out and leaving the service in the lurch.

Ms Warner interjected.

Mr AUSTIN: That is exactly what was done. The Commonwealth Government chopped the funding and now members such as the honourable member for Kurilpa are trying to protect the Federal Labor Government. That Government, not the Queensland Government, wiped the funding. The Queensland Government had nothing to do with it. The Federal Labor Government funded that centre under the Commonwealth Community Employment Program. The Commonwealth Government walked away from the centre and said to the Queensland Government, "Now, you pick up the tab." Why do

not those honourable members and protesters outside go to Ann Street and protest outside the Commonwealth Government Centre? Why are they not protesting in Canberra outside the Federal Health Minister's office? They do not have the courage to do that. They are politically motivated.

*Answer (continued)—*

Mrs Darling and her Federal Government colleagues are frauds. They should stop being dishonest with the people of Queensland over funding for this centre. The truth is that the Federal Labor Government approved some funds to pacify a vocal left-wing minority group—probably associates of the honourable member for Kurilpa—but that has backfired now that funding has been cut. Obviously, the Federal Government does not believe that funding for the so-called Women's Health Centre has a high enough priority to warrant continued support. And for once, I have to agree with the Federal Government.

**Honourable Members interjected.**

**Mr SPEAKER:** Order! There is far too much noise in the Chamber.

*Answer (continued)—*

I direct the attention of honourable members to the report entitled *Regional Mortality in Queensland*, which I tabled in this place on 26 September. It shows a consistently higher mortality rate among males than females. Overall, the age standardised death rate for males is 70 per cent higher than for females, mortality from cancer is over 60 per cent higher in males and, for heart disease, is twice as high in males as it is in females. The list goes on. Lung cancer is six times higher in males, death from alcoholism is five times higher in males and death from motor vehicle accidents is three times higher. It could well be argued on the basis of these figures that there is a far more pressing need for a men's health centre than a women's health centre in this State if one were to accept, which I do not, that such centres are an appropriate way of delivering our health services.

#### **4. Pregnancy Help; Children by Choice**

Ms WARNER asked the Minister for Health—

(1) What funding has Pregnancy Help been given this year and what is the accumulative funding, to date, for that organisation?

(2) What funding has been given to Children by Choice to date?

*Answer—*

(1) Cabinet has again approved that my department provide financial assistance to Pregnancy Help in 1985-86. A total amount of \$56,800 was provided to the Brisbane centre and to eight regional centres in the current financial year. Annual grants paid since the 1974-75 year total \$370,600.

(2) Owing to ongoing financial restrictions, no funding has been given to date to Children by Choice.

#### **5. Subsidies for Gold Coast Bus Services**

Mr BORBIDGE asked the Minister for Transport—

(1) What is the extent of Government subsidies for public bus services in the Gold Coast City Council and Albert Shire Council areas?

(2) Which companies received Government subsidies and what was the amount of these subsidies?

*Answer—*

(1) The Department of Transport offers financial assistance to privately owned bus services in three forms—

- (a) a subsidy equal to 30 per cent of gross fare revenue plus a further 10 per cent subject to my approval as Minister for Transport;
- (b) a subsidy paid at the rate of 6 per cent on loans taken out for the purchase of buses less than five years old; and
- (c) a reimbursement paid to operators of services outside urban centres of the cost of providing pensioner concessions.

(2) The State Department of Transport, since the inception of the Urban Passenger Service Proprietors Assistance Act 1975-1978, has paid total subsidies of \$5,202,848.37 to operators of private bus services in the Gold Coast and Albert shire regions.

Operators who received this subsidy were as follows—

Operator	Subsidy \$
Smekel's Buses Pty Ltd	1,234,975.35
Surfside Bus Lines Pty Ltd	3,920,330.80
Koala Koaches Pty Ltd	37,470.37
Tamborine Mountain Coach Service	3,547.10
A. D. Window	5,191.50
Baumann's Coomera Valley Bus Service	1,333.25

6.

**Mr P. Blake**

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

With reference to former National Party candidate for Stafford and insurance-broker, (Mr Patrick Blake), and to speeches and questions delivered and asked by myself and the honourable member for Stafford (Mr Gygar)—

(1) Is it true that Patrick Blake, a licensed insurance-broker, failed to lodge returns in the proper form and at the proper time with the Insurance Commissioner in 1983 and/or 1984?

(2) What action did the Insurance Commissioner take to ensure that the appropriate returns were lodged, having regard to the fact that action is usually taken in a matter of days in such cases?

(3) Why was Patrick Blake allowed to continue as a licensed insurance-broker, even though he had failed to comply with the conditions of his licence?

(4) If he was allowed to do so, for how long did he so continue?

(5) Would properly lodged returns have shown a large deficiency in Mr Blake's account?

(6) Did the Insurance Commissioner write to Mr Blake in December 1984 indicating that he had received numerous complaints about him?

(7) What action had the Insurance Commissioner taken to investigate and act upon those complaints until that time or subsequently?

(8) Specifically, what action has the Insurance Commissioner taken against Mr Blake under the penal provisions of the relevant Act?

(9) On what date did the Minister first become aware of the allegations against Mr Blake?

(10) On what date did he discuss the Blake affair with his ministerial colleagues, the Insurance Commissioner, or any officers of the public service or any statutory bodies and what was the nature of those discussions?

(11) What actions does he suggest should be taken?

(12) With regard to the involvement of the SGIO in this matter, is it true that Mr Blake failed to pass on to the SGIO premiums paid to Mr Blake for the purpose of meeting premiums due on policies held by the SGIO?

(13) Did any policies lapse and/or were any SGIO policies cancelled as a result of the failure of Mr Blake to pay the premiums on those policies?

(14) If so, how many lapsed and what was the value of the premiums involved?

(15) Were any lapsed or cancelled policies later reinstated and, if so, on what terms and conditions?

(16) What action has the SGIO taken to recover the premiums allegedly not paid by Mr Blake?

(17) Has the SGIO detected any irregularities in the way in which Mr Patrick Blake handled premiums that were paid to him in respect of SGIO insurance policies?

(18) If so, were any reports on those matters made to the police or to the Insurance Commissioner and, if so, on what dates?

(19) Has the SGIO written off outstanding premiums that were unpaid by Mr Blake and, if so, how much money was involved?

(20) What action has the SGIO taken to recover those outstanding amounts?

(21) Will the Minister give the House an undertaking that he will table in Parliament, before the House rises for the Christmas recess, a full report by the Insurance Commissioner giving full details of the Blake affair?

**Mr McPHIE:** I rise to a point of order. Under Standing Order No. 69A, members are allowed to ask two questions on any sitting day. The question standing in the honourable member's name is clearly 21 separate, stand-alone questions relating to one topic. It is another example of the Opposition's trying to circumvent the Standing Orders by asking multiple-choice questions. Mr Speaker, I ask you to rule that the Minister answer only the first two of the 21 questions.

**Mr SPEAKER:** Order! That decision has already been taken by the Chair.

**Mr GUNN:** Mr Speaker, I am going to answer questions 1 to 21.

*Answer—*

(1 to 21) Following the failure of Mr Blake to submit a return for the year ended 30 June 1984, the Insurance Commissioner undertook the usual follow-up with Mr Blake.

The communication included several letters and telephone calls between Mr Blake and the Insurance Commissioner. When the Insurance Commissioner received the returns, he noted matters that required further attention. Mr Blake was unable to attend discussions as he was then in hospital. Subsequently, by letter dated 14 February 1985, Mr Blake informed the Insurance Commissioner that he had sold his business and surrendered his licence.

The action of the Insurance Commissioner in this instance is the same that is or would be taken with any broker in such a situation.

When Mr Blake sold his business, the business portfolio was taken over by the purchaser, who is not an insurance-broker. The State Government Insurance Office wrote to all current policy-holders in Mr Blake's portfolio advising of the transfer and of the fact that, in future, they would be dealing directly with the office.

The State Government Insurance Office, unless advised by the insured, has no record of premiums paid to Mr Blake and not remitted to the office.

The standard practice of the office if premiums are not paid is for the policy to lapse. Any policies previously involving Mr Blake would have been reinstated on existing terms and conditions on the payment of the premium.

### 7. Commercial Fire Brigade Levy

Sir WILLIAM KNOX asked the Minister for Environment, Valuation and Administrative Services—

With reference to recent problems associated with the commercial fire brigade levy—

(1) Have some local authorities collected substantial sums of money from commercial property-owners?

(2) If so, will the interest gained by local authorities on these funds be available to the property-owners?

(3) When will the new commercial fire brigade levy be announced?

*Answer—*

(1) Certain local authorities have issued commercial fire levies and have received payment pursuant to those levies. The amount of funds collected varies significantly between local authorities and depends upon the number of commercial and industrial properties involved.

(2) Interest gained by local authorities through the investment of fire levies collected may be retained by the local authority to offset the cost of operating the system of the collection of fire levies.

(3) The fire levies applicable to industrial and commercial properties falling into fire levy groups 1 to 12 were determined on 8 August and published in the *Queensland Government Gazette* on 10 August. This leaves levies to be determined only for certain high-capital cost or high-risk properties. Prior to determining these levies, the Government is entering into discussions with individual property-owners.

### 8. Railway Advertising on Television

Mr PALASZCZUK asked the Minister for Transport—

With reference to advertisements appearing on commercial television stations in recent weeks promoting Queensland Railways and him as Minister—

(1) How many different advertisements have been produced for the current promotional campaign?

(2) Which company produced the advertisements?

(3) Which Government department is paying for the advertising campaign?

(4) Which television stations in Queensland are screening the advertisements?

(5) What is the expected duration of the promotional campaign?

(6) What was the total production cost for the series of advertisements?

(7) What will be the total placement costs for the duration of the campaign?

*Answer—*

(1 to 7) The advertisements to which the honourable member refers are part of the overall campaign by the Railway Department, which makes use of all advertising media.

The quality of this campaign can be assessed from the fact that it has already won three awards, namely: the Colour Screen Award for the best set of posters; the Goldie Award for the best Government commercial; and second place world-wide in the Creative Excellency Award from the International Federation of Advertising Agencies,

**An Opposition Member interjected.**

**Mr LANE:** And a number of accolades from a number of honourable members in this Chamber.

*Answer (continued)—*

The campaign received one of only two awards to Australian organisations.

The particular advertisements mentioned by the honourable member are included in a series set on a common theme and their frequency will be determined by the needs of marketing this major industrial concern.

The cost of the advertising campaign will depend on its duration.

**9. Payment for Fire Services**

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

(1) Is a property-owner whose property is outside a fire brigade area liable for the cost of a brigade turn-out when a brigade, having been summoned to a fire, responds to the call?

(2) If so, can a property-owner insure against such a cost?

*Answer—*

(1) The owner of a property outside a fire brigade district is liable to pay for the cost of a fire brigade attending a fire at his property, whether called by him or someone else. In these instances, a property-owner is entitled to claim the cost of attendance by the brigade under his fire insurance policy, provided the sum insured is not exhausted.

(2) I would recommend that all property-owners discuss that aspect of insurance with their insurance company to ensure that an adequate level of insurance is taken.

**10. Non-voters at State Elections**

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

(1) How many enrolled people were eligible to vote and, of those, how many did not vote in (a) the 1983 general election, (b) the Stafford by-election in 1984, (c) the Archerfield by-election in 1984, (d) the Rockhampton by-election in 1985 and (e) the Redlands by-election in 1985?

(2) For each of the abovementioned elections (a) how many satisfactory explanations were given by people who did not vote, (b) how many electors were fined and (c) how many of these fines have been paid?

(3) Will he, unlike his conservative colleague in South Australia who is advocating the abolition of compulsory voting, give an assurance that there will be no changes to compulsory voting in this State?

*Answer—*

(1 & 2) (a) With regard to the 1983 general election—

1 458 205 electors were eligible to vote;  
121 220 did not vote;  
120 862 provided satisfactory explanations as to why they did not vote;  
358 were fined; and  
319 fines were paid.

(b) With regard to the Stafford by-election in 1984—

17 225 electors were eligible to vote;  
2 046 did not vote;  
1 999 provided satisfactory explanations as to why they did not vote;  
47 were fined; and  
39 fines were paid.

(c) With regard to the Archerfield by-election in 1984—

17 662 electors were eligible to vote;  
3 110 did not vote;  
3 035 provided satisfactory explanations as to why they did not vote;  
75 were fined; and  
67 fines were paid.

(d) With regard to the Rockhampton by-election in 1985—

16 597 electors were eligible to vote;  
2 029 did not vote;  
1 997 provided satisfactory explanations as to why they did not vote;  
32 were fined; and  
21 fines were paid.

(e) With regard to the Redlands by-election in 1985—

32 777 electors were eligible to vote;  
3 033 did not vote;

(No further figures are available.)

(3) I am not aware of any suggestion having been made by the Premier that compulsory voting will be abolished in Queensland. National Party policy supports the present system.

## 11.

### Rationalisation of Industry

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

With reference to the spirit of the Purchasing Preference Abolition Agreement, to which he has already given the Government's imprimatur, which seeks to minimise industry fragmentation and other distortions in the national manufacturing sector brought about by Government interference—

(1) Will the State Government now dispose of its not inconsiderable holdings in Evans Deakin Industries Ltd and allow that company to find its natural position in the Australian economy?

(2) If not, will the State Government continue to use public moneys to defend other Queensland manufacturers against rationalisation?

(3) Have criteria been established that will permit the Government to choose which establishments are being unjustly rationalised and which are being justly rationalised?

(4) If not, will all rationalisations of industry out of Queensland be approved?

*Answer—*

(1) This question should be referred to the Honourable the Premier and Treasurer.

(2 to 4) The proposed national preference agreement has to be accepted by State Governments and the Commonwealth before it can be implemented. If the agreement is signed in March 1986, the existing State preference policies, except for certain agreed upon exemptions in the short term, will not be enforced after 1 July 1986.

State preference abolition is now being agreed to by all States of Australia, and by Governments of all political colours. It is the policy of the Australian Labor Party, the National Party and the Liberal Party in Australia. It is supported by the Australian Confederation of Industry, the Business Council, the Queensland Confederation of Industry and the Metal Trades Industry Association of Queensland.

The recent economic recession in the heavy engineering industry has been a world-wide phenomenon and has caused considerable inconvenience to all firms in Australia, as well as to the 25 per cent of the national heavy engineering industry that is established in Queensland. It has already resulted in some rationalisation, and I expect further rationalisation decisions to be made in the near future.

I am optimistic that, if the preference abolition agreement is signed by all Governments, Queensland firms will do well out of it. One major national manufacturing firm, Vickers-Ruwolt, has already relocated a major manufacturing operation to Karrabin, near Ipswich, with Queensland Government support.

I have had discussions with a number of others involved in the metals industries—the main area in which State preference policies really bite—about relocating their rationalised manufacturing operations to Queensland. They are enthusiastic about the

lower manufacturing costs here, especially labour costs. I understand that there is an 8 per cent cost saving in Queensland compared with New South Wales in metals-manufacturing. A plethora of bureaucratic regulation is emerging in New South Wales and Victoria that is making it increasingly more attractive to establish and run businesses in private enterprise Queensland.

Honourable members will be aware that a Committee of Review of Business Regulations is working even now to further reduce red tape as it concerns Queensland industry. Naturally, the Queensland Government is very enthusiastic about this private enterprise initiative, that is, the abolition of preferences, and, given a fair go in the arrangements, I am confident that Queensland will do well.

The Queensland timber industry is expected to be granted a five-year exemption from the preference decision as it affects softwoods.

The Evans Deakin case related to the purchase of shares in the ownership of the company and was not related to State purchasing preference.

Regarding State preference abolition—I have had a close consultation with all affected industries in relation to it. I believe it will, in the long run, result in a better manufacturing industry for Australia, one that is more export-oriented. I believe, too, that Queensland will at least retain its present 25 per cent share of the Australian metals-manufacturing market and that ultimately it will grow substantially in the climate that this State Government has created.

**Mr BRADY:** In view of the Minister's answer, I redirect part (1) of question No. 11 to the Premier and Treasurer.

## 12. Desk Calendar Refills

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

With reference to the Government purchase of 1986 desk calendar refills, which I believe in State Stores language are called "date block refills"—

(1) Was the tender for the supply of 1986 desk calendar refills State Stores tender No. 253?

(2) If not, what was the number of tenders let for 1986 desk calendar refills?

(3) What was the number of desk calendar refills involved in this tender or in other tenders for 1986 refills?

(4) At the public opening of tenders was not the price of the Australian made refills from James Hardie Spicers (a) the lowest, (b) 3c lower per refill than the successful Chinese-made refills before a discount for payment within 30 days and (c) 2c lower per refill than the successful Chinese-made refills after discount?

(5) Was the price paid by the Government at the discounted rate or at the full rate?

(6) What was the reason for the overseas preference, is there a general practice of overseas preference or is there a practice with regard to particular countries?

*Answer—*

I am surprised that the former deputy leader of the Liberal Party would again opt for the cheap and nasty way out when he should have learnt from the last election the real cost of taking that attitude.

(1) Yes.

(2) See (1).

(3) 45 941 refills.

(4) (a) Yes;

(b) Yes;

(c) 1.85c per refill lower after discount.

(5) Advantage was taken of the 2.5 per cent discount for payment within 30 days.

(6) No preference was applicable or applied to the overseas product. The Australian product was passed over because it was of inferior quality paper of a substantially lower density than that accepted.

These desk calendars were purchased through a Brisbane-based company, which has been forced to buy this article off shore because of rising prices.

No desk calendars manufactured in Queensland have been offered at tender for the past four years.

I am surprised that, as he drives round in a Japanese manufactured four-wheel-drive vehicle while there is a comparable vehicle available here in Australia, the honourable member should take such exception at the Government's purchasing stationery supplies overseas when that offers the tax-payers the best value.

### 13. College of Technical and Further Education, Innisfail

Mr EATON asked the Minister for Education—

With reference to the Innisfail College of Technical and Further Education—

(1) For what reason did the Government resume a cane farm which was far away from the Innisfail State High School and its facilities and resources?

(2) Was the Government in a position to have resumed another area of land closer to the high school?

(3) If not, what is the reason?

(4) Is the total area of the land resumed being reserved for use of TAFE facilities or has part of the land been purchased by another party?

*Answer—*

The member for Mulgrave (Mr Menzel) and Senator Lady Florence Bjelke-Petersen have discussed this matter with me on a previous occasion and I have had cause to have the matter investigated.

(1) A 26.134 ha site has been purchased in Flying Fish Point Road for the Johnstone College of TAFE. The site is ideally located because of its proximity both to the Johnstone River for the offering of marine, navigation and mariners pre-vocational courses and to the population centre. Further, this site has a variety of soils considered ideal for the offering of agricultural courses. Although I would prefer high schools and TAFE colleges to be located close together, it was decided that this site was preferable.

(2 & 3) Altogether, four sites were investigated, including one right next to the high school. However, the one purchased is considered more appropriate because of the above-mentioned point.

(4) The area of land purchased will be totally used for the TAFE college at the moment.

### 14. Electoral Rolls

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

(1) What guarantee have Queensland electors that they will automatically have their names placed on the new rolls after the redistribution when those electors find themselves in a different or new electorate?

(2) Will the State Electoral Office have the new electoral rolls printed in adequate time to allow electors to check whether they are enrolled and, if necessary, to re-enrol?

(3) As thousands of Queensland electors, who had voted at the last State election and ignored notices calling on them to show cause why they should not be fined for not voting, had their names taken off the State rolls for non-compliance, is there a good

chance that this will happen again and that thousands more will be taken off the rolls after the next election?

*Answer—*

(1) The State Electoral Office will automatically transfer electors from old electorates to new electorates by computer process.

(2) The Principal Electoral Officer is required to prepare and print a roll as at the date of proclamation of the new Electoral Districts in accordance with section 25 of the Electoral Districts Act 1985.

(3) The Elections Bill 1985, which I introduced into Parliament last week, provides that the names of electors will not be removed from a roll consequent upon the issue of non-voter notices. In future, the Principal Electoral Officer will be required to take objection proceedings pursuant to section 38 of the Elections Act 1985 before he will be able to remove the name of an elector.

## QUESTIONS WITHOUT NOTICE

### One Vote, One Value Principle

**Mr WARBURTON:** In directing a question to the Premier and Treasurer, I refer to his challenge as reported today to the Australian Labor Party federally to hold an election on one vote, one value. As the Premier is evidently prepared to put this serious matter to the test, will he now accept the challenge from me as Leader of the Opposition, and the challenge from all Queenslanders who believe in human rights and electoral justice, to hold an early referendum in Queensland so that Queenslanders can have their say on this important issue?

**Sir JOH BJELKE-PETERSEN:** It is interesting and I am again surprised that the Leader of the Opposition will come out openly and declare his stand for one vote, one value, as it is termed. At election-time, Opposition members will rue this day. If the Leader of the Opposition wants to change the system, he should improve his policies, obtain better candidates and go out and try to sell his policies to the people. Then, when the next election is held, he can see how good he is on those particular policies. There is no need for a referendum. He should try to improve his standing, obtain the right policies and then go to the people. However, he should not go to the people on one vote, one value, because they will tar and feather him when he goes north of Rockhampton.

### Criticism of Queensland Government in *the Queensland Police Union Journal*

**Mr WARBURTON:** In directing a further question to the Premier and Treasurer, I refer to the November issue of *the Queensland Police Union Journal*, which contains the most scathing attack that I have seen on the Queensland Government by police officers in this State. The journal refers to spending of almost a quarter of a million dollars on ministerial expenses while the Government considers that additional staff for community services are excessive and a waste of tax-payers' money. The journal also refers to the Government's imposing its mercenary ideals on a group of understaffed police officers. The same journal states that, although the Commissioner of Police talks about the need for an additional 463 officers, the real need is of the order of a little more than 1 000 police officers.

Most disturbingly, the report quotes one police officer as saying, "The fact of understaffing is already known to most of the criminal element within the State and they already have taken advantage of this."

**Mr Lane:** And you're encouraging them.

**Mr WARBURTON:** I am simply quoting an article.

In view of those comments, I ask the Premier and Treasurer: Is he prepared to reassess his spending priorities and, in particular, use some of the \$58.8m left unspent

by the Government last financial year to employ sufficient police in Queensland to protect Queenslanders' life and property?

**Sir JOH BJELKE-PETERSEN:** Queensland is very fortunate to have a very good police force. I have supported it at all times. A small group of its members in the union—only a sprinkling—belong to the Labor Party. So be it. If they want to support the issues that the Leader of the Opposition supports, that is OK. From time to time, like the Leader of the Opposition, those persons try to make political capital. So be it. The Queensland Government did not have the \$58.8m referred to by the Leader of the Opposition. It was part of commitments to projects that are already under way and for which the Government is paying.

**Mr Warburton:** They are not.

**Sir JOH BJELKE-PETERSEN:** They are. The Leader of the Opposition does not have a clue. He said that that is not correct. It is correct.

If the Leader of the Opposition wants to hear further criticism of his colleagues in Canberra, I can again remind him that the Federal Government gave the Queensland Government \$363m less than this State's entitlement. In South Australia it costs three times as much per person per day to get sick people well again as it does in Queensland. That is understandable, because South Australia is a Labor State. In the other Labor States it costs twice as much to get sick people well again as it does in Queensland. As I said, in contrast with the Labor States, Queensland was underpaid by the Federal Government to the tune of \$363m.

If the Leader of the Opposition wants to get more money for the Queensland Police Union, he should take the matter up with his Federal colleagues and ask them to give Queensland its proper entitlement.

In answer to the question asked by the Leader of the Opposition—the Queensland Police Force is doing a very good job. The Government supports and encourages the police officers of this State. By and large, those officers do a good job. The increase in crime in this State is as a result of the support of members of the Labor Party for all types of crime.

**Mr Gunn:** Grow their own.

**Sir JOH BJELKE-PETERSEN:** Yes. That is their policy.

When the Minister for Justice and Attorney-General (Mr Harper) introduced his recent legislation, members of the Labor Party came out of the woodwork in support of sections of the community that everybody recognises ought to have their standards improved. No wonder crime occurs, when people such as members of the Labor Party support, encourage, help and protect those people!

As I said, by and large the Queensland Police Force does a good job. The Government has no intention of changing its priorities. Those priorities have been well thought out, and the Government will continue along those lines to the benefit of this State.

#### **Murray/Darling Rivers System**

**Mr NEAL:** In directing a question to the Deputy Premier and Minister Assisting the Treasurer and acting Minister for Water Resources and Maritime Services, I refer to an article in *The National Times* entitled, "The River Steeped in Politics" regarding the Murray/Darling Basin. As that river system is of tremendous importance to this State, will the Minister comment on that article?

**Mr GUNN:** The article referred to by the honourable member for Balonne provoked quite a response throughout Queensland. I asked the Commissioner for Water Resources to give me a brief, which I think honourable members should hear.

**Mr Goss:** Is this set up, this question?

**Mr GUNN:** It might not be important to the honourable member for Salisbury, who is not interested in rural areas. However, if he listens, he will realise that it is of great importance to the State of Queensland.

**Mr BURNS:** I rise to a point of order. As I understand the form of question-time, when a Minister wishes to give an answer after consulting his advisers, he has a question placed upon notice. It is an abuse of question-time for a Dorothy Dixier to be asked in this fashion. The Deputy Premier has admitted that he set it up and has a printed answer that he will now read, thereby taking up the time of the House.

**Mr SPEAKER:** Order! I have taken note of what the member for Lytton has said, but no—

**Mr GUNN:** Mr Speaker, he is not even a good Deputy Leader of the Opposition.

**Mr SPEAKER:** Order! There is no point of order.

**Mr GUNN:** The honourable member for Lytton has made a mess of everything that he has ever tried to do. Now he is trying to take over the speakership of this House.

The departmental memorandum states—

“The meeting of Ministers from the Commonwealth Government and State Governments of New South Wales, Victoria and South Australia was held in Adelaide last Friday. Each government was represented by Ministers with responsibility in the water, agricultural and environmental fields.

The proposal to hold the above meeting of Ministers was indicated to the meeting of the Australian Water Resources Council held in Darwin on 26/27th June last.

At the latter meeting the Victorian Minister advised that his Government had written to the Prime Minister and other States involved in management of the River Murray and in particular the salinity problems of the river. The Victorian Minister indicated that the aim of their approach was to widen the area of influence of the River Murray Commission, to seek formal approval to sharing of costs—”

which would have included Queensland—

“of River Murray Commission and to involve more Departments at both Commonwealth and State level.”

In other words, those Governments want the Queensland Government to pay their bills.

The memorandum continues—

“A generally similar approach was made by South Australian Government.

At the Australian Water Resources Council meeting the Ministers with interests in the River Murray Waters Agreement agreed in principle to the proposed Ministerial meeting and agreed that the meeting should canvass the range of options available to the four governments to give greater priority to co-ordinated land and water resource management in the Murray Basin.”

In other words, those Governments could not manage their own areas.

The memorandum further states—

“The River Murray Commission was established many years ago and has never included other than the four Governments indicated above.

At no stage has a request ever been made to Queensland to become involved in the River Murray Commission—”

that is because the Queensland Government said that it would not—

“or more recently in the problems of the lower Murray River.”

That is because the commission knew what the answer would be.

The memorandum continues—

“At this time I do not believe it would be in the best interests of Queensland to seek to become involved in either of the above areas.

The situation in this state is that salinity is not the major problem—”  
as it is down south—

“it is in the southern states and that the quality of water discharging from this state into the Murray/Darling River systems is generally quite good by comparison.

There are areas of dry land salinity in Queensland but in the main the extent of these is limited. Similarly irrigation-induced salinity is not of major concern in Queensland.”

In other words, they have overused their underground water. It continues—

“This results partly from the later development of irrigation in Queensland and partly from the monitoring built into each of our community irrigation projects to ensure that any developing problems are recognised at an early date.

In so far as water quality is concerned again there are no comparable problems to those experienced in the lower Murray region. Some twenty years ago chloride content in parts of Macintyre Brook gave some concern to production of tobacco but this problem was largely overcome by the construction of Coolmunda Dam near Inglewood.”

That is the way the Queensland Government corrected it.

**Mr Burns** interjected.

**Mr GUNN:** The Labor Party is not interested in rural areas; that is all there is to it. It polled very few votes there in the last election; it will get even fewer at the next election.

The memorandum continues—

“Most of the runoff from within Queensland which benefits the lower Murray region occurs during floods. In these periods the water quality is invariably much better from a chemical point of view although silt and sediment contents could be much higher.

As indicated . . . I have held the view for some years that until the development of storage capacity along the Balonne-Condamine Basin—”

in the honourable member’s electorate—

“approaches about 30 to 40 percent of the average annual runoff from the Basin we should not seek to become involved in overall Murray/Darling basin management. At this stage the total storage development is only about 10 percent.

Until this time provided Queensland regularly monitors water quality and takes action as necessary—”

and I assure the honourable member that we will do that—

“to control problems of local salinity it is difficult to envisage problems developing.”

**Mr De Lacy** interjected.

**Mr GUNN:** The honourable member for Mount Isa ducks behind the seat every time—

**Mr PRICE:** I rise to a point of order. The Deputy Premier has accused me of saying something unacceptable to him. No comment was made by the member for Mount Isa, and I ask the Deputy Premier to withdraw his statement.

**Mr SPEAKER:** Order! I am not too sure what it is that the member wants withdrawn.

**Mr GUNN:** There is one thing that I will not withdraw. Every time the honourable member interjects, he ducks under the seat so that he is not seen.

**Mr SPEAKER:** Order! Unless the honourable member for Mount Isa is able to state clearly to the House what his objection is, I cannot ask the Minister to withdraw it.

**Mr PRICE:** The Deputy Premier said that I interjected and ducked behind the seat. No such thing occurred. I ask him to withdraw the statement. If he is not tall enough to see over the top of the seats, he should be given a stand.

**Mr SPEAKER:** Order! There is no point of order.

**Mr GUNN:** The memorandum continues—

“I am informed that at the Adelaide meeting a proposal was agreed to by the other Governments present”—

**Mr PRICE:** I rise to a further point of order. I asked that the statement by the Deputy Premier be withdrawn. I find it offensive, and it has not been withdrawn.

**Mr SPEAKER:** Order! On another point of order, the honourable member for Mount Isa has asked the Deputy Premier to withdraw a comment that the House is not aware of. I ask the Minister to withdraw it accordingly.

**Mr GUNN:** I see that it is hurting him badly. I have trouble in telling the two members apart. They sound alike; they talk a lot.

**Mr De Lacy:** Withdraw it.

**Mr SPEAKER:** Order! The remark has been withdrawn.

**Opposition Members interjected.**

**Mr SPEAKER:** Order!

**Mr GUNN:** As I said, if my remark has hurt the honourable member for Mount Isa, I withdraw it.

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

## MATTERS OF PUBLIC INTEREST

### Greyhound Racing Control Board

**Mr R. J. GIBBS (Wolston) (12 noon):** Yesterday, in this Parliament, honourable members were treated to the spectacle of the Greyhound Racing Control Board of Queensland furnishing a report that totally exonerated it from charges that I made in this Parliament in recent weeks. What we witnessed was a grasping attempt by that Star Chamber to cover its tracks by launching into a tirade of abuse and excuse against any person who publicly has been critical of the board's actions.

It is interesting to note that those who are critical numbered in excess of 200 at a recent meeting at the East Brisbane State School—hardly a minority of people in the industry.

The actions of the board in the way in which it has conducted its inquiry and the failure of the Minister for Racing (Mr Hinze) to have all my complaints investigated by an independent inquiry leave me with no option but to draw to the attention of the public the type of people who constitute the Greyhound Racing Control Board of Queensland.

I preface my remarks by saying—

**Mr DEPUTY SPEAKER (Mr Row):** Order! The Chamber will come to order. I can barely hear the member on his feet, because there is far too much audible conversation.

**Mr R. J. GIBBS:** I preface my remarks, Mr Deputy Speaker, by saying that I take no pleasure in what I am now compelled to do, but I do it because of the actions taken by the Greyhound Racing Control Board and because of the shocking decision that members of that board took this week, which deliberately victimised two people who gave evidence before that board. How could the report of this board be believed when it is constituted by people such as Mr Ham Hillier, a person who, on 16 November 1962, was convicted of 16 charges of forgery? On the first eight charges Mr Hillier was fined; on the subsequent eight charges he was sentenced to three months' imprisonment for each charge, or a total of two years. It is unknown to me what time, if any, was actually spent by Mr Hillier as a guest in Her Majesty's prison. I bring this matter to the attention of the House because I do not believe that Mr Hillier is an honest person, and I do not believe that he is fit to be a member of the board.

I again call on the Minister to disqualify Mr Hillier from membership of the board under rule 83 subsection (e) of the Racing and Betting Act, which states—

“. . . has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily) or elsewhere than in Queensland in respect of an act or omission that if done or made by him in Queensland would have constituted an indictable offence unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office.”

The fact is that Hillier has been charged and found to be guilty of 16 charges of forgery. He was sentenced to two years' imprisonment. He is not a person who, according to rule 83 (e), is entitled to occupy a position of public office. I reiterate my call to the Minister for Racing (Mr Hinze) to remove him from the Greyhound Racing Control Board of Queensland.

I call for a thorough investigation by the police into the activities of the chairman of the Townsville Greyhound Racing Club, Mr David Glasgow, who is also a member of the Greyhound Racing Control Board. I have placed before me information which can be substantiated by witnesses—I repeat “which can be substantiated by witnesses”—that as far back as 1979, Mr Glasgow was aware of a major fraud and conspiracy involving betting activities at the Townsville track.

The then general manager of a company named Samuel Allen (Mr Frank Plunckett) was caught on no fewer than 14 occasions in the fluctuations-room instructing a woman, who was also an employee of his at Samuel Allen, not to broadcast to the general betting ring price fluctuations from Sandown, which were made available on land-line, in order that Plunckett, acting on southern information, could back shortenings at Sandown at handsome prices at Townsville. As soon as Plunckett had laid the money, the fluctuations would then be put on the public address system so that book-makers could adjust their odds accordingly.

On a number of occasions, this illegal and dishonest operation was reported to Glasgow, who refused to take appropriate action. One can only theorise as to why that was so.

I remind honourable members of an incident that occurred in Queensland some years ago. If my memory serves me correctly, three people were responsible for delaying the broadcast of a race at Eagle Farm. The broadcast had been taped, and it was played over the public address system only after those people had time to find out which horse was the winner and to place bets at handsome odds in the betting ring. If my memory serves me correctly, they were given a lengthy stretch at Her Majesty's pleasure.

The club steward, Mr Lloyd Kuhn, reported that incident to the committee of which David Glasgow was president at the time. He was told by the committee to mind his own business and pull his head in. Shortly after that Mr Kuhn left the industry.

And, still relevant to Townsville, why was the dog named “Lamb's Fry” allowed to start at Townsville recently when the signatures on the nomination forms were different, the registration number of the greyhound was not the same on all three entry forms, and the trainer's registration number again differed on the entry forms?

In view of the board's statement about the impossibilities of ring-ins, and so on, perhaps it can be explained why at Beenleigh last Monday, 25 November 1985, a fawn greyhound by the name of "Double Side", which started in race two out of box four had ear brands that did not correspond with the ear brands on the dog's papers?

The documents tabled in this Chamber yesterday do nothing to satisfy me. They give no details of the expenses of the board secretary, Mr Max Mason, and they give no explanation of the two statutory declarations that I tabled in this Parliament concerning comments by a member of the board namely, Mr Tom Costigan, against Mason's claiming of expenses.

I am not satisfied in any way with the explanation given by the board, which seemed to lean heavily on the fact that its annual report was audited by the Auditor-General. Last week, I pointed out to Parliament that the report, which showed as income a \$50,000 interest-free loan from the Greyhound Racing Control Board, is not acceptable and does not conform with standard accounting procedures.

I call on the Minister to provide Parliament with a detailed accounting of Mason's expenditure for 1981, 1982, 1983, 1984 and for the 1985 financial year so far. I want to know how much Mason has claimed in expenses; I want to know for what that amount was claimed. I want to know where he has travelled in Queensland and how much money that has cost the tax-payers of Queensland. I call on the Minister to provide also detailed accounting relative to the \$19,000 expenses incurred by the seven members of the board and details of what that \$19,000 was spent on.

**Mr Hinze:** You can get all those answers by asking a simple question.

**Mr R. J. GIBBS:** I am giving the Minister an opportunity to provide the answers.

**Mr Hinze:** Do it in a question.

**Mr R. J. GIBBS:** I will do that.

I reiterate my call for a full and open inquiry in the light of what I can only take to be a massive cover-up by incompetent, dubious people.

I will give the Minister a way out through the back door. I appeal to him to consider constituting a public inquiry headed by a retired judge, Judge Sheahan, who is presently in charge of the Racing Appeals Tribunal. I go so far as to say that the people in the industry will agree to such an inquiry and that they will not require privilege when attending such an inquiry.

I stress the point that at such an inquiry I would not expect—and I do not think it would be right—to have members of the board sitting in on the inquiry in an intimidatory way, sorting out the people who may give evidence in the same way as people such as Dr John Murray and Mr Roy were disgracefully, deliberately and disgustingly sorted out last week for having the audacity to go before the board.

I repeat that the board's report is a sham and a whitewash. I say to the members of the general public, "Do not be fooled by the statements made by Mr Max Mason, the secretary of the Greyhound Racing Control Board, or by any other person associated with the board, that they have been exonerated."

My charges still stand. It is up to the Minister, the board and the Government to prove them to be incorrect. That has not been done to date.

### **Australian Bill of Rights**

**Mr COOPER (Roma) (12.9 p.m.):** I wish to bring to the attention of this House once more the fact that a so-called Bill of Rights has now passed through the House of Representatives and is about to be brought into the Senate. Federal Opposition parties, that is, the National and Liberal Parties, have given a commitment to oppose the legislation, and if it somehow passes through the Senate, the Opposition parties have given a commitment to repeal it at the first opportunity. When the Opposition becomes

the Government in 1987, or, I hope sooner, pressure must be placed upon the Opposition parties to keep their commitment.

At present, the Bill awaits the whim of the Australian Democrats, who, in my opinion, are a pathetic group of people who can be regarded only as the lees of the Liberal and Labor Parties. Just to see them going through the agonies of decision-making is enough to sicken a person with the strongest stomach, and the nation will be better served when it sees the last of that aberration of political whim.

The Bill has been misnamed the Bill of Rights. No valid reasons can be given for its necessity. The confusion that it will create will be deep, divisive and extensive. It will confer on the Human Rights Commission the role of enforcement by inquisition, which is contrary to the basic notions of justice.

The Bill applies only against State Governments and local government and ignores violations of human rights by individuals or organisations outside Government, as is so vividly illustrated by the Mudginberri dispute. Had this so-called Bill of Rights been in operation, it would not have righted the dreadful wrongs perpetrated in that dispute by the Australasian Meat Industry Employees Union, for instance, yet that union was culpable in its actions.

The Bill, in fact, raises the basis for deliberate, massive and unprecedented Federal intrusion into the affairs of State Governments, instrumentalities and local government. One's mind can only boggle at the addition of incredible delays and costs in the courts when they try to sort out who is, in fact, right and who is wrong.

There is little public groundswell for this Bill. We are being told by the fanatical minority that this is what we need and that this will be good for us.

**Mr R. J. Gibbs:** Did you write this?

**Mr COOPER:** I did.

Future Commonwealth Acts of Parliament will be inoperative to the extent that they are in conflict with the Bill unless they are expressly stated to be intended to override the Bill, which can only give emphasis to the futility of any perceived purpose.

The Bill is so full of ambiguities and confusion that it will turn future legislation, State or Federal, on its head. No-one will know what legislation is valid and what is not. Endless litigation will ensue. The courts will become the ultimate arbiters and Parliaments will become, to an alarming degree, superfluous. If Parliaments become superfluous, so too does the opinion of the people.

The Bill extols rights, such as protection of privacy in correspondence, the right when charged not to be compelled to testify or confess guilt, the right when detained in custody to remain silent and consult a lawyer, the right to a fair and public trial, and various other rights of an accused person when facing trial.

None of those protections apply to individuals ordered to appear before the commission. That body, which is invested with inquisitorial powers more appropriate to a police State than a democracy, is both prosecutor and judge.

**Mr R. J. Gibbs:** It should be acceptable.

**Mr COOPER:** It is to the honourable member.

The commission may compel individuals to produce documents, which the commission may keep for as long as it thinks necessary. It will compel people to provide, under signature, information in writing. It will compel people to testify, under oath, in hearings from which the public is excluded, as to their actions, and to disclose facts that may render them liable to a criminal penalty—all without the protection of legal representation. The commission will compel people to attend compulsory conferences, again without legal representation. Refusal to attend a compulsory conference and answer questions, to produce documents, or to be sworn, can lead to imprisonment or a heavy fine, or both.

The commission is given a blanket charter to make its own rules. The elementary rules of natural justice, which have been established by the courts over the years, may be denied to those summoned before the commission. I refer to the right, at the outset, to be told of the charge made, the right to cross-examine witnesses, the right to call evidence, and the right, when the charge is a grave one, to have legal representation.

There is no appeal to a court from the commission's decision. Moreover, the commission is empowered to recommend the payment of compensation, a function that trespasses directly on the province of the courts. The end result of a finding by the commission may be to ruin careers—all in the name of justice and all without legal representation.

The Bill has no application against militant unions—witness *Mudginberri*—against corporations, against the actions of groups of individuals or against individual actions, regardless of how deeply they may offend basic notions of justice.

The Bill of Rights does not confer the widest possible protection on the family in accordance with the International Covenant on Economic, Social and Cultural Rights. It does not protect the rights of parents and guardians to choose private schools for their children and it does not protect the rights of individuals to establish and direct private educational institutions.

The Bill does not protect the rights of Australians to utilise freely and fully their own natural wealth and dispose of their wealth as they see fit. It does not protect the right to private property. In addition, the Bill does not protect individuals from discrimination in the work-place by reason of their decision not to join a union, nor does it generally protect them in their employment opportunities and advancement when they elect freely not to be a member of a union.

The Bill does not protect, in relevant fields, the rights of corporate bodies and other forms of organisations. It intrudes into the affairs of State and local bodies. With the consent of the Federal Attorney-General, the Human Rights Commission is to be empowered to inquire into acts and practices of departments and statutory authorities and of State Governments and local authorities concerning possible infringements of human rights, and to report back to the Federal Government. A full range of inquisitorial powers will apply to such investigations.

The Federal Government has already made its position plain. In August this year, the Attorney-General, in a speech to the Labor Lawyers Convention in Melbourne, said that just because the Bill of Rights legislation does not of its own force override State laws inconsistent with the Bill, it should not be thought that the Federal Government would not legislate to override State legislation on which the commission had reported and in respect of which the State concerned had refused to make an amendment. This presages a massive and unprecedented opportunity for Federal intervention into State affairs and for a shift in the whole balance of power between the Federal Government and the States.

Detailed procedures are laid down for the removal, to the Full Federal Court, of appeals from State or Territory courts or appeals from single judges of the Federal Court. The obvious outcome will be delays in the hearing of cases in which issues concerning the Bill of Rights are raised, and added costs will be heaped onto the backs of unfortunate litigants.

The fundamental protection for human rights in our country is to be found in the courts, in tolerance, in fair play, in a belief in democratic institutions and in support for the rule of law, respect by the majority for the rights of others and restraint in the exercise of power.

The USSR, Libya, Chile and Afghanistan have all ratified the International Convention on Civil and Political Rights, yet they all trample daily on basic human rights. It is ironic that it was in January 1983 that Afghanistan ratified the convention.

What a farce this whole operation is, yet the depth and seriousness of the ramifications stemming from the direction in which the Federal ALP Government is trying to lead Australia must be exposed and highlighted at every opportunity.

The latest version of the Bill of Rights does not vary greatly from the original draft. The intervention and interference in State and local government policies will still exist to an alarming degree. The Bill's overall intent is to gain power by stealth and to undermine States' rights—in other words, the rights of democratically elected representative bodies. For what purpose? The intent must be sinister. If the Federal ALP Government cannot win one way, with this legislation it intends to win in an underhanded way.

The new Human Rights and Equal Opportunities Commission that is to be established under this Bill—

“Will be given the power to investigate the acts and practices of Commonwealth and State Departments, statutory authorities and local government councils”.

The commission will also have the power to examine, “Commonwealth, State and Local Government legislation.” Who the hell do they think they are?

If the Bill does get through the Senate, every action and decision by State Parliaments, State Governments and local authorities will be subject to the scrutiny and direction of a strengthened and revamped Human Rights Commission. That commission, which is not an elected body, will have enormous unchecked powers, including powers to promote, by way of education or propaganda—a better term—a one-sided view and acceptance of the Bill.

This Bill will also permit the Human Rights Commission to bring State Government and local council employees before it to compulsory conferences under threat of imprisonment or fine. They will have no rights to legal representation and will be required to answer questions and to produce internal documents.

*Time expired.*

#### Women's Health Centre

**Ms WARNER (Kurilpa) (12.19 p.m.):** I rise to bring to the attention of the House the fact that the Queensland Government has, yet again, decided to misuse, or to not utilise, Commonwealth health funds. I refer to the State Government's refusal to allocate funds to the Women's Health Centre for 1986.

The Women's Health Centre was set up to provide for the specific, unmet health needs of women in this State. Of course, one health centre cannot cope with the whole problem, but it is a beginning, and a very laudable beginning. The centre has operated for one year, and has given a much-needed service to those thousands of women who have been through its doors and taken advantage of its services.

Initially, the funding for the centre came from the Commonwealth Government, which, after representations made by a very dedicated group of women, allocated two Community Employment Program (CEP) projects worth \$240,000 for 1984-85. During that time, the centre has employed nine workers. The centre is now faced with the problem that the CEP funding, as is usual, comes to an end after one year. However, during that time, the Federal Government made provision for the funding of such centres for community health care via the grants to the States in the health area.

Let me stress that women as a group have particular health care needs for the following reasons: the existence of specific health problems which occur only in women; the problems that women face in access to appropriate health care needs; the situations in which treatment has not effectively reached women; the fact that women are the major consumers of existing health services, which are not always meeting the demand; the specific health problems for particular groups of women, such as adolescent Aborigines, migrants and isolated women; and the very strong relationship between women, as a low socio-economic group, and their health.

Evidence is mounting on a daily basis about how the Queensland health system is falling into a state of disrepair. The State's hospitals are overcrowded and understaffed, and morale is low. The main reason for this is that the Government—in this case, the Minister for Health—adopts a totally uncaring, unintelligent and politically biased attitude towards health. The Minister has not done his sums properly. He has not looked at mechanisms for preventive health measures. What he has done is to put all his eggs into one basket. He has not done his homework or research.

The specific health needs of the Queensland population are not being met because the Government refuses to recognise that different groups require different treatment and that little or no emphasis is placed upon preventive medicine, yet all Governments in Australia, except for the Queensland Government, recognise that that is a cheaper, more cost-effective way of dealing with the population's health.

The Women's Health Centre is a mechanism that can be used effectively to target and deal with the health problems of women without burdening the hospital system. All honourable members know that women, as reproducers in society, have specific problems related to that function. We all know—or at least we should know—that puberty, childbirth and menopause pose specific problems for women. Over the years, it has become quite common knowledge that the existing medical facilities—doctors, specialists, and so on—do not treat women properly in respect to their reproductive functions. As evidence of that, one need only look at the number of unnecessary and costly hysterectomies that women undergo as soon as they have any gynaecological problems after they reach a certain age. Within the medical profession, the prevalent attitude has become to whip it out and hope that that will solve the problem. Of course, it does not. That is a major operation that causes a significant amount of mental stress for women.

The women's health area has a whole range of undiagnosed problems, specifically the problems of birth control. The advent of the pill has been a great boon in many ways, but it has produced a number of side effects that have to be looked into. Proper consultation and proper counselling of women on birth control need to be facilitated. Women do not present problems of just one nature. They do not present only gynaecological problems. There are associated problems of stress, lack of money, lack of housing, a low economic status and a low status within the society, based upon the treatment that women generally get from males in this society which, in a large number of instances, is nothing better than appalling.

That is the type of thing that needs to be addressed when something such as the health care needs of women is being addressed. The women in Queensland want those needs attended to. We want to attend to them ourselves. We want the money by which that can be facilitated. We want the Women's Health Centre. There is a growing, informed and intelligent group of women who are able to cope with the type of problems that I have outlined and are able to find ways round those problems for the Government. The Government has not done its homework. It has not looked at specific means, it has not carried out a review, and it has not carried out any research. In fact, it uses a blunderbuss approach to the needs of women.

One of the stresses suffered by women in the health area is simply overwork, because it is still the cultural norm that women not only do all the domestic duties in any household but also go to work. The stresses and strains are considerable. If notice is not taken of the specific health needs of women as a group, we are members of an uncaring society that relegates groups of people to the scrap-heap. Typically, the Queensland Government has decided to close down the Women's Health Centre and, so far, has not listened to the entreaties of the dedicated group of women who will not give up on this issue.

The centre, by its grassroots approach to women's health, has provided a place to which women can take their problems, large or small, and receive sound advice. In any one month, the centre will deal with problems relating to drug-addiction, child birth, pregnancy, gynaecological matters, incest, menopause, anxiety, fear, depression, isolation, loneliness, low self-esteem, unassertiveness, relationship break-ups, stress, accommodation,

child care, domestic strife, and income and legal matters. The centre has a holistic approach because many of those problems do not present singly; they present together. Other problems relate to migraine, over-use injuries, mental health and sexual abuse.

The Federal Government has allocated \$3,109,000 to the Queensland Government for community health. Yesterday, I asked the Minister to explain where that money went and how the Queensland Government is looking after women's health needs. He said that it did not, that it just took a broad brush and that women were included with the rest. That is not good enough and it is not cost-effective. It will not do the job. The health system will deteriorate because of a small lack of intelligence in not providing \$240,000, which is all that is needed to keep the health care centre open.

It will close on 13 December. When it does, many women who have used the centre and other women who are in need of the services at the centre will be denied those services because of the mean-mindedness and the ideologically biased attitudes of the Queensland Government, which refuses to consider the specific needs of any group if it thinks that it has anything to fear from that group.

Of course, the Queensland Government has a great deal to fear from women, because it has never given them a fair deal. The Queensland Government, given its existing policies, does not seem able to give women a fair deal. By rational explanation and a realisation that money should be put into targeted areas with specific needs and strategies to deal with health problems, we as a State can save ourselves a great deal of money and save women in society a great deal of trauma and unnecessary illness.

#### **Parliamentary Advisory Committee on Matters Affecting Greater Brisbane Area**

**Mr BAILEY (Toowong) (12.29 p.m.):** As most honourable members would be aware, the Government has established a parliamentary advisory committee for all Ministers on matters affecting the Greater Brisbane area. I have the honour to be the chairman of that committee comprising all of my Government colleagues in the Greater Brisbane area, including the Minister for Transport (Mr Lane) and the Minister for Health (Mr Austin).

Last Saturday, together with the Minister for Local Government, Main Roads and Racing (Mr Hinze) I issued a media statement announcing the formation of that committee. It was a matter of great regret to me that the Lord Mayor of Brisbane responded initially in a negative, knee-jerk way to the announcement. I suppose that that reaction was understandable in the sense that the Liberal Party has so little influence or power in this nation that it guards the Brisbane City Council with a watchfulness that borders on paranoia. The Liberal Party's State director (Mr Gary Neat), that shop-soiled white hope, practically convulsed. It is infinitely sad that Mr Neat cannot muster the strength or the enthusiasm demonstrated on that occasion to direct his abilities towards observations about the Federal Government.

Subsequent to the issue of that media statement, I wrote to the Lord Mayor outlining the purpose of the committee, and I am pleased that her reaction is rather more subdued now that she is in possession of the facts.

I assure all honourable members—especially members of the Liberal Party in this House and elsewhere—that there is no sinister purpose in the existence of the committee. Government members representing electorates in the Greater Brisbane area have a duty and obligation to their constituents to play an active role in the future direction of the city.

When the Liberal Party was in coalition and the Labor Party had a firm hold on the city council, it never hesitated for one moment to try to undermine, subvert and outwit the council. To try to suggest now that the Government and Government members should not play a role in the administration of the Greater Brisbane area could, in charity, be excused on the basis of a conveniently short and selective memory. I cannot subscribe to that suggestion. I call it for what it is—cold-blooded and barefaced hypocrisy.

The Government and the council have an excellent working relationship. The Minister for Local Government (Mr Hinze) and the Lord Mayor, in particular, have established a rapport that is serving the people of Brisbane well. I cite two recent examples—the legislation that will ensure that garbage collection is not disrupted by industrial action and the rejection by the Government of the clumsy and unworkable proposed development control plan for the mouth of the Brisbane river that was submitted by the previous Labor council. Both of these examples have drawn the warm praise of the Lord Mayor.

In my letter, I informed the Lord Mayor that the Government has a genuine desire to see that relationship prosper. The Brisbane City Council obviously has to have with Government a relationship that extends beyond the major policy areas, which are properly handled on a one-to-one basis between the Minister for Local Government and the Lord Mayor.

**Mr De Lacy:** A genuine desire to have Earle Bailey re-elected.

**Mr BAILEY:** Of course, that will happen.

The Government proposes, through this committee, to ensure as far as possible that both parties are kept fully informed of each other's aims and views on major matters.

I have had discussions with a number of Ministers whose areas of responsibility affect, in varying degrees, the government and the life-styles of Brisbane, and these Ministers have all informed me that my committee will be used as a sounding board for proposals that will affect Brisbane. Ministers have welcomed the establishment of the committee because it will allow them to receive considered reports on these matters.

I sincerely hope that the Lord Mayor responds positively to my request for an early meeting to discuss the role of the committee. However, I make it perfectly clear that, whether the council co-operates or not, the committee is a fact of life and will remain a fact of life. That is not an ultimatum; it is a simple acknowledgement of a political reality. The committee is certainly not some sort of Star Chamber whose sole reason for existence is to sit as some sort of secret judge and jury on decisions made by the council.

Unlike former Liberal members of the House who, during the coalition days, tried desperately to destroy the Labor council in every possible way, committee members intend pursuing a positive role. A great number of vital issues need a close Government/council relationship. The vast amount of work that will need to be done on the new town plan is a case in point. Honourable members will recall that the last time the town plan was reviewed, a break-down in communications between the Government and council led to a complete shambles.

The period from 1976 to 1978 was a trying and difficult time. When first advertised, a staggering 27 000 objections were received to the proposed town plan, and special legislation had to be enacted at the time to have the plan referred back to the council for major alteration and amendment. Subsequent readvertisement of the redrawn plan attracted only 8 000 objections. Neither the Government nor the council wants a replay of that disaster.

I view my committee as acting as a two-way conduit between the Government and the council to ensure, as far as possible, that that does not happen again. If both parties approach the work required on the town plan with a complete frankness and mutual respect, I am sure that the final product will be something in which everyone concerned can take great pride.

At this stage, the ball is in the Lord Mayor's court, and I hope, for the sake of good relations and the people of Brisbane, that she does not succumb to the hysterical and morbid fears of Mr Gary Neat, whose intuitive understanding of the hopes and aspirations of Brisbane people was so masterfully displayed during the last State election campaign.

The importance of the committee cannot be demonstrated better than by stating that my good friend and colleague the honourable member for Ithaca (Mr Miller) has accepted my invitation to join our ranks. For obvious reasons, because of interpretations that may be placed upon that move, the honourable member needed time to consider my invitation. However, I am very pleased to report that the honourable member puts the welfare of his constituents and the people of Brisbane above any petty political considerations.

Within the next few days, the committee will be holding a meeting to establish an agenda. It is my earnest hope that I will be able to report that the Lord Mayor has replied to my letter in a positive way and that our close working relationship is in fact under way. On that agenda I foresee a number of vital issues of concern to Brisbane people. They include protection of our heritage, control and development of the Brisbane River, integration of Government and council transport facilities, pollution control and rights for residents of high-rise buildings. One matter of particular interest to my constituents is the preservation of views. In these areas, of course, the Government already has first-class legislation or administrative arrangements in place or under consideration. However, it is significant that the Government is concerned that fine tuning of some of those procedures might provide even better proposals for the advancement of the Greater Brisbane area.

The committee welcomes any proposals or suggestions from any source, which includes industry and commerce as well as individual members of the public. All submissions and suggestions will be given serious consideration and evaluation and passed on with appropriate comment to the relevant Minister. It could be said that the initiative is an exciting one for the Greater Brisbane area. All members of the committee are keen to get on with the job. I know that I will be able to report back to the Chamber within a few months that the committee is achieving its goal.

#### **Noise, Moolabin Railway Yards**

**Hon. N. E. LEE (Yeronga) (12.37 p.m.):** The noise created at the Moolabin goods yards in my electorate is causing deep distress to those of my constituents who live in the Tennyson area. Under the provisions of the Noise Abatement Act, a factory that made a noise equal to that generated by the Moolabin goods yards would be closed down within a matter of a week—not just stopped temporarily, but closed down. The noise created in the Moolabin goods yards is beyond belief. It is unfair.

**Mr Menzel:** Have you got on to Tenni yet?

**Mr LEE:** Yes, I have. However, as the goods yards are owned by the Government, they do not have to comply with the provisions of the Noise Abatement Act. That is wrong. If a Minister's electorate was affected, he would probably take steps to ensure that all Government instrumentalities were forced to comply with that Act.

**Mr Prest:** Don't they have any respect for has-been Ministers?

**Mr LEE:** I am not a has-been Minister. I am still a very loyal member to my constituents. I will always look after them. That is more than can be said for the member for Port Curtis.

I call on the Government to place a curfew on the activities of the railway goods yards at Moolabin and Tennyson. Only recently I presented to the House a petition complaining about the excessive noise created by the Railway Department in its shunting operations, day and night. The petition contained 65 signatures, but I have no doubt that many more could have been obtained if the time had been available. All those who signed live in the Tennyson area. They have had a gutful of the noise.

The people complained to the Noise Abatement Authority, to the Premier and Treasurer (Sir Joh Bjelke-Petersen), and to the Minister for Transport (Mr Lane), but absolutely nothing has happened. It is about time that the Minister for Transport did something about this matter. I totally support the residents of Tennyson in the complaints

they make. Like them, I have complained on many occasions. Every time anyone complains, the noise becomes louder, because of the shunting.

**Mr Menzel:** That cannot be so.

**Mr LEE:** I assure the honourable member for Mulgrave that it is.

Members of the unions have instructions from their leaders to work to regulations. What happens? When they start to shunt at midnight, they blow the train's whistle three times. When the train has to stop, the whistle is blown twice.

**Mr Menzel:** Do you think they might be old train-driving friends of Mr Prest?

**Mr LEE:** They could be. They certainly would not be people on my side of politics.

The point I wish to make is that, every time a complaint is made to the higher echelon, the noise becomes worse. It is unfair to rev the engines and blow the train's whistle two or three times. The train-drivers start and stop the trains as erratically as they can, and that causes the carriages to clang together.

**Mr Prest:** Does that happen day and night?

**Mr LEE:** Yes, but particularly at night-time. That is unfair to the residents in my electorate.

**Mr Prest:** Does the area have other heavy vehicles, such as trucks?

**Mr LEE:** No, that is not the case. The honourable member for Port Curtis has so many of his facts wrong that I would advise him to keep quiet.

If the Railways Department were a private enterprise organisation, the goods yard would be shut down in less than a week, but, because the Railway Department is a Government instrumentality, the policy is "Do as I say, not as I do." I am sure that all honourable members would agree that that is not good enough. If it is good enough for private enterprise organisations to be subject to the provisions of the Noise Abatement Act, it ought to be good enough for the Railways Department.

I accept that there is a need for noise abatement controls and restrictions on noise. I take strong objection to one rule being applied to the business community and not being applied to the Government. As I said before, the policy is "Do as I say, not as I do."

The conduct of the train-drivers makes it absolutely impossible for Tennyson residents to sleep each and every night of the week. Why should those residents have to put up with that noise? Why should they not lead normal lives as everyone else does? They have a right to do so. The people who work on the trains know full well that the Railways Department is not subject to the provisions of the Noise Abatement Act and that the Noise Abatement Authority has no control over their activities. They simply go merrily along, making more noise than ever, and thumb their noses at my constituents. In my view, that conduct amounts to treating my constituents with total contempt. It is not good enough for the Government to make rules that do not apply to governmental activity. As far as I am concerned, that is unfair.

I can cite examples of private enterprise organisations that have taken steps to reduce noise by shifting compressors. For instance, Woolworths at Moorooka had a compressor below ground level in a car-parking area, and they moved it to ground level. As soon as that happened, many people lodged complaints, which rightly led to a visit by officers of the Noise Abatement Authority. Apparently, Woolworths had abided by the Act and the regulations, and had done everything that should be done. Nevertheless, the compressor was removed.

The other day, I had occasion to ring the manager of Motorama Toyota (Mr John Walders) to complain about a compressor that had been moved from the front of its premises on Ipswich Road to the back of its premises, close to the home of a resident. The compressor had not been sound-proofed. When I complained to the

manager, he had no hesitation about sound-proofing it and putting a time switch on it so that it would not run at night. Only a few days later, someone forgot to turn off the time switch—perhaps it was done on purpose—and it ran all night. The residents immediately rang the Noise Abatement Authority and an officer came out and approached the firm—and rightly so. The manager rang me to apologise for someone's not setting the switch. He also placed a lock on the switch. That is typical of what can be achieved under the noise abatement laws.

I suppose that I have more problems with noise complaints than with any other complaints in my electorate. Much of the noise is generated by private enterprise.

On each occasion, the noise problem is fixed up, although, occasionally, it takes a little time. However, in this instance the noise is not being controlled. In fact, those responsible are thumbing their noses at the residents, at me, at the Premier and Treasurer and the Minister for Transport. That is not good enough.

It is about time that the Minister took positive steps to control the noise. I ask that a curfew be placed on train movements, in exactly the same way as a curfew is placed on aircraft movements at airports. People can easily adjust to noise caused by normal rolling-stock, but the crashing of wagons is very disturbing, particularly when it occurs at all hours of the night.

On behalf of my constituents, I make a plea for the noise at Moolabin goods yards, and the Railway Department, to be placed under the control of the Noise Abatement Authority.

### Sugar Industry

**Mr MENZEL (Mulgrave) (12.47 p.m.):** On 3 or 4 December, the Queensland Cane Growers Council is to meet to discuss further the deregulation of the sugar industry.

The co-operative millers' chairman and others representing the sugar-mills claim that the grassroots of the industry, namely, the growers, favour the Kerin plan to deregulate. If that is so, why are cane-growers throughout the State signing petitions against Kerin's deregulation plan?

In one area of Mackay, when someone presented a petition to a pocket of 30 cane-growers, all of the 30 growers signed the petition. There was not one knock-back. I understand that hundreds of growers are signing the petitions.

I challenge anyone, whether it be Kerin, the co-operative millers or the Queensland Cane Growers Council, to conduct a ballot of all cane-growers in Queensland to determine whether they want deregulation. I know that the answer by those at the grassroots level will be an overwhelming "No!"

I represent the thinking of the majority at the grassroots level of the sugar industry, whereas the proprietary sugar-millers represent that of the minority.

The proprietary sugar-millers want the Kerin plan, which envisages the abolition of the Central Sugar Cane Prices Board and all regulations that go with it. They want the local boards to take over the control functions.

I call on the Federal Government to immediately give the \$150m that it claims to have available for price support, in order to stop the stand-downs of employees in sugar-mills, and to stop cane-growers going broke. I appeal to the Federal Government to do that before Christmas. Instead of demanding deregulation, Kerin should put his money where his mouth is.

The Kerin plan will mean the dismantling of the Central Sugar Cane Prices Board and the rules and regulations.

**Mr Simpson:** It will wipe out single mills, too.

**Mr MENZEL:** It will do that, and also wipe out the rules and regulations that protect the family farm.

In their place we will have the Kerin commandment, which says that, under the new rule, there will be no rules at all. Kerin says that that will mean the survival of the fittest. What he really means is the survival of the strongest. The strongest are CSR and the Bundaberg Sugar Company. Labor Minister Kerin is kicking the weak in the guts. Is that how Labor cares, or is it a well-planned attack by the Labor Party to dismantle Australia's primary industries? I believe that it is.

The strange thing is that the millers support deregulation, because they have the most to gain, and Kerin supports the big milling companies. The Co-operative Sugar Millers Association is supporting the Proprietary Sugar Millers Association and is not representing the views of the cane-growers whom it represents. The chairman of the Co-operative Sugar Millers Association (Jordan Rigby) could not care less for the growers. It is rumoured that, if the results of board meetings of the association do not suit him, he tampers with the minutes. In fact, it is well known that he wanted to merge the Co-operative Sugar Millers Association with the Proprietary Sugar Millers Association. However, earlier this year, because of opposition, he backed off.

Because of Jordan Rigby's anti-grower attitude, I understand that the Babinda, Mulgrave and South Johnstone co-operative sugar-mills have given notice, or have indicated, that they are pulling out of the Co-operative Sugar Millers Association. Naturally, that will lead to the end of the association, and that is a pity, as, with proper leadership, it could help co-operative sugar-mills. The association started off that way. Unfortunately, Mr Rigby thinks that he is the association.

The Kerin plan is a prospect that the millers have long awaited. It existed, to their great satisfaction, prior to 1915. The Fairymead Mill Suppliers Committee seems to have forgotten that, in 1913, when Colonel Rankin tried to pilot a Bill through the Queensland Parliament to protect cane-growers from exploitation, his chief opponents were the Bundaberg millers. They joined with CSR in an extraordinary campaign that prevented Rankin's legislation, which was the equivalent of the Central Sugar Cane Prices Board legislation, from becoming law. Two years later, in spite of massive miller opposition, the Central Sugar Cane Prices Board legislation came into being, and orderly and fair rules and regulations were promulgated.

Today, all growers are particularly vulnerable to Kerin's rule of no rules. The alternatives offered, namely, a strengthened local board and recourse to civil action on award matters, are ludicrous and can only be described as unworkable. Under Kerin's plan of no rules, any cane-grower who disputes a decision of the local board would have to appeal to a civil court. It could take two years or longer for the case to be heard. The Labor lawyers and the Liberal lawyers would be the only winners, and cane-growers would be the losers.

It is a matter of record that Kerin and some of his allies in the Proprietary Sugar Millers Association want only suitable growers to remain in the industry. A senior Queensland sugar jurist has said of the process, "They will make an example of a dissenting grower. It will be just like nailing a shot crow to a fence post so that all the other crows get the message."

A petition from the Fairymead cane-growers objecting to their committee's acceptance of the Kerin plan to dismantle the sugar industry reads—

"This letter refers to the acceptance by the Fairymead Mill Suppliers' Committee, of the Schedule of De-regulation of the Sugar Industry proposed by the Federal Primary Industry Minister, Mr. Kerin.

This decision to accept these proposals was made by the Committee Members on Wednesday, 6th November, 1985, prior to consultation with growers.

Growers are angered and concerned as many of them are not in agreement with these proposals, and the signatures below represent some of these Growers."

I table that petition.

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

At a Fairymead growers' meeting, Ned Churchward refused to allow a vote of growers to be taken because of the strong opposition at the meeting to the Kerin plan by the grassroots growers. Red Ned, as he is known, apparently was too gutless to allow a vote. Instead of representing the cane-growers, especially the Fairymead growers, all that he could do was support the Labor Government and the Bundaberg Sugar Company. Red Ned is prepared to sell out the cane-growers in his area to cover up for the Labor Party. However, the cane-growers are starting to wake up to him. As I said, they have been petitioning me to stop deregulation and support them. The main issue that would affect the Fairymead cane-growers is the transferability of assignments. That would be extremely detrimental to them.

### Retirement Villages

Mr FOURAS (South Brisbane) (12.55 p.m.): I rise today to call on the Minister for Justice and Attorney-General (Mr Harper) to introduce legislation with respect to retirement villages. Press reports in early 1984 indicated that the Queensland Government was considering legislation to protect people who wish to move into retirement villages. The Attorney-General was quoted as saying that legislation would be introduced later that year and that—

“both potential occupants and promoters of retirement villages should have certainty as to their rights and their obligations.”

Unfortunately, nothing has eventuated, and the recent events concerning a retirement village down at the Gold Coast prove that it is absolutely imperative that something be done.

The fastest-growing phenomenon in housing is the resident-funded retirement villages. They are aimed at those sections of the elderly community that cannot afford to spend substantial amounts of money on a new home. There has been increasing concern about protecting elderly people, many of whom are committing their life-savings and their final years of life to retirement villages.

Some time ago, the Victorian Government set up a committee of inquiry into resident-funded retirement villages. Whereas the committee's report dispelled the notion that retirement villages are “grey ghettos”, its most important findings concern the financial aspects of the business, and here the report is much more cautionary.

The financial schemes offered are varied and complex. Some villages offer lifetime leases, whereas others offer interest-free loans or a discounted purchase price, but then delay the repayment to the estate by a number of years. For those people who become disenchanted with their new lives, an investment in a retirement village can be disastrous. Unable to recoup their original investment, they are also unable to buy a new home and virtually become unwilling residents. It was isolated cases such as these that prompted one of the report's main findings, that is, that anyone entering a retirement village is potentially in a position of financial vulnerability. The experience of the retirement village at the coast illustrates that clearly. The residents there are very concerned and are feeling vulnerable.

A retirement village that is having financial difficulties may be forced to increase its weekly maintenance charges, that is, the weekly fee that covers day-to-day costs. Alternatively, it might be necessary to delay the building of promised facilities.

Queensland has a large number of retirement villages, and it is my understanding that none of them offer the residents a property title, nor do they offer capital appreciation on the property. In many cases, the value of the investment decreases. In one case that I have come across, the resident's investment is repaid on a schedule that includes a 4½ per cent annual deduction from the original capital. For example, after four years, the return on the original capital of, say, \$50,000, would be less than \$40,000. If the resident sold his home for \$50,000 to go into the village, the value of the original home would have increased by at least 20 per cent in the same time. In other words, over the same time, the resident is 20 per cent worse off in the retirement village whereas he

could have been 20 per cent better off in his own home. That person is totally locked in.

I urge the Minister to do something to ensure that those vulnerable people receive protection. People considering moving into retirement villages should know the rules under which they operate. Residents should be aware of whether there will be a time-lapse before their capital is repaid to the estate. Rules should be set down about capital appreciation and about the proportion of the investment to be recouped.

More importantly, the Assembly should be concerned about the Government's broken promise that it would do something positive about legislating to protect people in retirement villages. The Minister should be reminded of what he said in 1984—that it is necessary to introduce legislation. Potential occupants and promoters of retirement villages should be certain of their rights and obligations. Legislation is overdue.

**Mr DEPUTY SPEAKER (Mr Row):** Order! Under the provisions of Standing Order No. 36A, the time allotted for the debate on matters of public interest has now expired.

*Sitting suspended from 1 to 2.15 p.m.*

### **CRIMINAL CODE 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 Criminal Code in certain particulars; and to amend section 43 of the Vagrants, Gaming, and Other Offences Act 1931-1978.”

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) (2.16 p.m.): I move—

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

The Criminal Code has been in operation in Queensland since the turn of this century. What is notable about the Criminal Code is not only that it has been in force for so long but also that it has applied to criminal activities in a manner largely unchanged from when it was first introduced.

Over the years, there have been numerous refinements to the Code to keep the criminal law abreast of changing criminal life-styles. A change in this area of law is contemplated only after considerable scrutiny. It is not taken lightly.

The principal reason is that it has, as a basis for its enforcement, the threat of deprivation of a subject's freedom. This is the ultimate sanction that the State can impose on an offender.

It is with this background that the decision was taken to make an amendment to the scope of the Criminal Code. The Bill removes outmoded punishments of whipping and solitary confinement, which are entirely out of keeping with a modern approach to criminal justice.

A number of procedural matters are included in the Bill, including those dealing with appeals. It has been found desirable to increase the period in which an appeal may be lodged both by an accused person and an appeal on sentence on behalf of the Attorney-General.

The Bill provides for certain increases in penalties and punishments. There is a duty to our society to provide the courts with a range of sentencing options such as will

allow them to impose severe sentences, either as a deterrent or as the punishment for serious offences. This represents part of the Government's thinking when the maximum fine was increased from the 1961 value of \$2,000 to the amount in the Bill of \$25,000. This figure is the maximum amount that may be imposed when a fine is a suitable punishment.

Whilst speaking of punishment, it is appropriate to mention that the Bill contains a clause under which, with an accused person's consent, the court may take into account outstanding offences when sentencing for another offence. In many instances, a person comes before a court on trial for one of a series of offences, such as house-breaking. Were he to proceed to trial on the remainder of offences, no additional punishment would be imposed. This results in a severe waste of court resources in both time and money. The proposal will allow the court to take into account such outstanding offences to which the accused admits guilt and consents to their being taken into account. The Crown must also consent to the offences being taken into account.

Offences that attract life imprisonment may not be dealt with in this way. Offences taken into account in this manner will not be the subject of further proceedings except where the decision of the court is quashed or set aside. A number of other safeguards are built into the clause.

As a whole, the proposal will act as a further means of reducing the work-load on courts. It will also allow offenders to make a confession, accept their punishment and recommence their life without the mental torture of possible further prosecution for prior crimes.

Offences relating to passing valueless cheques are occurring too frequently in our society. One area that experiences this problem relates to the payment of services by cheques which are not met on presentation. Included in these services are accommodation, rent and bonds for rented premises. The Bill proposes that, when a person obtains a credit, benefit, or advantage with a valueless cheque, he commits an offence as if he had obtained property with that cheque. In addition, it is proposed to include, in the Bill, an amendment to deal with the situation in which a person attempts to pay a debt with a valueless cheque.

A variety of weapons are being used to carry out robbery offences in the community. With increasing frequency, criminals are using replica weapons to achieve their aims. A victim faced with a replica pistol is put in as much fear as if a real weapon were used. It is only the criminal who knows that he is not in a position to carry out the threat.

It is proposed to add the circumstance of pretending to be armed to the offences of robbery, attempted robbery and assault occasioning bodily harm.

The Bill proposes that prosecutions for offences that are broadly termed conspiracy charges may not be commenced without the consent of the Attorney-General. It will provide a safeguard against the possibility of lengthy and costly trials commencing without adequate investigation first being made regarding the suitability of the charges.

It is also proposed to make amendments regarding stock offences that are provided for throughout the Code. One of the principal changes will remove the need for police to guard animals for lengthy periods prior to a trial. This will also benefit the owner of the stock, who will be able to have the animals slaughtered or suitably depastured.

In situations in which the Crown sees the need to retain the animals for evidentiary purposes, the animals will be kept in police custody. It is also intended that the penalty with respect to animals, if it be a fine, will reflect the value of the animal. The fine is to be based on the value of each animal or a fine of \$200, whichever is the greater.

The value with which an offence of stealing animals or killing an animal with intent to steal the skin or carcass may be dealt with summarily is to be increased to \$5,000. The penalty for these two offences will also be set at \$5,000.

In addition, the remainder of animal offences dealt with summarily, such as unlawfully using cattle, suspicion of stealing cattle and illegal branding and other offences,

will have a maximum fine of \$5,000. Similarly, the penalty will be based on a minimum fine of \$200 or the value of the beast, whichever is the greater.

It is proposed that prosecution for animal offences under Chapter Division III of Chapter XLIV will be able to be commenced six months after discovery of the offence rather than the present one month. To enable animals to be returned to owners for either slaughtering or grazing, there will be the appointed panel of valuers to value the animals for the purpose of fines that may be imposed. They will also assist in identification procedures of the animals.

To enable the duties and obligations of the appointed valuers to be set out, power to make regulations will be incorporated in the Bill. The regulations will cover numerous heads of power, including terms and conditions of appointment of animal-valuers, qualification, eligibility and experience of persons to be animal-valuers, fees and allowances payable, appointment of animal-valuers in districts, functions and duties of animal-valuers, method of determination of valuation of animals, issue and use of valuation certificates.

In addition to increased penalties, it is proposed to provide for a discretion in the courts to disqualify a person from holding or obtaining a driver's licence where the offence was facilitated by the holding of a driver's licence or the use of a motor vehicle. This is similar to the present provisions of the Traffic Act.

In addition to the driving licence provision, it is proposed to allow a court to order forfeiture of vehicles, vessels and equipment used in the commission of the offence. It is hoped that this provision will add a further deterrent to an area of criminal offences that this Government views in a serious light.

It is proposed to increase the punishment with respect to the offences of infecting animals with serious diseases and travelling with such infected animals. The amended penalties will be life imprisonment and seven years respectively. The sections will also be amended to cover the widest range of serious diseases possible.

The rationale behind these amendments is to create a deterrent to any person who might attempt to introduce a serious exotic disease, such as foot-and-mouth disease, into Queensland. The effect of such an act could have catastrophic results in terms of the Queensland economy, and on primary industries in particular. To achieve a wide-ranging offence, it has been necessary to redefine "animal" as widely as possible.

A further proposal is to provide for fingerprinting in relation to stock offences dealt with summarily under the Criminal Code. This involves an amendment to the Vagrants, Gaming, and Other Offences Act. The persons to be fingerprinted will be those persons arrested for offences under sections 445 to 448A of the Code.

However, where a prosecution is commenced against a person by complaint and summons as against his being arrested, a court may order that, upon making a conviction, such person be fingerprinted. I invite the attention of honourable members to that provision. This latter provision is similar to that contained in the Racing and Betting Act and the Casino Control Act.

In reviewing the Criminal Code, a need arose to increase the monetary limit for the more serious type of stealing offence, which attracted a punishment of seven years' imprisonment. A stealing offence below that monetary limit will render an offender liable for three years' imprisonment. In view of the inflationary effect on the sum of \$2,000 set out in the Code, it was felt that it should be increased to more than \$5,000. The former amount was inserted in 1961.

It has come to my attention that improvements could be made in the manner of prosecution in relation to property stolen over a period. A person might steal, over a long period, small items that add up to a considerable amount of property. Because each item and the date of each individual offence cannot be proved, the offender may be prosecuted for merely a small portion of the goods stolen.

A parallel situation is the general deficiency provision contained in the Code with respect to money. It is considered that, in this situation, money and property can be treated similarly, without detriment to an accused. The amendment closes a loophole by which dishonest citizens could possibly prosper at the expense of others.

It is also proposed, within the same clause, to allow the offence of breaking, entering and stealing to be joined to the two offences in the Code of stealing and receiving. Again, experience has shown that such an amendment meets the needs of a modern criminal justice system.

Section 632 of the Criminal Code deals with the uncorroborated testimony of an accomplice of an accused person. It has been a rule of law in Queensland that a conviction could not result from such testimony. In that respect, the Crown in this State has been disadvantaged compared to the Crown in other States and in the United Kingdom. I draw that to the attention of Opposition members.

Although there has been some resistance to the amendment, a safeguard requires the court to give the jury a warning about acting on uncorroborated testimony. The new clause is intended to adopt the common law position.

This amendment has been long sought by law reform advocates and appellate courts in Queensland. It is proposed to allow the Crown to admit facts on a trial with the consent of the accused. This will place an accused and the Crown in a similar position. However, it will not lessen the Crown's responsibility of having to prove its case. The advantage that will result is a saving of time and money in the criminal justice system.

The Criminal Code has been held in high esteem by all as a model of legislative drafting. As I have said, a decision to amend the Code is one that should never be taken lightly.

A number of amendments to the Criminal Code were to be included in this Bill in regard to sexual offences. An ongoing review of sexual offences has brought about a need to defer these amendments at this time.

Over a period, representations have been made to have the terms "idiot" and "imbecile" deleted from the Code and replaced with terms more appropriate to mentally handicapped persons. It is unfortunate that the terms appear in the Code in the context of sexual offences. It has been necessary to defer the amendment of those terms in this Bill. I foreshadow that legislation dealing with adults and children's sexual offences will be introduced in the near future.

Finally, I stress that the legislation is not aimed at benefiting any community interests but at stamping out criminal activity. If increased penalties allow the courts to impose a heavy fine instead of imprisonment, the community must benefit. Two sentencing options are better than one.

The amendments proposed reflect current community thinking on the nature of our criminal justice system. Our society is not one without change, nor should our criminal laws appear to give any advantage to criminals. This Government will continue to maintain and update a system of justice that is one of the best in the world.

The Bill will be allowed to lie on the table of the House for an extended period to allow interested parties the opportunity to comment on it.

I commend the Bill to the House.

Debate, on motion of Mr Prest, adjourned.

#### LEGAL AID 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 Legal Aid Act 1978 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) (2.30 p.m.): I move—

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

The amendments contained in this Bill are quite substantial, but, for convenience, can be categorised as referring to—

- investment of the Legal Aid Fund;
- consideration of the value of real and personal property in determining qualification for legal aid;
- extension of the power to pay costs to non-legally assisted persons;
- recovery of costs paid on behalf of the legally assisted person;
- extended use of consultative committees;
- relaxation of secrecy provisions;
- extension of time within which to bring prosecutions for the offence of misrepresentation;
- relaxation of the means test provisions to accommodate an obligation under the International Convention on Access to Justice;
- budgeting provisions; and
- powers of the commission and its officers to determine applications for legal aid and the appeals therefrom.

The Legal Aid Commission will now have the power to invest its funds in “authorized bills of exchange”. Members of the Opposition will be pleased to note that a definition of the term “authorized bills of exchange” has been included in the Bill so that there will be no doubt as to the type of investment contemplated by the amendment. This additional power will give the commission a wide range of options for the investment of its funds.

When assessing a person’s eligibility for legal aid under the Act, at present the dwelling-house in which he resides is not to be taken into account. It has come to the notice of the commission that persons seeking legal aid may be eligible even though they reside in a dwelling of some considerable value. Amendments contained in this Bill will give the commission a discretion to determine what value, if any, should be attached to the dwelling-house in determining the applicant’s financial status in considering legal assistance. Any decision made by the commission exercising its discretion may only be reconsidered by the commission itself. Such a decision is not subject to the normal review procedures. The commission recognises that its discretion should only be exercised in exceptional circumstances.

At present, an anomaly exists in the Act in that costs may be paid to a non-legally assisted person only when that person is a defendant in a proceeding. This Bill will allow costs to be paid to a non-legally assisted person irrespective of whether he is a plaintiff or defendant in an action.

The decision as to the amount of costs to be paid from the Legal Aid Fund has been empowered in the director subject to guide-lines established by the commission. Where a legally assisted person has been successful in an action before the courts, it has not always been possible to recover, from that person, the amount of legal assistance provided.

This Bill widens the scope of the property that may be taken into consideration in the recovery of such costs. The amount repayable to the commission will be deemed to

be a first charge in favour of the commission over the amount of money and/or property recovered by the legally assisted person in his successful court action. In addition, a duty has been placed on the solicitor acting for the legally assisted person to retain the money and/or property that has come into his possession until such time as a determination is made by the commission.

Little use has been made of consultative committees because of the limitations placed upon the formation of such committees. This Bill will widen the role of consultative committees by providing for them to operate generally rather than be restricted to specific tasks or localities as is presently the case.

The Act is very restrictive in relation to secrecy. It does not allow the commission the right to provide documents or information to any person or to pass on, to such bodies as the Statutory Committee of the Law Society, Barristers Board or Solicitors Board, any professional breaches of duty that should warrant further investigation. The amendments contemplated in this Bill relax the secrecy provisions to some degree, but sufficient safeguards have been built into the procedure for divulging information to ensure that the system is not abused.

Certain statutory bodies are entitled to information, but in all other cases it will be necessary to establish that it is in the public interest to divulge the information, and ministerial consent will be required. The commission has power to impose conditions upon the use of the information or material released. In addition, the Minister has power to direct the commission to impose conditions as he sees fit.

Many problems have arisen over the years in the prosecution of offences for misrepresentation. The prosecutions are conducted under the Justices Act, which provides that the prosecution must be instituted within 12 months of the commission of the offence. In many cases, the offences are not discovered until well after the time-limit has expired. This Bill will extend the time within which a prosecution may be instituted until 12 months after the offence comes to the knowledge of the Legal Aid Commission.

The Commonwealth Government has indicated that it is anxious to sign and ratify the Convention on International Access to Justice. That convention applies to civil and commercial matters and is designed to facilitate a person in one country contesting court proceedings in another country. In essence, the convention will entitle a person eligible to legal aid in one country to obtain legal aid in the other country.

The terms of the convention require that no additional means test will be applied to the person applying for legal aid. This Bill will provide for an exemption from the means test in respect of applications for legal aid made under the auspices of the convention. The budget provisions contained in this Bill will require the commission to be more accountable to the Minister and to this Parliament.

Each financial year, it will be necessary for the commission to produce a budget for the approval of the Minister. The budget will be of no effect until approved by the Minister. This Bill also gives the Minister power to amend the budget in such a way as he considers reasonable.

When the budget is approved by the Minister, it shall be binding upon the commission. Should some extraordinary expense be anticipated, the Minister has been empowered to direct the commission to present to him for approval a supplementary budget. The Legal Aid Commission is required to observe the approved budget and to confine its expenditure to within the limits of that budget.

The most important of the amendments contained in this Bill are those which affect the public at large, relative to the procedures to be adopted in the granting of legal aid. A three-tiered appeal or review system has been provided by the amendments. Applications for legal aid may be made to either an officer of the commission or a Legal Aid Committee in the first instance. If the application is dealt with by an officer of the commission, an appeal or review to a Legal Aid Committee will be available. A further avenue of appeal is available from a decision of a Legal Aid Committee to a review committee.

The director has been empowered, when so requested, to provide a short statement of the reasons for a decision in respect of the refusal or the granting, subject to conditions, of legal aid. When a decision to grant legal aid has been finalised through the review procedures, there is an obligation to advise the other party that legal aid has been granted.

Because of public disquiet that has recently arisen over the granting of aid, the commission is now empowered to direct that certain prescribed applications and/or decisions be referred to it for consideration. It is intended that once the prescribed application and/or decision is considered by the commission, and a decision is handed down by the commission, no further review of that decision can be undertaken by either a Legal Aid Committee or the review committee.

Power is also given to the commission to intervene in the normal review procedures at any time, and to make a determination in relation to an application for legal aid. When the commission makes a determination, having intervened to consider an application, no further review of that decision may be undertaken. The commission is not required to act in respect of every application, and the power to intervene does not establish a further tier in the appeal system. The power given to the commission to enable it to become involved in the decision process for the granting of legal assistance will ensure that the commission itself is responsible for legal aid provided to members of the community.

I take this opportunity to place on record the view taken by the Government of services provided to the community in Queensland by Sir John Rowell, Chairman of the Legal Aid Commission in Queensland. It was 21 years ago that Sir John Rowell, with Sir Sholto Douglas and Mr Jim O'Callaghan, brought about the instigation of legal aid in Queensland through the Legal Aid Office. Yesterday, on behalf of his fellow-commissioners and the Government I had the privilege of presenting to Sir John Rowell a memento of his 21 years' service in this area of the law, in assisting people through legal aid. I believe that the contribution made by Sir John, Sir Sholto Douglas and Mr Jim O'Callaghan should be recorded in *Hansard*, because it is a service, particularly in the case of the chairman—who, as I said, has had 21 years' continuous service in this area—that is certainly unsurpassed in Australia, and probably is unsurpassed in any country in the world that provides legal aid of this type.

I commend the Bill to the House.

Debate, on motion of Mr Goss, adjourned.

### VETERINARY SURGEONS ACT AMENDMENT BILL

Hon. N. J. TURNER (Warrego—Minister for Primary Industries), by leave, without notice: I move—

“That leave be given to bring in a Bill to amend the Veterinary Surgeons Act 1936-1973 in certain particulars.”

Motion agreed to.

#### First Reading

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

#### Second Reading

Hon. N. J. TURNER (Warrego—Minister for Primary Industries) (2.43 p.m.): I move—

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

The Veterinary Surgeons Act has not been amended since 1973, and now requires updating in the light of experience and to meet the changes in society that have occurred since that time.

The Veterinary Surgeons Act is designed to provide protection to the consumer by ensuring that only suitably qualified people provide a veterinary service for fee or reward, and to prevent veterinary surgeons from taking undue advantage of their colleagues or misleading the public.

The major changes proposed in this Bill are the establishment of a tribunal, to be entitled the Veterinary Tribunal of Queensland, provision for specialist registration, authority to seek records and for powers of entry. Under the Act, the Veterinary Surgeons Board is required to charge a veterinary surgeon with misconduct in a professional respect if, after investigation of a complaint by a member of the public or another veterinary surgeon, it considers he has a case to answer. It is then required to hear the charge, render the judgment and determine the penalty, which, in serious cases, could result in a veterinary surgeon's being removed from the register and hence prohibited from practising in the State.

That is obviously unsatisfactory. The amendments provide for a three-person tribunal to hear serious charges of misconduct in a professional respect, to hear show-cause proceedings where a veterinary surgeon has been declared medically unfit to practise, and to hear applications by the board for an order to remove the name of a veterinary surgeon from the register when he has been convicted of an offence which, in the opinion of the board, renders him unfit to practise.

The proposed tribunal is to be made up of a person with legal qualifications as its chairperson and two veterinary surgeons, who are not to be board members, one nominated by the Minister for Primary Industries and one by the Queensland Division of the Australian Veterinary Association Limited. Members are to be appointed by the Governor in Council by notification published in the *Government Gazette*.

There is right of appeal against the tribunal's decisions to the District Courts in Brisbane, and both the board and the veterinary surgeon involved can be represented by legal counsel at tribunal hearings.

The tribunal will have powers to order removal of the veterinary surgeon from the register, suspend the veterinary surgeon for a defined period, impose a monetary penalty up to \$2,000 or reprimand the veterinary surgeon. Where the misconduct is regarded as minor by the board, provision has been made for the board to consider it on the basis of a written explanation or by personal attendance of the veterinary surgeon concerned. In those cases, the board is only permitted to impose a lower monetary penalty or to reprimand the veterinary surgeon. The veterinary surgeon can, however, elect, in all cases, to have the matter considered by the tribunal.

These procedures are similar in a number of respects to those in the Medical Act and should afford adequate protection to the veterinary surgeon, while permitting speedy resolution of minor issues.

In keeping with the needs of society for a high level of treatment and expertise, particularly in complex cases for expensive animals and for highly regarded pets, provision is made for the registration of veterinary specialists on the basis of higher qualifications, special skills and a minimum of five years' experience.

Victoria has already made provision for registration of specialists, and meetings have been held between representatives of State boards and the profession in Australia and New Zealand with the aim of achieving uniformity between States and Territories and between countries.

In registering veterinary specialists, it is proposed that the board will refer applications to the Advisory Committee on Registration of Veterinary Specialists, which has representatives from the Australian College of Veterinary Scientists, the State and Territory Veterinary Surgeons Board of Australia, the Australian Veterinary Association and the New Zealand veterinary profession as well as a representative of the deans of veterinary schools of Australia and New Zealand. The Veterinary Surgeons Board of Queensland will, however, have the final decision in relation to registration of a specialist in this State.

The amendments provide for a committee of medical practitioners to be established if it comes to the notice of the board that a veterinary surgeon may be medically unfit to practise.

The board, in undertaking its responsibility to clients of veterinary surgeons, carries out investigations following complaints by a member of the public or another veterinary surgeon.

In investigating complaints, the board seeks the original case records as well as an explanation from the veterinary surgeon involved and seeks reports from other veterinary surgeons who may have been involved in treatment. Provision is made in the amendments for authority to seek records.

Powers of entry provisions are made also, to allow board officers to investigate complaints against veterinary surgeons and to follow up cases in which it is suspected that veterinary surgery is being undertaken illegally by lay people.

The powers of entry provide powers to search, interview, collect and take away samples, take photographs or seize and take away records which, in the officers' opinion formed on reasonable grounds, may contain evidence of misconduct in a professional respect.

Before an officer can enter a part of any premises which is used exclusively as a dwelling-house, he must have permission or obtain a warrant from a justice, who needs to be satisfied that there is reasonable cause to suspect that veterinary surgery is being done on the premises.

The provisions outlined so far are those of major importance, but the Bill also provides for a number of other amendments to the Act.

Additional offences that are regarded as misconduct in a professional respect have been defined, but the previous provision, which does not limit professional misconduct to those that have been defined, has been retained.

The amendments also provide for appointment of a deputy registrar, so that an officer of the board, who is familiar with board decisions and activities, will be available, during normal working hours, for contact by the public and by veterinary surgeons.

A number of penalties have been increased to reflect changes in the value of money since 1973. In general, penalties will be less in real monetary terms than they were in 1973. Registration is to be permitted before actual conferral of qualifications, provided the board is satisfied that the qualifications have been obtained and are awaiting conferral. This amendment is required so that graduates from some universities, which do not have degree ceremonies until some time after the examinations, can be registered.

Provision is made for registration, for a limited period of up to 30 days, of veterinary surgeons who are registered in other Australian States or Territories and come to Queensland to undertake a locum or, in some cases, examine and treat an individual case.

The amendment is designed to facilitate registration under these circumstances without meeting the complex documentation required for full registration and, at the same time, providing adequate protection to the public and the veterinary surgeons involved.

An amendment clarifies the position of the School of Veterinary Science, University of Queensland, to practise veterinary surgery. It has been accepted, since the foundation of the school in the late 1930s, that it is necessary to practise, largely to train students.

The Bill has been given a great deal of thought for some time by the members of the Veterinary Surgeons Board of Queensland, and the main provisions have been discussed in general terms with and accepted by the executive of the Queensland division of the Australian Veterinary Association, the body representing most of the veterinary profession in Queensland.

I commend the Bill to the House.

Debate, on motion of Mr Kruger, adjourned.

### **CITY OF BRISBANE (VARIATION OF REFUSE CONTRACTS) BILL**

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

“That leave be given to bring in a Bill to permit the variation by agreement of certain contracts relating to the collection and disposal of refuse in the City of Brisbane.”

Motion agreed to.

#### **First Reading**

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

#### **Second Reading**

**Hon. R. J. HINZE** (South Coast—Minister for Local Government, Main Roads and Racing) (2.51 p.m.): I move—

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

The purpose of this Bill is to empower the Brisbane City Council to vary by agreement certain contracts let by it relating to the collection and disposal of refuse in the city of Brisbane.

As honourable members will be aware, in May 1984, the council let two contracts for the removal of refuse in the city area. The contract for removal on the north side of the Brisbane River is with Waste Management Qld Pty Ltd, and the contract on the south side of the Brisbane River is with Hunter Brothers (Q.) Pty Ltd. At the same time, the council let a contract to Thiess Contractors Pty Ltd relating to the management of refuse disposal places and facilities.

Honourable members will also be aware that, in recent times, a number of problems associated with the removal of domestic refuse in the city have arisen and that there is a potential for such problems to recur in the future. From a viewpoint of public health, it would, of course, be highly undesirable to have a situation in which there was a prolonged dispute in this industry resulting in domestic refuse accumulating throughout the city.

I am informed that a speedy resolution of some of the problems that have arisen in the past has been difficult to achieve because of some terms included in the existing contracts insofar as they affect both the council and the contractor. The advice tendered to me is that, if the contracts in question could be varied by agreement between the parties to more adequately deal with those matters that affect the proper administration of the contracts and the avoidance of industrial disputes thereunder, the likelihood of such disputes occurring in the future should be capable of being avoided.

Section 19 of the Local Government Act provides, among other things, that every contract entered into by a local authority may be varied in the manner set out in the Act. I am advised that this provision envisages that a minor variation that does not go to the heart of a contract may be effected without calling tenders but that any other variation may only be made after tenders have been called.

The variations that it is considered desirable to make to garbage contracts in Brisbane could be considered as going to the heart of the various contracts and, accordingly, tenders would need to be called before such variations could be effected. I think that all honourable members will agree that the calling for fresh tenders in respect of variations of these contracts would be most undesirable.

The Bill therefore authorises the parties concerned, by agreement in writing, to vary the respective contracts without inviting tenders, and where this is done, notwithstanding

any provision of the Local Government Act or any ordinance of the council, the variation shall be deemed to have been validly made and to have full force and effect as from the date of the agreement.

My colleague the Honourable the Minister for Employment and Industrial Affairs is shortly to introduce a further Bill that will relate to industrial matters in relation to the administration of garbage contracts in the city, and he will explain to the House in detail what is proposed in that regard. The Bill that I am introducing is complementary to that legislation, and is designed to assist in the total action proposed to be taken by the council to avoid further disputes within the refuse removal system in the city of Brisbane.

I commend the Bill to the House.

Debate, on motion of Mr Shaw, adjourned.

## CITY OF BRISBANE MARKET ACT AND OTHER ACTS AMENDMENT BILL

### Second Reading—Resumption of Debate

Debate resumed from 21 November (see p. 2678) on Mr Turner's motion—

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

Mr KRUGER (Murrumba) (2.55 p.m.): I bring to the notice of the House that the sausage machine, which is what this place has become, is again in operation. Fortunately, the legislation does not have a great deal of content. As the shadow Minister for this portfolio, I have allowed the debate to proceed today, although, under Standing Orders, a period of seven days should have elapsed since the Minister's second-reading speech. Although the Opposition is prepared to debate the legislation, which is limited in its scope, it is not happy with the Government's adoption of these sorts of procedures. I make it quite clear to the House that this sort of thing occurs every time the Christmas recess is approaching. It is neither right nor proper for the Government to pass legislation in this way. The legislation was introduced only last Thursday and the Government should not expect it to pass through the House today.

Because I was able to read the legislation fairly quickly and absorb it, I am not worried about my position, but the Opposition has had a limited period in which to obtain an input from people in the industry in country areas. The Opposition would like to have that sort of input so that the legislation can be properly debated.

What has made things a little easier for me is that the Opposition is not opposed to the legislation. As the Minister is in charge of the Bill, he would be aware—some other members may not be—that the City of Brisbane Market Act is only the lead-up to all those other pieces of legislation that are associated with the Bill. The legislation contains five or six changes that affect statutory authorities. Those changes are very similar; in fact, they read almost word for word. Having read the Bill, I realised that by having read the first part of it I had, in effect, covered the remainder of the amendments relating to the other statutory authorities. Even though that may make the Bill look a little bigger, it makes it quite simple to address the matters in it.

The Bill deals entirely with superannuation matters. As the Minister noted in his second-reading speech, the amendments are of a machinery nature. They relate to retirement benefits for employees of primary industry statutory authorities. We on this side of the House agree with that. We have always believed that people in the work-force ought to be entitled to such benefits. The Opposition believes that every worker should be encouraged, at least, to join a superannuation scheme.

In his speech, the Minister said—

“This Government maintains a continuing review of its policy in relation to superannuation . . .

This is recognition of the Government's responsibility for ensuring, through proper legislative authority and proper audit provisions . . .”.

The amendments to the City of Brisbane Market Act, the Fishing Industry Organization and Marketing Act, the Fruit Marketing Organisation Act, the Milk Supply Act, the Primary Producers' Organisation and Marketing Act, the Queensland Grain Handling Act and the Sugar Acquisition Act provide that all the employees under those Acts have an entitlement to a superannuation scheme.

That is quite different from what happened some time ago to the workers of the South East Queensland Electricity Board who, in many cases, at the hands of this Government lost the benefits of the superannuation schemes with which they had been associated. It seems to me that the Government has two sets of rules—one for people associated with statutory authorities in the primary industry field and one for SEQEB workers in the industrial arena. I find that contradiction quite odd. If the Government wants to support the employees of these statutory authorities, why did it not support the SEQEB workers? I do not object to these people getting this sort of support but I condemn the Government for not adopting the same sort of attitude towards the SEQEB workers. Although the SEQEB dispute was not directly associated with the Minister, that fact ought to be recorded in *Hansard*.

**Mr Turner:** These are employees; they are workers.

**Mr KRUGER:** Those who were sacked by SEQEB were employees, too. Will these people be hit in the same way if they do not turn up for work on a couple of occasions?

The approval mechanism that is to apply to the new superannuation scheme and variations to the existing scheme comes under the control of the audit provisions. That is reasonable. The Governor in Council and/or the Minister ought to be looking at new schemes before their introduction. That is reasonable and what honourable members expect. There is no point in introducing a scheme that needs to be chopped around. If the Governor in Council and the Minister are doing their job correctly, any alterations to a scheme that is introduced should be designed to safeguard the people who have contributed a fair portion of their wages into a scheme that will become their retirement fund. I do not think that anybody could knock such a system. The scheme ought to be controlled in a right and proper manner. The way to do that is through a competent Governor in Council or a competent Minister.

I can see no problems with any other provisions of the Bill. I realise that all the authorities are tied in together. It would be ridiculous if the City of Brisbane Market Act was amended without amending other Acts to which similar circumstances apply.

The amendments involve only slight changes to the principal Acts. Two or three of the amendments are exactly the same. It is common sense for the Acts to be amended in this way. The Opposition cannot find a great deal on which it can criticise the Government in this instance. I referred to the SEQEB workers when I made a comparison between them and the persons working in statutory authorities.

**Mr De LACY (Cairns) (3.2 p.m.):** I want to use the opportunity presented during this debate to ask the Minister a question. I hope that, with his indulgence, he will answer it. I do not seem to have the opportunity of asking questions during question-time any more.

**Mr McPhie:** That's because Comben asks 21-part questions.

**Mr De LACY:** I think that the honourable member will find that that is not the main reason why Opposition members do not have an opportunity to ask questions during question-time; rather is it that long and convoluted answers are given by Ministers to Dorothy Dix questions.

The Opposition spokesman has already indicated the apprehension felt by members of the Opposition about the sausage-machine effect towards the end of the session of running pieces of legislation through Parliament. The Minister has foreshadowed that during this session he will introduce legislation on soil conservation. I ask him: Will that piece of legislation be introduced? I understand that, in December 1984, at the

inaugural meeting of the Soil Conservation Advisory Committee, which was formed on the basis of the Eather recommendations, the Minister foreshadowed that legislation would be drafted to manage soil conservation in Queensland. I have heard on the grapevine that it would be introduced during this session and that the basis of the legislation would be to put greater emphasis for the control of soil erosion back onto the farmers and the land-holders themselves.

It is fairly common knowledge that the Opposition is not happy with the Government's attitude towards soil conservation in Queensland. The Opposition does not think that enough resources and planning are going into soil conservation. The Opposition believes that Queensland is falling behind in protecting the scarce soil resources in Queensland. If the Minister would add another string to his bow in responding to the issues that the Opposition has raised, perhaps he would state whether he is introducing soil conservation legislation. If not, when can it be expected? If legislation will not be introduced, why not? Does the Minister think that the situation does not require its introduction?

**Mr PALASZCZUK (Archerfield) (3.4 p.m.):** I support the concept of the superannuation provisions contained in the Bill. Yesterday, during the debate on the Queensland Theatre Company Act and Another Act Amendment Bill, I said that because members of Parliament are covered by a most generous scheme, superannuation should be provided to as many workers as possible.

As the market is in my electorate, I will make a few comments on it. A few weeks ago, I received a report from a very reliable source that, on that afternoon, which was a Friday, bananas, melons and cabbages were being dumped on the Willawong tip. I was informed that the bananas were quite good.

Rather than being dumped, good produce should be offered to welfare organisations, such as the Salvation Army, St Vincent de Paul and Lifeline. I made that statement in the local newspaper, *The Satellite*. A few days later, I received a letter from Hopgood and Ganim, solicitors for W. S. Williams, banana merchants, of Rocklea markets. I will read that letter and also my response to it.

The letter reads—

“We are the solicitors for W. S. Williams, merchants of Rocklea Markets.

Our client has instructed us to write to you expressing his concern at an article which appeared in ‘The Satellite’ on Wednesday November 13 on page 3 and titled ‘Fruit, vege dumping angers MP’.

In the context in which our client's name appears in that article, the impression is given that it was responsible for dumping, on at least one occasion, fruit which could otherwise have been given to charities etc. We are instructed that this is not the case at all and we wish to record the true situation as follows:—

- 1 The particular bananas in question were diseased and this fact was known to the Department of Primary Industries and the Department of Agriculture.
- 2 The New South Wales grower involved was advised by the Department of Agriculture and is at present reconstituting his plantation to eradicate the disease.
- 3 The fruit in question was dumped by our client on the instructions of the grower.
- 4 As a merchant rather than a grower or agent of a grower, our client would never receive a notice of condemnation of fruit from the Department of Primary Industries.

As you can see from the foregoing, the implication, which is contained in the article and which flows from the comments which you made, is quite erroneous since our client has never been responsible for dumping ‘good quality fruit and vegetables’. We are instructed that upwards of 10 people approached our client on the day following the article, the upshot of their comments being that our client

was irresponsible and/or that the fruit and vegetables stored by them were below par. We are of the opinion that our client's business has suffered as a result of the inaccurate and misleading report and we have advised the Editor of the newspaper concerned that our client has reserved its rights in relation thereto.

We believe that the effect which your comments and the subsequent article have had on our client's business merits some response."

In reply, I sent the following letter to those solicitors—

"Dear Sirs,

I refer to your letter of 18.11.85 concerning an article in the *\*Satellite\** of 13 November 1985.

I take the strongest exception to the tone of your letter.

A careful reading of the article will show that at no time did I refer to your client.

As a Member of Parliament I consider it my duty to inform the public of any matter that I consider of public importance.

This I will continue to do when ever the need arises."

**Mr McElligott:** Who did squeeze the bananas?

**Mr PALASZCZUK:** I would rather not answer that.

At no time did I mention W. S. Williams. The name was certainly mentioned in the article, but I did not mention it as I did not have a clue who was the merchant involved.

It is a fact that, on Friday afternoons, when the cold stores are full, the produce will not keep over the week-end and must be dumped. I accept that. That is also necessary in times of glut, as the tomato-grower was saying in an article in this morning's edition of *The Courier-Mail*. That article is headed, "Tomatoes tops—but the growers see red". It states—

"BUNDABERG tomato growers are praying for monsoon rains—not to make their crops grow but to destroy them.

According to the city's Fruit and Vegetable Growers' Association, over-production has sent prices plummeting to between \$3 and \$5 a case, or up to \$3.50 below production costs."

As I said, when a glut occurs, the problem arises of disposing of fruit and vegetables. I am very annoyed that this firm of shyster lawyers should write to a member of Parliament in those terms. As I told the people at the market last week when I visited them, if the same situation arises again I will give them another serve. It is significant that no produce was dumped at the Willawong tip last Friday afternoon.

**Mr INNES (Sherwood) (3.10 p.m.):** The operations of the Brisbane Market have as significant an impact on people in my electorate as they do on those in the Archerfield electorate. Although the market is in the electorate of Archerfield, the residential areas of that electorate are farther away from the market than are the residential areas of my electorate.

I raise briefly a matter of concern to me. In the year of the greatest glut of vegetable products in Queensland's history, which I understand from people in the market has been reflected in the worst-ever prices received, actions have been taken that are designed to minimise rather than to maximise the sales of fruit and vegetables through the Brisbane Market. Indeed, the honourable member for Archerfield has already made reference to that.

Thousands of housewives in Brisbane use what one could say is almost the historical right of access to the market-place by using the market at times when they are not in conflict with the principal users. For hundreds of years, people have had the right to go

to a public market-place to purchase fruit and vegetables. I have no objection to the primary use being reserved for the major users, who are those supplying the retail outlets. However, at a reasonable hour of the day—not very early in the morning, but after 9 o'clock, I think it was, on a number of mornings a week—housewives were able to purchase directly from wholesalers at the Brisbane Market. That was of distinct benefit to the wholesalers.

I have declared my interest. Until the re-arrangement took place, my wife would buy three, four or five cases of fruit a week. However, the time of admission for the general public has been altered to 10.30 a.m. I am raising this complaint not only on behalf of my wife but also on behalf of dozens of people from my electorate and nearby electorates who have complained to me. Housewives used to be able to drop their children at school, drive to the market and buy their fruit and vegetables.

The parking fee at the Brisbane Market has been raised. I have no objection to a parking fee; that is reasonable. It was a modest fee. However, simultaneously with the raising of the parking fee, there was a deferment by an hour and a half of the time at which the public could enter the markets.

A woman has only so much in her budget each week. If she goes to the local greengrocer, her budget allows her to purchase only a quarter of the amount of fruit and vegetables that it purchases at the market. Although it is not an essential of life, perhaps an orange or a banana day for a child's little lunch is a necessity.

Because of the volumes encouraged to be consumed by the ready access to the market that formerly existed, far more fruit, in particular, and vegetables were sold. Most people can either take or leave fruit. If the price is too high, people leave it. At a time when the production of fruit in the State has been at its highest level and the prices have been at their lowest, action taken at the Brisbane Market has restricted the throughput of product. The general public has deliberately been deterred by action taken at the market from having free and ready access to the market.

I make it perfectly clear that I have no objection to the greengrocers—the sellers of fruit and vegetables—having prior access. They represent a very important outlet for the primary producers. However, it is ludicrous—it is insane—to cut off one's nose to spite one's face.

I realise that the access hours are undergoing review, and I know that the Minister is a man with common sense who has the interests of the primary producers at heart. I ask the Minister to use his influence and inform the market trust that the experiment has not worked, and that it is not in the interests of the primary producer. The primary producer wants greater access to markets that will facilitate a greater throughput of fruit. He does not want the ludicrous situation of dumping fruit, as has been mentioned by the honourable member for Archerfield (Mr Palaszczuk) and, on my understanding, is something that actually occurred.

In short, the experiment was stupid. The market trust has cut off its nose to spite its face, and its actions have not given assistance to the primary producer. Let people, particularly housewives, have access to the markets from a reasonable hour, say, 9 o'clock. I would not argue about the parking fee so much if it did not appear to be part of a deliberate pattern designed to deter the ordinary person from having access to the market. That is an example of one of the ludicrous market-response situations; that is, it has been a tough year, so if buyers are excluded, the value of the product increases. That simply does not happen.

I will not speak for myself, because I may be better off than many of the people who live in my electorate or in the surrounding areas. The average woman who has to care for a large family may spend \$100 to \$125 a week. She may set aside \$20 for fruit and vegetables. She can spend that either on a small quantity of highly priced fruit and vegetables at the local store or on four times that quantity at the market; which provides four times the benefit to her family and four times the throughput for the primary producer who brings his goods to the market.

The experiment is stupid, short-sighted and not in the interests of the people whom the Minister seeks primarily to represent. I ask the Minister to use his influence to cause the operations of the market trust to be reviewed.

**Hon. N. J. TURNER** (Warrego—Minister for Primary Industries) (3.17 p.m.), in reply: I thank the honourable members who have made a contribution to the debate. The honourable member for Murrumba (Mr Kruger) is the Opposition spokesman, and he correctly described the legislation as a machinery amendment that relates to superannuation legislation. As I indicated in my second-reading speech, the amendments also cover a number of pieces of legislation and are put forward in line with Government policy. The Bill is designed to introduce accountability into the primary industries statutory authority areas, and I do not consider that that matter has any direct relevance to the South East Queensland Electricity Board dispute, which the honourable member for Murrumba mentioned.

The honourable member for Cairns (Mr De Lacy) used the opportunity provided by the debate to ask a question. I suppose I could ask that that question be placed on notice; but in all seriousness, I emphasise that the issue of soil conservation is one of concern to me, as it is to everyone who is associated with primary industry.

The fact of the matter is that the Queensland Government has passed a Soil Conservation Act, the Act is currently under review, and it has reached the stage of being examined by the Parliamentary Counsel. I had hoped to introduce amendments to that Act this year, but the pressure of other business has prevented my doing so. I intend to introduce legislation on the matter in the new year.

The honourable member indicated that insufficient resources have been channelled into dealing with problems associated with soil conservation in this State. That may well be said of every State in the nation. However, I point out that the Queensland Government contributed \$6m to soil conservation projects, whereas the Commonwealth Government saw fit to allocate only \$4m on a nation-wide basis. If one compares the \$4m contributed by the Commonwealth Government to primary industry with the \$30m that it will contribute to the defence of the America's Cup, it can be seen that the Commonwealth Government is not contributing sufficient funds to enable the problem to be properly dealt with.

The honourable member for Archerfield (Mr Palaszczuk) must have thought that the Bill was banana legislation in particular, but he also mentioned that market produce has been dumped. I point out that when gluts occur—usually at the beginning of summer—dumping is an annual practice that commonly occurs because some of the produce is of poor quality and some is surplus to demand. The problem cannot be resolved by giving away the produce, because in many cases the distribution cost would be greater than the value of the goods.

The honourable member for Archerfield has amply demonstrated the plight of many primary producers throughout the nation at present brought about by over-production and because costs associated with producing the goods are often greater than the value of the items produced. Primary producers are not making very much money at present.

The honourable member for Sherwood (Mr Innes) suggested that the policy of market administration was designed to minimise sales. That is complete nonsense; moreover, that argument has little to do with the contents of the Bill. The legislation is designed to provide a head of power that will enable staff superannuation schemes to be established by primary producer statutory authorities.

I indicate to the honourable member that I visited the market last week and talked to retailers, wholesalers and members of the Brisbane Market Trust. The market is a public market and is open for certain hours on certain days. It is not open for other periods, mainly because of safety factors associated with buyers operating in the morning.

**Mr Innes:** I was not suggesting that the policy was not to sell as much as possible. I was suggesting that the changes in the past—

**Mr TURNER:** I must have misinterpreted what the honourable member said. I am aware that there are problems. I guess that there always have been and always will be problems in markets such as the one in Brisbane. Changes are being made constantly. The improvement of the market is under consideration at all times. I see no problems at the moment.

I thank honourable members for their contribution to the debate.

Motion (Mr Turner) agreed to.

#### **Committee**

Clauses 1 to 21, as read, agreed to.

Bill reported, without amendment.

#### **Third Reading**

**Hon. N. J. TURNER** (Warrego—Minister for Primary Industries), by leave: I move—

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

**Mr INNES** (Sherwood) (3.22 p.m.): To put the record quite straight, I point out that I am not suggesting that the business and policy of the market are not to ensure that the maximum amount of fruit and vegetables is sold on behalf of primary producers. I also point out that I have enjoyed a good relationship in the past with the administration at the market. A good job has been done.

I wish to clarify that the policy on access by the public was changed very recently on an experimental basis. I am saying that that experiment has not worked and is not maximising sales at the market.

Rather than suggesting, as the Minister appeared to understand me to say, that the whole access of the public and the whole of the administration are wrong, I am saying that the changes in recent times have been detrimental. I speak on behalf of the consumers, who now spend far less and buy far less than they used to. I submit that the experiment should be terminated and access should revert to what was in vogue until a couple of months ago.

**Hon. N. J. TURNER** (Warrego—Minister for Primary Industries) (3.23 p.m.), in reply: When I replied at the second-reading stage, I indicated that I must have misunderstood the way in which the honourable member put his case. I have no more to say on the matter.

Motion (Mr Turner) agreed to.

### **LOCAL GOVERNMENT AND CITY OF BRISBANE TOWN PLANNING ACTS AMENDMENT BILL**

#### **Second Reading—Resumption of Debate**

Debate resumed from 21 November (see p. 2677) on Mr Hinze's motion—

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

**Mr SHAW** (Wynnum) (3.24 p.m.): The Bill covers a wide range of subjects, most of which are very important. I believe it should have lain on the table for longer, although I acknowledge that the Minister made his staff available to answer any questions raised. Nevertheless, it is better if more time is available and, as the Opposition spokesman said when debating the previous Bill, it is better if legislation lies on the table long enough to give the public time to examine it and make comments and suggestions on

what they believe should be done. It is a pity that, so often, we find ourselves in the position of having to rush Bills through the Chamber.

The Bill improves the way in which local government will operate in this State. Consequently, the Opposition welcomes some clauses in the Bill, but I indicate that it must oppose other clauses, the most notable of which is the one that imposes costs on objectors who appeal against local government rezonings.

A great deal of publicity and public comment surrounded the previous Bill that was introduced by the Minister and is superseded by this Bill. When the Minister introduced the previous Bill, he proposed that the right of third parties to object by way of an appeal be completely removed. The Opposition and many people throughout the community expressed the view that it would be totally wrong to remove the right of objectors to take their appeals to court.

The amendments before us today certainly do not eliminate appeals in the way that was proposed in the previous Bill. What we have now is a much more subtle approach. Nevertheless, what is proposed still viciously restricts the rights of citizens to protect, to the utmost, the value of their property. When citizens are faced with rezonings to allow the establishment of industries that have the effect of devaluing their property, they are entitled to fight those rezonings as far as possible.

I cite a case that came to my attention during the recent Redlands by-election campaign. A man complained to me that he went to the Redlands Shire Council office in Cleveland and viewed the town plan. A representative for him also viewed the town plan and found that the house that he proposed to erect would be situated in a residential area, which would be surrounded by other residential areas. Construction began. At the time that I spoke to that man, the painters had not begun work and the house was not complete. Already, the town plan has been amended, and a noxious industry is to be established across the road from his property. That sort of thing is inexcusable. That man had done everything that he was supposed to do. He had a young family and he was building a house. Owing to the amendment to the town plan, the value of his property dropped, and his chances of selling it were greatly reduced. Those sorts of things should be avoided.

I have had a running debate with the Minister for Industry, Small Business and Technology (Mr Ahern), who is constantly advocating a relaxation of the protection provided, which tends to hamper the establishment of noxious and hazardous industries in certain areas. When we consider the plight of people, such as the man to whom I have referred, we understand why it is necessary to provide that protection.

Because of the amendments before us today, there is no doubt that many people will not take their objections to appeal. The rich people will. What we have here is justice for the rich. It is not only the ordinary people who have been guilty of misusing the appeal processes to hold up developments. Many wealthy developers have done so to restrict their competitors. A well-known airline company—there are only two of them—is taking a case to appeal and restricting the efforts of a council which, quite legitimately, wants to give approval to a competitor to establish a development similar to that operated by the airline company.

With these sorts of amendments, airline companies or, say, the Bond Corporation will be able to use their money to delay justice as long as possible. However, the ordinary house-holder, who, often with good reason, fears the courts and fears putting his future in the hands of solicitors, will stop short of taking that sort of action. These people will be denied justice, but every opportunity will be afforded to those who can afford it.

That is not the right way to ration out the rights of appeal or to restrict the rights of appeal. They should not be rationed on a cost basis. Justice should be available to all. For that reason, I do not oppose the proposal to streamline hearings before the courts, because that is the answer. If people appeal unjustifiably and, within a couple of weeks of lodging their appeal, the preliminary hearing is held and the case is thrown out, that will reduce delays in the system. Those people cannot go on delaying the matter

if it is shown that they do not have a case. If they can establish a case, the delay that results is clearly justified. Under this legislation, it appears that the rights of objectors are preserved. However, in truth, only a facade remains.

The Bill extends exemptions from the regulations controlling the fencing of swimming-pools. I have many reservations about this provision. The department and the Government are trying to achieve their aims by using the wrong methods. Honourable members will recall that, last year, an amendment was introduced that enabled the Minister for Local Government to grant, to tourist resorts on islands, exemptions from the swimming-pool regulations. That amendment was aimed specifically at one case. It is inevitable that owners of other resorts will come to the Minister asking why island resorts are exempt from the regulations pertaining to the fencing of swimming-pools when they are not. No doubt other resorts can put forward exactly the same case for exemption. The swimming-pool regulations should be taken back to the drawing-board to eliminate problems that affect tourist resorts, other commercial enterprises and private residents.

The definition of "resort", on which one of my colleagues will enlarge, is very broad. The Minister will have to decide which resorts must fence their swimming-pools and which need not. He will have to decide which resorts are the special applicants that will not have to provide the safety precaution of fencing. As the Minister pointed out in his second-reading speech, pressure for the relaxation of the regulation is based on aesthetic grounds. Resort-owners are concerned about the detraction from the aesthetic qualities of their establishments that fencing causes.

If resort-owners have this right, why is it that private home-owners and motel-owners do not? It may well be that, under the new, relaxed regulations, motel-owners will be able to apply for exemption. However, why is it that their problems have not been dealt with in this Bill? Private and commercial owners are certainly entitled to the same sort of protection.

The Minister will have the terrible responsibility of deciding where children's lives shall be placed at risk. I have been involved in some depth in this question of the provision of safety fences and other safety precautions around swimming-pools. I know how involved the matter can be. Right from the beginning there are trade-offs. There is no absolutely certain way of doing it. The Minister will be placed in the position of having to decide, at some distance, where those chances will have to be taken. I would not like to be in that position. If a fatality occurs later, he will be for ever asking himself whether or not he has done the right thing.

If a risk does exist—and it clearly does—wherever the safety precautions are lessened, the risk is increased proportionately. If the risk is acceptable at those tourist resorts, it is also acceptable in other places. What the community can expect to see is a progressive diminution of the safety precautions that exist. That has not been approached from the right way or with the correct amount of research, but has resulted from submissions that have been made to the Minister.

The whole question highlights the problems of fencing around swimming-pools that have existed right from the beginning when these regulations were introduced. The problems need to be taken back to the drawing-board and reconsidered from square one. Perhaps that could be a job for the Minister's party committee, of which he spoke the other day. Those back-benchers could be asked to go back to square one and decide why it is that right throughout Queensland the swimming-pool fencing ordinances have created problems.

The aim is to save lives. That is a very worthwhile aim. The fact is that the ordinances are not being enforced. There are problems. In Brisbane, the provincial cities and all round Queensland, they are not being enforced, and the reason why they are not being enforced is that they have not been applied with sufficient common sense and the real problems are not being addressed. Safety precautions are not merely a matter of providing fences; the provision of quick first-aid is also very important. Statistics show that the number of accidents that result in children being immersed in water and in other situations resulting in drownings is much lower in school swimming-pools,

where there is adequate supervision, than in unsupervised areas. I think that something like 75 per cent of the accidental immersions that occur in school swimming-pools and places like that do not result in fatalities, whereas in unsupervised situations the majority of accidents result in fatalities. That is evidence that the problem goes much further than merely the provision of fences around swimming-pools. A number of other questions need to be addressed. The aim is to provide safety, not merely to provide fencing.

Some time ago, I had some experience in this matter when the Brisbane City Council was involved in efforts to provide some sort of protection around swimming-pools. At that time, some ridiculous things were happening. Some swimming-pools were poorly lit and located very close to unfenced property alignments near intersections. Anybody who strayed only 6 ft off the constructed footpath could fall into a swimming-pool. That was quite ridiculous and something needed to be done about it. As a result, the Brisbane City Council moved to introduce swimming-pool fencing regulations. Other authorities had already done that and many had already run into problems. The Gold Coast City Council, because of the problems that it faced, had backed away from the problem completely.

The Brisbane City Council move attracted 2 000 objections, mostly from the trendy western suburbs. Many of the objections were part of an intensive emotional campaign, and it is ironic that many of them expressed the fear that the introduction of the regulations would be the thin end of the wedge, and that more stringent and less commonsense regulations would be introduced. As a result of those objections, the proposal was thrown out. Nothing was done for three or four years. Ultimately, some ridiculous regulations containing the items feared by the objectors were introduced.

The greatest percentage of swimming-pools constructed in Brisbane these days are not constructed in accordance with the regulations. There is good reason for that. The regulations are not sensible or realistic and do not recognise the real needs of the community.

The Bill should address the matter of aesthetic requirements. If a person spends between \$6,000 and \$10,000 on a swimming-pool, he does not want it to look unsightly; he wants it to blend in with the environment. The requirements should reflect that need. It is possible to do that. I sincerely hope that the Minister will give serious consideration to referring this matter back to his committee so that it can agree on some recommendations. A complete review might lead to the introduction of standard swimming-pool fence regulations for Queensland that are acceptable and recognise the problems of tourist resort owners and private home-owners, rather than the piecemeal legislation that is before honourable members.

While mentioning the issues that I would like the Minister to refer to his committee, and without stretching anyone's patience by going through the whole matter again, I should like to refer to the cost of licences for plumbers and drainers. Last night, I said that the Minister should reconsider the amount of the proposed licence fee. I said that about \$5 would be realistic. I will reconsider that and say that perhaps the Minister could recommend that his committee make a realistic assessment of the costs involved and come up with a figure not in excess of \$10. That would still net the Government about \$100,000 a year. It would be a realistic and sympathetic approach to adopt on behalf of those people, be they only a few, who want to retain the right to be able to earn a living. Licence costs should not preclude them from doing so.

The fixed term for the deputy chairman has been the subject of debate and discussion for many years. That issue is addressed in the Bill, and it is something that all local authorities will welcome. I do not know why that situation prevailed. The Act afforded protection to the deputy chairman and to no other person in the council. The chairman did not enjoy such protection.

**Mr Hinze:** I could never understand it.

**Mr SHAW:** Most people do not understand it. I have no doubt that when it was introduced there was some reason for it. Whatever that reason was, it has been lost for

a long time. I fail to see why the deputy chairman was the only person who received protection. When that provision is removed, honourable members might discover the reason for that provision. Its removal will be welcomed by all councils.

I turn now to what I will describe as the Peter Kurts provision, which relates to restrictions on subdividers who seek out old subdivisions, wherever they might be, that are not subdivisions at all, and, for want of a better word, con people into purchasing those properties. These days, when people purchase a block of land on an estate, they expect that it will be provided with a bitumen road, kerbing and channelling, a footpath and perhaps underground electricity. Purchasers of blocks of land expect basic services. People are given a spiel by salesmen, who tell them that the services are not there at the moment but that they will be provided later by the council, and the people believe it.

Frequently, developers say to purchasers—usually young people looking for a cheap block of land because they are unable to afford something better—“To help you, our solicitor will look after your conveyancing costs.” The purchasers then lack the protection of a legal representative acting on their behalf, and they do not discover until it is too late that these services have not been paid for by the developer, that they are not to be provided, and that they will have to wait until the council becomes sympathetic, raises the funds and carries out the work needed to provide those basic services.

It has gone on for far too long. I welcome the attempt to do something about it. However, I wonder whether or not it is being approached in the right way. I will have to accept the assurances of the people who ought to know that zoning the land will achieve that end. Frankly, I have some doubts. I have not really had the time to research the types of zonings that could be available and would be appropriate for the council to apply to that property so that, rather than dwelling-houses being built on it, the land could be put to other appropriate uses.

**Mr Hinze:** If you have any worries, mention them now and I will have answers for you tomorrow.

**Mr SHAW:** I will leave it in the Minister's hands.

I do have reservations about the concept of special uses zonings. Some years ago, when a problem arose in relation to an industrial concern, I did suggest to the Minister that a special uses zoning was an appropriate way of overcoming the problem. In those days, it was fairly novel. However, in recent times, the special uses zoning seems to be becoming all too common. The stage is being reached at which the special uses zoning is being misused and other means of overcoming the problems and providing control are needed.

The special uses zonings, as most honourable members would be aware, restricts owners from development that would not be in the best interests of the community and provides for a use that is acceptable to the local authority and over which the local authority has some control. Like development control plans, the special uses zoning does have benefits and it has been a way out. I will come back to that later. The stage has been reached at which the special uses zoning has been misused, and I look forward to hearing from the Minister how that problem will be overcome. It is long overdue and will be most welcome.

I have mentioned the way in which development control plans have become so popular that the Minister has said that he believes that their use has got out of hand, that they are being misused and that he has had to curb their use. Local authorities saw development control plans as a way of exercising their authority and autonomy to control development, especially development of noxious and hazardous industries, which always pose difficult problems.

Development control plans could insist on buffer zones round noxious and hazardous industries as they developed, using flexibility, which, in my opinion, is the only course to sound planning. Development control plans have been adopted, albeit too

enthusiastically, by local authorities to retain flexibility and maintain effective development control.

Reports have been issued indicated that the Minister has, on the recommendation of the Brisbane City Council, thrown out the development control plan for the mouth of the Brisbane River. That plan contained a number of worthwhile features. It offered a great deal of protection to citizens, which they have sought for many years. Unfortunately, neither the Brisbane City Council nor the Minister has said why it was necessary to reject that plan. With good reason, the residents of the area are concerned because the protection that they believe the plan would offer them will not materialise. They fear the sorts of things that appear to have been suggested by the Minister for Industry, Small Business and Technology (Mr Ahern).

**Mr Hinze:** I give you an assurance that we will endeavour to protect the rights and interest of those residents who are in the area and who have worries and fears about the Government's intentions.

**Mr SHAW:** I accept the Minister's good intentions, as I accept the intentions of his colleague the Minister for Industry, Small Business and Technology, who says that it is not his intention to take away the right of people to object to the establishment of noxious industries nearby.

**Mr Hinze:** Those people already in the area would have a prior right, wouldn't they?

**Mr SHAW:** They should have.

I will give the Minister more details of the instance in Cleveland, where those rights have not really been maintained. I accept the Minister's intentions and realise that it is a very difficult matter to deal with. Contrary to the statement made by his ministerial colleague, I believe that the only real answer is to judge each case on its merits. The Minister for Industry, Small Business and Technology said that the only industry that should really be regarded as noxious and hazardous was a fireworks factory, which uses gunpowder. He said that clearly that would be hazardous and should be placed in a zone somewhere else. That is not necessarily true. It is quite possible that the manufacture of fireworks could be carried on in a building that was so constructed as to contain any possible explosion. Other precautions taken could make it feasible to place such a plant reasonably close to other development without creating any danger. I give that as an illustration, to highlight my point that each application must be considered on its own merits. However, I accept the assurances of the Minister and look forward to his further comments on it.

The Bill provides also for restraining orders to be imposed on people who defy town-planning regulations. That is very welcome. For far too long, those whom I call bandits have been able to defy town-planning regulations at will. Many of them are involved in business activity that would involve a great deal of expense to establish legally. It is far cheaper for them to pay the fines imposed by the courts from time to time. After having been through the court a number of times, they know the law even better than those prosecuting them. They know every loophole and every means of extending the process. Many have been able to operate indefinitely. I am aware of some who have been operating for 12 or 15 years in clear breach of the law. They have been able to get away with it through having a knowledge of the loopholes in the law.

On the other hand, residents are quickly taken to court and prosecuted for erecting a car-port in the wrong place or committing what I term minor infringements. In my view, local authorities should give the Nelson treatment—turn a blind eye—to the electrician who operates from his own home, for example. The people who suffer are those who abide by the law. In an instance such as I have described, the court will be able to exercise a discretion. I hope that restraining orders will be placed on those who blatantly offend against the provisions of the City of Brisbane Town Planning Act and regulations and cause nuisance to the community.

I turn now to what might be described as the latest episode in the "Thuringowa farce". The shire councillors have applied pressure to the Minister to redesignate the area as a city. Although they have probably acted in what they believe to be in the best interests of developing the area and although I do not suggest that they have an ulterior motive, I do believe that it is nonsense to suggest that such a move will prevent the Townsville City Council from taking over the area. Perhaps it would have been wiser if the Minister had not acted as an indulgent parent but had said, "Look, you have no real problems and it is nonsense to redesignate a shire as a city when, according to the widespread understanding of the word 'city', the area could not properly be described in that way." The Minister and the officers of his department should have pointed out that the change would have given rise to a number of silly problems.

Honourable members are now presented with the first problem that has arisen. Because Thuringowa is redesignated as a city, representation will have to be reduced. The citizens of the area have a right to expect that cost savings will be effected by reducing the number of elected representatives. After all, a change in designation involves costs associated with reprinting stationery, changing names on motor vehicles, and a number of other cosmetic alterations.

The change has no doubt been made as a matter of expediency. Although it is not of a major nature, it must be opposed as a matter of principle. Those who have advocated the change cannot have the best of both worlds. Along with the benefits, they must expect that costs will be involved in a change of title. In the long term, Thuringowa will develop and become prosperous or it will not, but its development depends on a sound economy, good administration and the industrious efforts of its citizens. Whether the area is known as a shire or a city will make no difference at all.

**Mr INNES (Sherwood) (3.59 p.m.):** This is probably the last occasion on which the present Director of Local Government will be in attendance at the House in connection with the Local Government Act. I realise that other legislation will be presented by the Minister for Local Government, Main Roads and Racing (Mr Hinze), but I understand that the director (Mr H. N. Jacobs) will retire early next year. Because honourable members are not certain whether Parliament will resume in January——

**Mr Veivers:** We will come back, won't we?

**Mr INNES:** I do not know. In any event, that is not the issue on which I am commenting at the moment.

On behalf of the Liberal Party, I record its great appreciation, which I am sure is shared by the people of Queensland, particularly those in local authorities, of the actions, the unfailing courtesy, friendship and dedication that the Director of Local Government has displayed in his job.

**Honourable Members:** Hear, hear!

**Mr INNES:** His enthusiasm for his job cannot be doubted, nor can his realisation of the importance of local government. There is no doubting the personal friendship and the human network that he has built up. Despite all the complexities and growth in modern democracy, I am sure that every one of us is attracted by, and responds to, the human network. If we know a person, if we tap an unfailingly attentive and friendly ear, somehow that simplifies dealings, makes for more personal and friendly service, and makes more controllable the complex world in which we live.

The Minister has always given Mr Jacobs his head. His advice and friendship have been available to all who sought it, particularly those in local government. On behalf of the Liberal Party, I record the great appreciation and debt that we owe to the Director of Local Government.

**Mr Hinze:** You will be pleased to learn that the Government intends to retain the services of Mr Jacobs to revise the Act.

**Mr INNES:** I cannot think of a better person to take on that responsibility.

**Mr Hinze:** After 50 years.

**Mr INNES:** So long as Mr Jacobs feels so minded, I am sure that he has something to contribute to that area of government.

I should say that we hope the Minister is not brought to his knees in the Christmas period. If that should happen, I hope that the replacements are good and that he is back in action next year.

The amendments in this legislation address important matters. From the point of view of the Liberal members the most important amendment deals with the way in which appeals on rezoning are to be handled. It has led to controversy. I have not been behind the eight ball in making my opinions and those of my party known. We believe it to be a very important, fundamental principle that third-party objectors should have the same right of access to the court as the applicant. We applaud the Minister on his inevitable, if not instinctive, good sense. There are many pressures in the modern political world, but, in the end, we applaud the Minister. We believe that the correct broad solution has been found to leave the objectors with access to the Local Government Court.

As I said last week, the Liberal Party agrees with the broad thrust of the Government's attitude to industrial relations. Liberal members believe that the establishment of special tribunals brings with it very special problems and may remove from the mainstream of life and the resolution of conflict areas that inevitably get their own special rules. We agree with the Government's attitude in bringing industrial relations back within the general law, to be dealt with by independent people who are used to handling all types of human conflicts.

The same could be said about the issues of local government. They involve property rights. There is no magic about property rights. It is a matter of the land-owner wanting to do something contrary to the interests of the local authority and adjoining land-owners. That is a traditional area of operation of the courts.

The Local Government Court is a specialised court. No-one has really substantially impugned its integrity or the independence of its members. Some members of the court may have a reputation for being more sympathetic to one side or the other, but no-one has impugned a member of the court for coming under the influence of anyone or alleged that there has been any back-hander or private dealing. To preserve people's faith in the system, the integrity of the court must be central to any resolution of a conflict.

The Liberal Party believes that the Minister is right in deciding to leave the matter with the Local Government Court. My party does not object to the Minister's changing the onus of proof provision. If an applicant's application to rezone is supported by the local authority, the Liberal Party believes that moving the onus of proof onto the objector is a fair adjustment to overcome a problem.

**Mr Hinze:** What is your attitude in relation to the proposal to allow the court to award costs?

**Mr INNES:** The Minister might not be surprised if I indicate that the Liberal Party proposes to move a slight amendment. In the early 1970s, the Liberal Party's attitude, which was enshrined in the City of Brisbane Town Planning Act, was that, broadly speaking, there is a difference in relative strength and economic power between most objectors and most developers. If some people have plenty of money to pursue their course and the other side has no money to pursue its course, the legalities are adjusted by finances and not by virtue of the case.

The Liberal Party agrees with the Minister's proposal to give the court increased discretion in the matter of costs, but it will move an amendment to ensure that it is not automatic that the unsuccessful objector pay all the costs. The Minister proposes to

give a broad discretion to the court. Usually, the rule that the court follows in exercising its discretion to award costs is that the costs follow the event.

**Mr Hinze:** It is intended that there be a discretion.

**Mr INNES:** I understand that the Bill will probably be discussed in Committee tomorrow. I foreshadow that the Liberal Party proposes to make it perfectly clear that the rule for which the court opts will not be the rule that the costs follow the event, that the court will not automatically award costs against the objector because he loses.

The Liberal Party also proposes to move another amendment that it thinks will help. So often, developers, who usually have stronger financial resources, believe that they have to engage Queen's Counsel in a major development appeal. Usually, the Local Government Court is a facts jurisdiction. Cases can be conducted competently both by junior counsel and by the parties themselves. The Local Government Court has a history of people who are not lawyers learning how to handle the procedures and pursuing their own cases successfully.

The Liberal Party believes that a special certification should be made if the costs of senior counsel are to be awarded. People should not be terrorised into engaging senior counsel themselves or, if senior counsel are involved, into believing that costs will automatically be awarded against them. Most cases do not really require the skills of Queen's Counsel who are especially learned in the law and, undoubtedly, in the facts as well. The Brisbane City Council does not usually employ Queen's Counsel in the Local Government Court. Unlike objectors and other parties, the Brisbane City Council usually employs junior counsel.

**Mr Lickiss:** Usually, the matter is not black and white; it is shades of grey. It is a matter of opinion.

**Mr INNES:** Indeed, the decision is often a matter of opinion. It is a factual decision, not a complex legal decision.

The Brisbane City Council, which is the biggest user of lawyers in the local government appeal system in Queensland, finds that it can competently and adequately get by with junior counsel. The same rule could reasonably apply elsewhere. Again, the idea is that people should not be terrorised by the thought of Queen's Counsel being on the other side. Every time Queen's Counsel are introduced—

**Mr Lickiss:** That was brought in before; each paid his own costs.

**Mr INNES:** That is right. The danger is that, at this point, because some modifications are justified, with which the Liberal Party agrees, the Government must be careful not to go too far and throw the baby out with the bath water.

In his second-reading speech to the Bill that this Bill will cause to lapse, the Minister referred to the matter of economic competition. I agree with him that economic competition had become a frequent basis of local government appeals, but that had to be, because, three or four years ago, the Parliament put into the Act a provision that economic impact or effect was one of the town-planning criteria to allow small business to object to developments proposed by major retailers. The Minister cannot really complain now that the Local Government Court has heard a rash of cases based on the question of economic competition.

It is not my understanding that anything that the Minister has said, or anything that the Liberal Party and the Labor Party believe, suggests a movement away from the ability to give the smaller trader the right to raise economic impact as part of an objection to a town-planning proposal provided that the objection is valid. In short, the Liberal Party agrees that some readjustment is necessary.

It will also support the change in the onus of proof, but, with regard to costs, there is a danger of throwing it back into the main legal stream and making it totally discretionary. However, the use of discretion may not be exactly what the layman thinks

it is. Many Acts give a discretion to the courts and the courts say that, where a discretion is given, the usual rule is that costs follow the event—if you lose you pay. I do not think that that is intended, and, in this case, the legislation should not automatically go that far. So, with some small modification on the matter of costs, we are intending to reinforce, apparently, what the Minister intends.

So that the Minister has time to take these points on board, I raise a number of technical matters now rather than in Committee. I ask whether clause 18, which, in fact, refers to the City of Brisbane Town Planning Act, although it appears in the Bill among the clauses that relate to the Local Government Act, applies to the Brisbane City Council. Perhaps the Minister's advisers could take a look at that. That provision relates to easements, or the ownership of property within an easement. As I understand it, the city of Brisbane would like to enjoy the benefits of the operation of that provision. The council would like it to apply to the city of Brisbane as well as to other local authorities.

**Mr Hinze:** We are prepared to look at that.

**Mr INNES:** I thank the Minister.

I turn now to Part III of the Bill, which contains the amendments to the City of Brisbane Town Planning Act. In clause 31, "access" is defined, probably quite reasonably, in a very broad way. This clause refers generally to the rezoning of certain residential allotments. This issue causes problems for free enterprise people, such as the Minister and Liberal Party members, who believe strongly in the rights of property. In particular, the clause refers to historic—if I can use that term—subdivisions of land standing in small allotments that are not adjacent to established and growth communities. I recall dealing with a Queen Street Properties case in Redlands, in which Peter Kurts tried to develop a number of 16-perch blocks that were apart from any previous development in the area. Under the usual rules that apply, and given the usual regard in which free enterprise people hold property rights, a person who buys such a block is entitled to use it. The Local Government Act and the City of Brisbane Town Planning Act usually allow people, as a matter of right, to build residences on residential subdivisions.

The legislation has recognised the reality of some historical anomalies where subdivisions that were removed from services such as water, sewerage and electricity were drawn up but development did not occur. The legislation proposes to allow local authorities to rezone those areas to remove from them the facility of automatic residential rezoning, so that people cannot, as of right, build residences that are not serviced and then, at a later stage, if services are provided to the area or if they make the contribution for services, ask the authority for a rezoning.

I know that one of the matters that is concerning the Brisbane City Council is that "access" is defined in such terms that it could involve a one-run-of-the-grader road. The definition of "access" is a practicable means of entry for persons and vehicles. It does not mean a constructed road; it could be just a gravel road.

Such subdivisions exist within the city of Brisbane. Although they are unserviced, in terms of the definition in the Act, they do have access. Because there are delays in the conversion of that type of property back to another zoning, it could mean that a smart developer will move straight in with a building application. It must be dealt with as of right, which means that it is granted virtually instantaneously, and the developer begins whacking up houses, irrespective of the zoning. The land may not be zoned residential; but usually, in most zones, single-unit dwellings can be constructed as of right. That could result in the purpose of the legislation being thwarted by people moving very quickly and gaining automatic building approval. That is a fine balance.

The primary stance of the Liberal Party is that it respects property rights and respects the rights and the freedom of people to do what they want with their property. However, in the broad, the Liberal Party supports the social purpose of the legislation, which deals with the anomalies of old, unserviced areas and recognises that the desirable thing is to have them serviced. Therefore, the local authority must be allowed to take services to such areas and then rezone them, if necessary, as residential areas. Unless

the legislation incorporates a sort of in-prospect stopper, there appear to be clear ways around the intent of the legislation. I raise that and wait to see what the Minister has to say in response. Such possibilities arise because the process under that provision appears to be lengthy.

The Liberal Party does not propose to take significant issue with other matters raised by the Bill. The member for Wynnum rightly made a point of the discretion to be given relative to the building of swimming-pool fences. One really has to ask: Why are people forced to build swimming-pool fences in the first place? Why is a tourist developer morally in a better position to drown infants than a private house-holder? In fact, drownings are more likely to occur at a tourist development than in a private household. That is a harsh way of putting it, but it is a way of putting it that brings the House back to the real issue, which is the encouragement of people's general freedom, be it tourism or residential freedom. If that is the case, the rules should not exist. However, if the rules are there because infants drown, one would think that drownings are more likely to happen at a tourist resort, and that, therefore, the law should apply to a tourist resort just as it does to residential swimming-pools, where, frequently, people do not have children at all.

A fundamental matter of principle is involved. If the Government is to scrape away at that and say that other things are involved, it must decide that if it is, say, aesthetics that it is worried about, perhaps it should not have the provision in the first place.

The Liberal Party agrees with the Minister's comments about the deputy chairmanship and supports without qualification his moves in that regard.

As to the rapid emergence of cities in Queensland—I raise a completely personal point; it is not raised on behalf of the Liberal Party. The problem is that there seems to be some vanity or self-aggrandisement involved when people want to take to their councils the title of "city".

Traditionally, a city was a place with a cathedral. That does not translate into the Australian context. Wherever one goes in the world, cities are usually places with an identifiable heart. They are a township, an urban area, usually with an identifiable heart and identifiable boundaries. To fail to lay down guide-lines as to which communities shall be allowed to call themselves cities, to allow the creation of satellite towns adjacent to existing city developments, and to allow sprawling suburban areas to decide as an exercise in self-aggrandisement that they will call themselves cities, achieves no apparent benefits by way of funding or anything else. The main benefit seems to be an ego-trip. Nobody likes to tell other people, "You are on an ego-trip. You should not be a city; you're not as good as the person next door." The initiative lies with the people with the egos.

People do not like to put other people down. Let us call a spade a spade. A city should be a city, a town should be a town and a shire should be a shire. Transitional phases will occur when there will be a bit of any two. Some of the places that now seek to call themselves cities would not in other parts of the world be construed as cities. Only an accident of the Local Government Act and pandering to local feeling—

**Mr Lickiss:** We had a unique city in Australia where there were more kangaroos than people in the city.

**Mr INNES:** That is true.

With the rash that is developing in Queensland, one could end up with cities without any identifiable township whatever. It would be fairer if the Local Government Department established some rules or guide-lines as to who can apply for an area to be called a city. People from interstate and overseas expect something when they hear the title "city" mentioned. If they go to a city, they expect to find a recognisable heart, a recognisable range of facilities and a significant congregation of people in an orderly township; they do not expect to wander through indeterminate sprawling, disjointed

suburbia. The problem of not wishing to offend local feeling can be overcome if guidelines are laid down as to those urban or other areas that shall be called cities. If that is not done, a real problem of identity will arise when a city is no longer a city and when the currency is debased.

The Minister proposed to make provisions for development control plans and major development works areas. Some control over development control plans is justified. They are very intricate documents—some people would term them “tortuous”—that bring with them very special problems. Of course, they might also bring special answers to special problems. That was the rationale for their existence in the first place. Fears have been expressed that the proposal that the Governor in Council has now to approve any major development control plan and can insist on conditions is a means by which the Government can get its foot in the door to influence in a major way development decisions that are primarily a local government responsibility.

The Boondall project is primarily a Brisbane City Council matter. Unless the Government is going to put up the majority of the funds for its development, it has no real claim to participate substantially in the implementation of the development control plan. If the Government is putting up the money, it is a different matter. If, just for the sake of exercise of power, it wishes to get its foot in the door, that is wrong. The Minister’s supervision and that of his department are legitimate over all areas of local government work in Queensland. If it is the intention behind the proposal to impose conditions to stop local authorities going right off the rails, that is fine.

Honourable members know that there is jockeying for positions between the Commonwealth Government, the State Government and local authorities in Queensland and that people who have put in very small amounts of money are demanding equal or majority publicity out of the exercise.

If the Government wishes to intrude, it is wrong. If it is for enlightened control, that is fine. If it is just to give the right to tell somebody else what to do with his money and position, it is wrong.

An unfortunate lack of old-fashioned courtesies has been apparent in recent public affairs in Queensland. I will cite an instance. Nobody suggests that the Queensland Government should not have played a major part in and received major accolades for the Wivenhoe Dam. That was justified. The Co-ordinator-General’s Department has carried out a major engineering project of great benefit to the people of south-east Queensland and deserves an accolade. The participation of the Ministers responsible is completely justified.

However, what was perhaps not justified was the exclusion of other people with a very keen interest and the lack of acknowledgment of their interest. I understand that courtesies or acknowledgments were not extended by the senior Ministers present to the Lord Mayor of Brisbane. That is regrettable, but it is indicative of some of the nonsense that is occurring in public life in Queensland and Australia today, such as jockeying for publicity and not being fair about things.

No State members of Parliament other than those of the one party, as I understand it, were invited to that very significant opening. Many members of this Parliament, both Liberal and Labor, were very significantly affected by the building and opening of the Wivenhoe Dam. My electorate was probably the most devastated by the 1974 floods. The electorates of the honourable member for Mount Coot-tha (Mr Lickiss), the honourable member for Yeronga (Mr Lee) and the honourable member for South Brisbane (Mr Fouras) were also affected by those floods. The list goes on. In the past, those honourable members have all expressed their concern in the House.

The honourable members whose electorates were affected by the 1974 floods were very interested in the flood mitigation component, the provision of water, the fact that tax-payers in their electorates will be major contributors to the building of the project, and that the water-consumers in their electorates will be major contributors to it. It seemed to be a complete breach of the traditions of this Parliament and of Government

life in this State generally that such a major public affair in south-east Queensland went by with such a lack of courtesy shown to members of the House who belong to parties other than that in Government.

If this provision is to be used to assert authority that is not rightly justified by ownership, financial contribution or other components, it is quite wrong. Honourable members know the Minister to be a big man in many ways. He does extend courtesies and he is fair in his approach. Honourable members hope that no successor of the Minister or anybody else will establish different patterns of behaviour. That is the reason why queries are raised when provisions such as this can be benign on the one hand but, on the other, can indicate the move of public life in this State towards something different and something with which honourable members do not agree.

*Time expired.*

Mr McELLIGOTT (Townsville) (4.29 p.m.): Firstly, I take up the point made by the honourable member for Sherwood in regard to the number of occasions these days on which various people, particularly politicians, of course, take the opportunity to point-score to the extent of forgetting some of the long-held traditions. The honourable member for Sherwood cited a recent example.

In that context I raise the matter of the recent turning of the sod for the Great Barrier Reef Wonderland project in Townsville. The Premier and Treasurer performed that ceremony and, in my opinion, failed to recognise, as did other speakers at the ceremony, the presence of the Federal Member for Herbert (Eamon John Lindsay) and indeed the contribution that the Federal Government is making to that project. The total Commonwealth commitment to the scheme is of the order of \$3.5m, yet, with the possible exception of a public servant, nobody chose to recognise that commitment and support. It is a matter of record that the local Federal member has been very supportive of the project since its inception. After all, it is an Australian bicentennial project.

I noted the Minister's comments about the close working relationship between the Department of Local Government and the Local Government Association of Queensland. All honourable members applaud that relationship. However, I never cease to be amazed at the number of times the Parliament is called on to consider amendments to the Local Government Act. Having been a member of local government myself, I am surprised at the number of times that the Act requires amendment.

Mr Hinze: It is amazing to me, too. I have amended it every year since I became the Minister.

Mr McELLIGOTT: That is true.

Queensland has a rigid local government structure, which is envied by other Australian States. Most local authorities in Queensland are very stable because of the efficiency of the officers at the local level and in the department itself. Therefore, I really do not understand why amendments now being considered by the Parliament were not foreseen. As an example, I refer to the matters of deputy chairmanship, rural rating and even development control plans. Surely, when development control plans were first implemented, the sorts of responses now being made could have been foreseen. Incidentally, I would not place, in the category of foreseen amendments, the so-called third-party appeals, an initiative that was clearly taken by the Minister to overcome a problem that he saw as having State-wide ramifications. That is the type of amendment to the Act that I would expect the House to be considering. However, I really wonder why the machinery matters had not been foreseen.

Honourable members would probably be disappointed if I did not make a reference to the proposed amendments relating to the creation of Thuringowa as a city from 1 January next year. Unfortunately, it is a parochial matter and has not really created a great deal of State-wide interest. Nevertheless, in my opinion, it has State-wide ramifications. That is borne out by the fact that amendments are being introduced to the

Local Government Act, which governs the administration of local government right throughout the State. The influence of the Act is not limited to any isolated area.

The whole of the Thuringowa shire is in my electorate. My strong opposition to the move has been painted by some people as party-political opposition. That is certainly not so. The matter is not of sufficient import to demand that a stance be adopted by political parties. In my opinion, the issue is one of common sense. Clearly, what is now Thuringowa shire does not represent what most people would consider to constitute a city. The member for Sherwood (Mr Innes) and the Opposition spokesman (Mr Shaw) clearly indicated that they regarded as a nonsense the granting of city status to an area simply because it had expanded in a residential sense. As other honourable members have said, there will be no lasting benefits to the people of Thuringowa when the change in status is effected.

I find myself in total opposition to the elected local government of Thuringowa. I do not particularly relish it, but I am sure that it is the attitude that most thinking people would adopt, and I have no intention of deviating from that stance. In my opinion, the willy-nilly creation of cities substantially reduces the status of other cities throughout the State. Although it is true that one division of the shire contains more than 15 000 residents in one identifiable area, the shire covers a large area and completely surrounds the city of Townsville. Division 4, the division in the shire in which substantial residential development has taken place, is not easily identifiable. The shire is not at all identifiable as a city in its own right.

I again issue a challenge to the Minister, as I have on previous occasions, to indicate where the proposed city begins. I suggest that the Minister would not be able to, because it is not capable of being identified. In terms of civil celebrations, for example, if a procession were to be held in the main street of Thuringowa city, no-one would be able to find it. It is clear that no identifiable city exists.

The situation can best be summed up by reference to an approach to the area by road. If a motorist travelled to Townsville from north, south or west, he would be met by large signs on the boundaries of the shire that read, "Welcome to Thuringowa Shire." If those signs are altered to read, "Welcome to Thuringowa City", as I presume they will be, the next city that the motorist will come to, by following all the directions, is Townsville. Visitors who travel to the area by road will be totally confused and will be faced with a prospect of trying to locate the phantom city of Thuringowa.

**Mr Casey:** Will it make any difference to the cane in Giru or the ants at Antill Plains?

**Mr McELLIGOTT:** I wonder how the people of Giru will identify themselves. They will have to explain that they live in Giru, which is situated near Townsville, but they really reside in Thuringowa city. How that can be explained, I do not know.

One of the predictions that I have made about this matter is that the promotion of Townsville and Thuringowa as separate cities will be an enormous task. Most media organisations rightly concentrate on promotion, development and tourism issues—and I really cannot imagine how the two separate cities will be successfully promoted. I predicted that it would not be long before a public relations expert considered the possibility of using a name that would cover both cities so that the area could be presented as one region. The same thing happened at the Gold Coast and ultimately led to the formation of the Gold Coast City Council. This proposal, in changing Thuringowa from a shire to a city, is designed to prevent a recurrence of what happened on the Gold Coast.

On 15 October, at a meeting of the Thuringowa Shire Council, one of the councillors moved successfully that consideration be given to deciding on a name that would denote the region that incorporates Townsville and Thuringowa. That is one prediction that has come true considerably earlier than I expected. If the proposal is proceeded with, it will set back promotion of the region to a significant degree. In north Queensland and

far-north Queensland, it is difficult to establish recognition of a city or a region in the eyes of southern people. I believe that Townsville and Cairns have only recently succeeded in doing that. How on earth the region in question can be promoted under another name or how Thuringowa can be promoted as a city is beyond my comprehension. I believe that it is a retrograde step in promotion and tourism.

I am amazed and a little disappointed that the Minister, in the twilight of his career as the Minister for Local Government in this State, has succumbed to persuasion and adopted a particular course of action for what can only be assumed to be parochial reasons. The honourable member for Sherwood (Mr Innes) mentioned ego-trips, and I am sure that that is a relevant factor. However, in the first place, I am amazed that the Minister has allowed himself to be persuaded to agree to the proposal. I have, as yet, been unable to obtain an explanation from either the Minister or a shire councillor as to who made the initial approach, at what stage it was agreed, and who agreed, that the proposal should be proceeded with, what conditions were placed on the implementation of the proposal and what justification was put forward in support of it. I hope that the Minister, in his reply, will take the opportunity of informing honourable members once and for all about the matter. As I have said previously, the amendments that have been presented make it possible for other shires to follow Thuringowa's example.

I wonder whether the Minister is aware of the precedent that he is creating. Today, the Government is adding to the potential number of elected representatives in local government in Queensland. That follows the Government's decision to enlarge the number of State electorates, and somewhat gives the lie to the Government's alleged support of small government. The potential is there for the Government, in cities such as Townsville, Rockhampton, Maryborough and Ipswich, which have ward systems, to expand the number of elected members to 13 for political purposes. It would be naive to suggest that that does not and cannot happen. It has happened in the past, and it can do so in the future. It is completely unnecessary.

Our spokesman suggested that Opposition members will oppose the proposal. I agree with him. After having agreed somewhat hastily to go along with the Thuringowa proposal, the Government was a little embarrassed to find that the existing 12 councillors created a problem under the Local Government Act.

I suggest, as the Opposition spokesman did, that if the shire council was serious about Thuringowa becoming a city, it would have accepted the need for reduced representation. By definition, cities are more compact in area than shires. I presume that is why the Local Government Act has always allowed shires additional representatives. Traditionally, it is accepted that a shire will be much larger and more spread out than a compact city. If the shire is arguing that, through development and progress, it has a concentrated area of residential development, it should expect to have to accept the reduced representation. If it was felt that the proposal had to be implemented, it could have been held in abeyance until the next local government elections for other cities and towns throughout the State and could have been for 11 representatives.

I shall make clear my position as the elected representative in this House of the people of Thuringowa. Whether the people live in a shire or a city is irrelevant so far as my representations are concerned. They are citizens of Queensland and citizens of my electorate. Despite the fact that I have strongly opposed the move, if the decision is finally taken to proceed—and it seems that that will be the case—that certainly will not affect the representation that I give to the area. I should say that, so far, my representations appear to have been very successful in that in division 4 to which I referred earlier, a new high school is under construction, a new primary school is almost completed and a police station, fire brigade and ambulance centre have been completed recently. Clearly I am playing my part as the State representative, and I will continue to do so.

It is sad that the Minister is suggesting that the number of elected members in local government be increased and that, at the same time, the Government should be intruding more and more into local government powers.

It was very depressing to hear the National Party member for Toowong suggest on television, and again in this House today, that the Lord Mayor of Brisbane could like or lump the back-bench committee established in this place to consider the planning of Brisbane.

The Minister has always adopted the attitude that local government needs to be strong and needs to be supported. That attitude demands that the State Government should intrude as little as possible. The amendments coming to this place have indicated more and more the Government's intention to intrude further and further into the affairs of local government. The provisions before us today also tend to do that.

I will refer briefly to the development control plans. Drawing on my local government experience, I thought when they were introduced that they were a very worthwhile concept, because they laid out clearly for potential developers the thinking of the local council on development. They made it very clear the sort of development that would be welcome and approved by the local council.

As I said, I am a little surprised that the Minister is now agitated by the wide adoption of development control plans. I thought that they should be encouraged. I do not agree with the Minister's comment that development control plans tend to hinder development. I believe that they have the opposite effect.

Over and over again, people who own a block of land in an area that is zoned in such a way that the block of land is not suitable for some development that they have in mind work in every possible way to have the zoning altered, rather than put their development in the appropriately zoned area. At present, that is certainly the case in Townsville. A local storm is brewing about high-rise development on The Strand. It is a hardy annual. Somebody is proposing a 12-storey development on The Strand, which is outside the city's development control plans for that area and contrary to the high-rise development policy for The Strand.

Many areas near Ross Creek, in close proximity to the new casino development, are zoned for high-rise development. The sort of project that is presently proposed would sit very well in that area. These people are choosing to proceed with this high-rise development on The Strand and are suggesting that they will approach the Minister for Local Government, Main Roads and Racing. I hope that the policy of the Townsville City Council in that regard is supported. As the mayor has said very strongly, that policy has stood the test of at least two local government elections. In at least the last two elections for the Townsville City Council, high-rise development on The Strand has been an issue. People have returned the Labor council on the basis of its policy.

I raise that point relative to the intrusion of Ministers and the Government into local government areas. I plead with the Government to stay out of local government as much as possible and rather adopt a Local Government Act that meets the State-wide situation.

Finally, I make the plea that ad hoc decisions not be made about the status of cities and shires just to please one or two local people. The Local Government Act deserves more status than that. As I said, I hope that when the Minister leaves this portfolio or leaves politics, he will leave the legacy of a strong Local Government Act, which supports local input and local decision-making.

**Mr CAMPBELL (Bundaberg) (4.48 p.m.):** Today, it is interesting that the Opposition's spokesman described the Minister as being subtle. It is not often that the Minister is described in that way. He was described in that way because of the approach that he has adopted to rezoning appeals.

I regard what the Minister is doing as a devious way in which to dupe the public to get a change in the lodging of appeals against rezonings. The Minister wants two bob each way. On today's Business Paper, the Local Government and City of Brisbane Town Planning Acts Amendment Bill is listed as the second order of the day and the Local Government Act Amendment Bill (No. 2) is listed as the thirteenth order of the day. When introducing this Bill, the Minister said that if it was passed by the House, the

other Bill would be allowed to lapse. That is similar to putting money on a horse. If the horse that one backs does not come home first, one switches the bet to the horse that is first past the post. That is the way in which the Government seems to be acting. The Government does something outrageous to test the water and, when it finds out that its proposal is unacceptable, it crawls back.

The Bill that proposed to remove the right of third-party appeals was basically a sell-out of small business and of the rank and file in the National Party. It denied natural justice to the individual to protect his own rights and it denied natural justice to the small-business proprietor to protect his market. The Bill also denied the community the right to protect the environment.

Does the Bill under debate, which replaces the earlier Bill, make any difference? I do not think that it does. I must point out that this Bill has not been allowed to lie on the table for the period required by Standing Orders. In that way, the Government will not face all of the criticism that it would otherwise have faced had honourable members had the chance to peruse the Bill properly.

Groups against the earlier Bill included the Bar Association of Queensland, the Queensland Law Society, the National Party small business committee, the Queensland Retail Traders and Shopkeepers Association, Gold Coast National Party members, the Retail Grocery Industry Conference, the Queensland Conservation Council, the Wildlife Preservation Society and the Fraser Island Defenders Organisation.

When the Bill was introduced, newspaper reports claimed, "Bill takes away right", "Hinze defends Bill to abolish local government pleas" and "Law groups join criticism of plan to limit appeals". In one article, the Premier was quoted as saying that there would be no Government back-down; but it has backed down. That particular article continued—

"The National Party Small Business Committee has asked Mr Hinze to defer the Bill's passage through State Parliament until he can provide further information on the implications of the amendments."

One newspaper reported that the Liberal Party would join with the Opposition to oppose the Bill. Other headlines revealed that National Party members would quit because of the rezoning Bill, and that small-businessmen would lobby the State Government to stop the Bill. The Premier was adamant that the Bill would go through, and he did not care who quit the party. Another headline read, "Hinze rejects call to defer rezoning Bill". However, the Minister has had to accept second-best.

**Mr Borbidge:** One resignation and seven new members on the coast that week.

**Mr CAMPBELL:** That is all very interesting. The honourable member only has to look after all his bus-users down there.

If the National Party is fair dinkum about its policies, why is it that it does not stick to them? It is interesting to look at the small-business policy of the National Party, with particular reference to the control and planning of major shopping centres. Point 2.3 reads—

"The structure of the Local Government Act as it is now, allows the developers to proceed with the proliferation of shopping complexes without fear of resistance or obstruction from third-party objectors, particularly in the case of rezonings. The Local Authorities are 'toothless' under the existing structure of the Act."

Nothing has been changed; nothing has been done to give local authorities teeth. Part 2.4 reads—

"The high cost of appeals in the Local Government Court discriminate against small business objectors and individuals with limited financial resources and create excessive financial burdens."

The Government has totally rejected the policy set down by its own committee on small business. This Bill is a sell-out of the grassroots of the National Party.

Other aspects of the National Party's small-business policy include—

“The immediate amendment of Local Government Court regulations to allow Commerce and Business Associations to be heard as objectors.”

No mention of that is made in the Bill. Point 2.5.7 reads—

“The creation of right of appeal by third party objectors in relation to rezoning applications.”

The Cabinet is prepared to sell out its own party policy, and all in aid of “Mr One-a per cent”. The Minister for Local Government always reminds me of “Mr One-a per cent”. An old Italian who owned a restaurant used to buy a steak for \$1 and sell it for \$2 so that he always made his “one-a per cent”. The Government's attitude is that as long as it can make its “one-a per cent”, everything is all right.

Point 2.5.8 of the small business policy states—

“The calling for objections in relation to consent and rezoning applications before such applications are considered by Local Authorities.”

**Mr Hinze:** I think that you have just talked yourself out of that Burnett River bridge.

**Mr CAMPBELL:** That is what the Minister says now.

Although the Minister likes to become involved in aspects of land-rezoning and town-planning, I ask him to take some action on behalf of the Hervey Bay Ratepayers and Residents Association Ltd. I have had some correspondence with the Minister about the activities of the Hervey Bay Council. I will read to the House a telex that was sent by that association to the Minister on 30 September 1985. It reads—

“Dear Mr Hinze,

At a recent meeting of the association it was resolved that you be approached for guidance on certain matters of concern to the association.”

**Mr Borbidge:** Are you the member for Hervey Bay?

**Mr CAMPBELL:** It is a pity that the member who represents that area will not listen to these people and give them a fair go. The telex continues—

“These matters in the main are decisions of the newly constituted Hervey Bay City Council and in the opinion of the association expose an unhealthy state of public responsibility to the interests of the rate-payer community.

The association wonders whether when you have perused the enclosed documents you would consider a senior officer of your department visiting the city to investigate certain of the matters referred to and if in his opinion he deems the matters warrant taking the council alderman to task perhaps this might ensue.

The association is already aware that three out of the present eleven aldermen have indicated dissatisfaction with the way that present council business is being conducted and that they would not be averse to resignation or even the appointment of an administrator. In the circumstances the association asks that consideration be given to this matter if in your view the situation warrants this.”

That was signed by James Dobson, the president of the Hervey Bay Ratepayers and Residents Association Ltd. Has the Minister acted on the correspondence that that association has forwarded to him?

After I received that document, I received another letter from that association that concerned the actions of a Councillor Graham. This matter deals with rezoning. An application for town-planning consent in the council of the city of Hervey Bay appeared in the *Maryborough-Hervey Bay Chronicle* on Saturday, 14 September, to change the zoning of lot 6 Woodleigh Park Estate, Denman Road, Torquay, from residential A to

“home occupation—smallgoods”. The interesting fact is that in that same newspaper, on exactly the same day, the following advertisement appeared—

“IMPORTANT NOTICE

It is with great pleasure that KR Darling Downs announce the appointment of Mr and Mrs Bob Graham as their Sub-agent for the Hervey Bay Area.

Commencing Monday, September 16, Bob and Marie may be contacted at Lot 6, Woodleigh Park Estate . . .”

The telephone number is given. The advertisement continues—

“Bob has considerable experience in this industry and we feel certain that he will be able to provide our many valued customers with an efficient service to cover our comprehensive range of KR Darling Downs Products.”

That makes a mockery of what rezoning is about—applications for rezoning, giving notices and the lodging of objections.

Although Councillor Graham was fairly sure that he had the numbers on the council to have his rezoning approved, the good thing is that the council did not approve the application. It was not acceptable to the council. However, his pre-empting of the council’s decision was totally wrong and should be investigated by the Minister.

I wish to raise two other aspects that have been raised with me by the Hervey Bay Ratepayers and Residents Association. Rezoning problems are currently occurring in Hervey Bay. The Hervey Bay Ratepayers and Residents Association has written to the Minister expressing grave concern about the questionable actions surrounding projects by Hervey Bay councillors that involve self-interest to such an extent that the council should be dismissed and replaced by an appointed administrator.

The two issues that I wish to raise now involve the Rollragth development project, or the Pialba Gardens Shopping Complex, and the involvement of Councillor Graham, who is a share-holder in the development company. The second is the relocation of the city library.

The Pialba Gardens Shopping Complex is a multimillion-dollar shopping complex, tavern and business development on 25 ha of land at the entrance to Hervey Bay. The complex had been deliberated on in depth and over a period of several months by the previous council. Despite advice from the town-planning officer that the project was 15 years in advance of population requirements, the council decided to support it and approved the rezoning of the land subject to the imposition of conditions, one of which, on the advice of officers of the Local Government Department in Brisbane, was the imposition of a bond of \$1m as guarantee.

The developer would carry out by dates agreed the developments that he had promised the community. The final conditions were settled by council on 20 March. The developer gave notice of appeal against the conditions imposed. It is understood that the matter was to be brought before the Local Government Court in Maryborough on 16 July.

However, on 18 May last, the Planning and Development Committee, which comprises all members of the new council, met and had without-prejudice talks on the conditions imposed with a view to settling the matter before it was brought to court. As a result of that meeting, the conditions imposed by the last council were swept aside, including the deletion of the bond and deletion of dates by which the project had to be completed. The developers also pulled out of the shopping complex that had been the mainstay of the planning application to the council. In effect, council approved the rezoning of an area of land for business development and removed the condition that required undertakings to be given regarding infrastructure development before approval of the Minister.

What a change in attitude of the new council to that development! Why? Could it be that one of the new councillors, Councillor Graham, is also one of the developers?

Although that councillor took no part in the council discussions, he influenced the decision. The letter from the Hervey Bay Ratepayers and Residents Association Ltd to the Minister states—

“... it is known that a meeting was held prior to the Council meeting between him (Councillor Graham) his advisers, and aldermen on his ‘ticket’ at which conditions acceptable to him (Councillor Graham) were discussed.”

It also is alleged by the association that the development company paid attendance fees to the aldermen for a meeting to discuss the council decision concerning the rezoning application.

**Mr Lickiss:** What part of your electorate is that in?

**Mr CAMPBELL:** In situations such as that, the public community-interest groups and small-business people will have no right to appeal to an independent court to demand justice and a fair deal. Councillors such as Councillor Graham will have a free and unfettered hand to pursue such self-interest projects.

The honourable member for Mount Coot-tha asked, “Is it in your electorate?” It is not in my electorate. I point out to members of the Liberal Party that I find it interesting that if residents who live in certain areas cannot obtain satisfaction from their own parliamentary representatives, they turn to the Labor Party. The Labor Party will always present a case and uphold the interests of the small person.

**Mr Casey:** The bushrangers all operate in National Party electorates, anyway.

**Mr CAMPBELL:** I agree with the honourable member.

The second matter is the resiting of the library that was approved by the council. The council signed a lease for the premises and three weeks later rezoned the land for that library. Again, it took pre-emptive action. It gave itself a library and then rezoned the land to allow a library to be resited.

**Mr Lickiss:** Should the people concerned have taken this to the member for Isis to look after?

**Mr CAMPBELL:** Perhaps they could have. Perhaps he has enough to look after.

The library saga began early this year, when the council overlooked the renewal of its lease, which was due for renewal on 1 June 1985. The council hurriedly made a decision to move to the main street in Pialba, and a contract was drawn up for the new premises. However, it was found that the owner of the premises had leased the premises to another person who refused to move out. That move was therefore aborted. The owner of the original library premises asked the council to renew the old lease or to move out by 9 August.

On 25 July, the council aldermen were advised by telephone that a lease had been signed for the new premises. On Friday, 26 July, through the press, the public were duly informed of that decision.

I shall deal with some of the background to the matter. On Monday, 15 July, Alderman Hammond handed to the town clerk a report on matters that the council would require to attend to on vacating the present library premises. He asked that they be costed by council officers and that the costing be circulated to aldermen to assist them in their decision-making. However, the town clerk failed to give that information to all councillors.

Before the council may occupy the new site, approval must be given by various authorities, such as the Rural Fires Board, and the council must also give consent for a change in the use of the premises, which requires public advertisements and a period for objections to the rezoning. However, the town clerk is reported in the *Maryborough-Hervey Bay Chronicle* as stating that, irrespective of those statutory requirements, he will cause the new premises to be occupied by 9 August.

The council decided on 25 July to lease the new premises. The town clerk said that despite any statutory requirements, the library would be occupied by 9 August. That shows some of the aspects of decision-making by that council.

On behalf of the concerned residents of Hervey Bay, I ask the Minister to examine those matters to ensure that Councillor Graham and others were not making undue use of their council positions for their own good.

I believe also that the Minister should ensure that third-party appeals are retained for individuals. Quite a bit has been said about the costs. It is very important that the Minister adhere to National Party policy and make certain that the little people are looked after in any legislation that is brought before the House.

**Mr BURNS (Lytton) (5.5 p.m.):** In his second-reading speech, the Minister referred to the preparation of development control plans and the decision to bring them under ministerial scrutiny. I want to talk about the Brisbane River Mouth Development Control Plan and the Government's decision, which has the support of the Liberal Brisbane City Council and the Liberal Lord Mayor, Sallyanne Atkinson, to scrap that plan.

My electorate is dominated by the port of Brisbane and by the planned industrial areas associated with that port. The intent of the development control plan was to overcome the problems of the past by planning now for the future. Whenever I complained about pollution at Murrarie, Wynnum North or Colmslie, I was told it was because years ago there was no plan and industry is too close to the houses. That was always the excuse.

The Government had an opportunity to end these problems for evermore, and to provide for the people of Wynnum North, Lindum, Hemmant, Murrarie, Cannon Hill, Morningside and Bulimba a plan that would stop industry from setting up polluting factories and workshops on their doorstep.

In setting out the reasons for the development control plan, the council said—

“The planned area is not, however, uniformly well-suited to all types of industrial development. Parts of the planned area are close to residential development and significant parts have foundation conditions poorly suited to heavy industry.

It is necessary to recognize that the configuration of the Brisbane River valley and the direction of prevailing wind patterns tend to concentrate the effects of air pollution whilst local conditions in some parts of the city are conducive to the concentration of offensive odours under certain weather conditions.”

That is a nice way of saying that it stinks because of the polluting industries in the area.

The council went on to say—

“The restricted availability of alternative arterial traffic routes make it imperative that the capacity of each existing major access road be safeguarded if industrial traffic is to be deterred from filtering through residential localities.”

That is the reason for the plan. After years of effort by local residents, the council, the port authority and everyone else involved, the State Government did not approve the plan that was adopted by the Brisbane City Council and forwarded to the State Government in October 1984. As I said, after four years of exhaustive preparation and public participation, the plan was knocked back out of hand, in a quiet way.

The plan, covering 3 700 ha of land north and south of the river-mouth area, was prepared to control mainly future industrial development. The area contains most of the city's noxious and hazardous industries, as well as the port facilities of Brisbane.

In preparing the plan the council sought and received helpful advice from numerous State and Commonwealth Government departments. The Department of Industry Development—I note that the Minister is in the Chamber—was approached; yet, as far as I can ascertain, the council has no record of that department making any suggestions to the council on the plan. It did object, and it lodged its objection. I cannot find any helpful advice at all on the file. I will return to that later.

**Mr Ahern:** We met the Lord Mayor.

**Mr BURNS:** I will talk about the Minister's meeting with the Lord Mayor shortly.

The council accepted the advice of many other agencies, including the Noise Abatement Authority, the Commonwealth Department of Aviation (formerly the Department of Transport), the Port of Brisbane Authority and the Air Pollution Council. As far as possible, the suggestions of such agencies were incorporated in the plan and can be demonstrated in various sections of the published documents.

The development control plan set out a strategy for the development of various industries, warehousing and transportation complexes and port-related uses, together with buffer areas to protect nearby residential areas. The preparation of the plan involved the consideration of future roads, drainage and other essential service requirements.

Without that effort over the past four years, it would not be possible for the port development and industrial development planned for that area to continue. It is ridiculous for the Government to suggest that the plan was ill-conceived and restrictive on development.

I have read the statements of the Lord Mayor. She does not know what she is talking about on most things, and she knows even less about this.

During the preparation period, the Department of Industry Development lodged an objection to the Brisbane River Mouth Development Control Plan. In simple terms, the department stated that it intended to establish "heavy, noxious, hazardous or offensive and port oriented" industry near the housing areas of Wynnum North, Lindum, Murarrie and Morningside. The department then stated that it considered the site development standards to be too restrictive.

These planning standards currently apply to industrial development throughout the city with slight adjustments designed to suit the nature of the lands in the development control plan area, remembering that the area has a great deal of low-lying land, and to give reasonable protection to nearby residents. The department had asked, in effect, that none of the usual planning controls be applied to land developed by the department. Surely no responsible Minister—either the Minister for Local Government, Main Roads and Racing or the Minister for Industry, Small Business and Technology—could suggest that a Government department should be able to ignore planning controls designed to minimise the damaging effects on nearby residential areas of industrial development.

It is obvious that the State Government did not want to have any restrictions placed on its many industrial estates in the area. The State Government, through a gazette issued on 30 March this year (the date of the council election), removed from Brisbane City Council control, State Government land covering the present Cannon Hill saleyards. That effectively opens the way for smelly, noisy industry to be built right up to the western boundary of Creek Road, opposite a residential area in Murarrie, and also up to the eastern boundary of Barrack Road, opposite a residential area in Cannon Hill.

Under the proposed Brisbane River Mouth Development Control Plan, most of that land would have been reserved for industry of minimal impact, such as storage, and a 45-metre buffer strip would have been created along the western side of Creek Road. That *Government Gazette* contains this statement—

"Consent of the Brisbane City Council shall not be necessary to any such use of the land—"

in the Queensport Industrial Estate, the Cannon Hill Industrial Estate, the Lytton Industrial Estate and the Wynnum Industrial Estate. The Government removed the town-planning controls over that land. I do not know why the Government believes that its land should not be covered by the same rules as those that cover private developers of nearby land. Why should the Government be treated differently?

The Crown has more than 1 000 ha of land within the Brisbane River Mouth Development Control Plan area. Different parcels of land are held by the Department

of Industry Development, the Co-ordinator-General, the Port of Brisbane Authority, the Commissioner of Railways, the Meat Organisation and Marketing Authority and the Land Administration Commission. Surely those agencies are capable of some rational co-ordination so that the amenity and safety of residents in Wynnum, Tingalpa, Murarrie, Cannon Hill and Balmoral are recognised.

I ask the Minister to tell me why the State Government finds it necessary to place heavy engineering firms, chemical plants and similar dangerous and obnoxious activities on land close to residential areas. I ask him to tell the people of Murarrie and Cannon Hill, who have had to put up with a good deal of noisy and smelly industry, particularly meat-rendering.

The honourable member for Wynnum (Mr Shaw) read a press release from the Minister for Industry, Small Business and Technology that rendering was the type of industry suitable for residential areas. If that is what he believes, he would be in a class worse than Sallyanne Atkinson. The people in Murarrie, Cannon Hill and the nearby areas should not have to put up with those problems in the future. They have paid their due in the past. They have put up with the problem year in and year out. The Minister for Local Government, Main Roads and Racing ran away from pollution control. As soon as he could get the Premier to make pollution the responsibility of another Minister, he dumped it and shot through. He knew that it was too big a problem for him.

It seems that the State Government does not care what industry is doing right next door to these residential areas, and the new Liberal city council administration has been totally silent on the issue until now because, overnight, it has opposed the Brisbane River Mouth Development Control Plan and has sentenced south side residents from Wynnum to Balmoral to more pollution, more noise and more smells from industries close to their boundaries.

But that is becoming the style of the Liberal Lord Mayor, Mrs Atkinson. She promised not to put up rates, and she did. She promised not to scrap bus services, and she did. She went to a public meeting at Murarrie and promised that she would not allow industry, sewerage plants, etc., near their homes, and she has.

With her, truth is like a girdle—it is made to be stretched. She sadly or badly misuses the truth, which is a most charitable way of saying that she is a liar. If she does not like the word “liar”, I say that she most certainly is a hypocrite, because she did not raise a word of objection to the plan when it was passed by council, and no major objection was raised by Liberal aldermen during the whole debate.

I wonder how much money changed hands to have that well-prepared, well-researched plan scrapped at the last moment. I wonder which land-developers, land-owners or industrialists made substantial contributions to the Russell Hinze development fund, the Bjelke-Petersen Foundation or Mrs Atkinson’s slush funds to have that plan scrapped and the value of the homes of local residents reduced so dramatically. No-one could convince me that the decisions were rational and based on fact. The decision was based on some dirty little deal.

I repeat that the local community was thoroughly involved in the preparation of the plan. Public meetings were held at Murarrie, Hemmant, Wynnum North and Myrtletown to allow residents to make an input into, and to understand the effects of, the plan. I thought that that was what town-planning was all about. As most of the houses in Hemmant are within the harbour activities zone—and that prevents residential development—the people of Hemmant will now have to wait at least another year before this matter can be fixed up in the new town plan. The residents of Hemmant have been waiting patiently for this plan to be adopted as, presently, they are prevented from legally building a new house or garage or extending a house.

The Port of Brisbane Authority and the council realised that serious problems would occur during any redevelopment of the Hemmant residential area for industrial purposes. With the exception of the land fronting Hemmant and Tingalpa Roads, the residential area is flat and most of it is just above high tide level. It was recognised that residents

were already subjected to significant nuisance arising from traffic noise, smells and poor drainage.

The transition from residential to industrial uses would create more problems for more people over an extended period than it would solve for the few who succeed in selling out early in the process. I remember that at the time, the Minister in charge of setting up the Port of Brisbane Authority agreed with the proposal put up by the council, and a survey was undertaken to ascertain whether the area that had been developed largely for residential use should be zoned for residential or industrial purposes. I can inform the House that of the first 100 residents surveyed, 71 returned the survey and the residents voted overwhelmingly in favour of retaining the area as residential.

The effect of the control plan would have been to protect residential areas such as Murarrie, Cannon Hill, Hemmant, Lytton, Wynnum North and Myrtletown on the northern side, by surrounding them with buffer areas containing non-obstrusive light industry, storage areas and parkland, thus keeping heavy and noxious industry away from their immediate vicinity. Who could argue against that? Should not those people be protected from having heavy industry right on their doorstep?

That angered some developers and industrialists who wanted to establish heavy and noxious industry right next door to residential areas. The Brisbane River Mouth Development Control Plan was framed so that most uses could be established somewhere "as of right". If any honourable member cared to examine those precinct ideas, he would agree that it was a good plan. That would be the first time I have said that a town plan incorporated good local ideas. It was the first time that residents of the area have been afforded some kind of protection by virtue of a plan.

Specific areas were earmarked for heavy engineering; there was a zone to accommodate plastics and chemical production; a zone especially for the area of land located near the oil refinery, and special areas were set aside for light industry. In addition, special areas were set aside for agriculture and buffer zones. The developer was guaranteed the right to develop land with all the relevant requirements for services, car-parking and other site requirements spelt out in the plan. Development was to be made easier and delays were to have been eliminated. The plan detailed the required filling and drainage work and other services that were needed to enable the area to be developed.

But what happened? A couple of developers got at people. I know of one who told me that he had spoken to the present Minister. I was surprised, because I did not think that the plan could be overturned. I did not imagine that I would have to go to the Minister and defend the plan, because so many years had been spent on its development. But, out it went, and the plan facilitated rather than restricted the development of the area. Again, I ask: Who paid the money to have this valuable plan, which would have protected all those residents and land-owners, rejected out of hand in such a shabby fashion?

The Government's decision, on behalf of the Department of Industry Development to gazette an Order in Council removing the right of the Brisbane City Council to provide consent for industrial estates at Queensport, Cannon Hill and Wynnum is not the only time that it has resorted to this underhand trick. I refer to Moreton Island and the land described as portion 47, parish of Tiffin, country of Stanley, on Moreton Island, having an area of 3 394 square metres. On 15 March 1977, a Government committee furnished a report on Moreton Island known as the Cook report. Later, the Queensland Government adopted the recommendations of that report in relation to the future use of land on Moreton Island.

On 2 September 1982, the Queensland Government granted to the Moreton Bay Game Fish Club Limited a special lease No. 44593 over the above land for 30 years as from 1 April 1982. On 14 December 1983, the Moreton Bay Game Fish Club Limited submitted to the Brisbane City Council an application for the council's consent to erect a clubhouse building on the land. The application was approved, and an appeal was lodged to the Local Government Court. On 23 May 1985, the appeals were allowed because the applicant had withdrawn its application.

Unbeknown to the appellants, the Governor in Council had, in an Order in Council published on 18 May, issued an order denying the appellants their rights under the City of Brisbane Town Plan Act to again prefer the special interests of the members of the Moreton Bay Game Fish Club Limited, contrary to the recommendations of the Cook report and the public interest generally. I want to know how that decision was arrived at.

When letters of inquiry were written, the reply was that the relevant Act came within the Minister's responsibilities. On 8 November this year, a letter was written to the Minister by the Moreton Island land-owners to ask why the decision had been made.

If the Minister wants to grant special leases to a particular fishing club, I know of two or three other fishing clubs that would like to take up land in that location. Against the recommendations of the Cook report, the Minister could finish up with a line of clubhouses along the waterfront. This is another example that shows the Minister takes no notice of the reports that are compiled and the inquiries that are undertaken. If a developer or one of the Minister's mates wants a particular piece of land, it has to be handed over.

With reference to the subdivision of the Bramble Bay wetlands, in which Mrs Atkinson and her team are planning to destroy about 900 ha of wetlands, the report of the Coastal Zone Management Investigation carried out for the Queensland Government in 1975 specifically recommended that a large portion of the Bramble Bay wetlands be retained as a habitat preservation area, with waterfront land recommended for public ownership.

The Australian Littoral Society, the Queensland Commercial Fishermen's Organisation, the Wildlife Preservation Society of Queensland, the Queensland Conservation Council, the Wilderness Society, the Australian Conservation Foundation, the World Wildlife Fund (Australia), the Keep Sandgate Beautiful Association, the Boondall/Taigum Progress Association, all other local groups, and I have expressed grave concern about the proposals of the Brisbane City Council.

I want something done, because, some day, sooner or later, if the Minister keeps overriding town-planning decisions for some of his developer mates, marinas will be built all along the coast. There will be no trees, no mangroves, no wetlands, no fish, and no place to go. Those fellows who want to knock down 900 ha here and 60 ha there—with Raby Bay on the one hand, and Sanctuary Cove on the other—will take over.

The other day, when I asked the Minister a question about Sanctuary Cove, he did not know anything about the land. Mr Gore is now talking about a 20-square deck facility for his international tourists, with a jetty and other amenities at the back of Browns Island in the habitat area.

Before any public decision is made, I will give the Minister odds of 100 to 1 that this application will be approved. The fish habitat area that was set aside in that delicate area for the benefit of the fish will be destroyed when the jetty is put in for the use of tourists. All the other areas up near Tiplers Passage could be used by Mr Gore. He could take his guests across to the beach from there so that they could share the beach being used by all other Australians. Why should he be given a special deal? Why should the Minister continue to override the decisions made by town-planners and councils, to give special deals? In all ways the people who believe that town plans will give them some protection are being robbed by these decisions.

The Minister spoke about appeals not being bona fide. I ask him: How many appeals has he noted in the Local Government Court that are not bona fide? I would like to see all the barristers in the Local Government Court dragged out by the scruff of their necks. Every time I have appeared in that court on behalf of residents in my area, the barristers have resorted to arguments about the law. They have said, "You cannot say that. That is not the way to give evidence." They always carry on in that way. The ordinary bloke who wants to go along and say, "Hey! That industry stinks; I do not

want it near my home. I object to it being there," should be able to say his piece just like that.

If the Minister wants to speed up court cases and make them cheaper, he should get the lawyers out and put the ordinary bloke in. If he does that, he will find it is a lot cheaper, a lot quicker and much more sensible. Many of the development decisions made by the Local Government Court will then be made in the interests of the citizens rather than on the basis of submission made by a smart lawyer wearing a gown and a dead sheep on his head.

**Mr Hinze:** You wouldn't be looking at Mr Innes, would you?

**Mr BURNS:** No, I would not.

The last point I want to make concerns a decision relative to Fraser Island. I am referring to the six-month decision about electricity. I would like the Minister to give me an answer. The Minister talked about Fraser Island, the decisions about electricity, and people not being able to subdivide Fraser Island. How many applications has the Minister received for Fraser Island subdivisions? Is it the resort area at the top of Fraser Island, concerning a roort involving Island Air over the sale of land? Is the Government now sneaking through the House a decision to subdivide land on Fraser Island so that the Council will not have to reject it because electricity is not available? Is it not true that the six-month provision is a way of allowing the subdivision of land on Fraser Island that is currently stopped because electricity is not available and will not be available? If the Minister answers those questions truthfully, it will be seen that it is about that subdivision on Fraser Island.

When the Minister is talking about the provision of electricity, he should talk to Malcolm McMillan, who works in the office of the Leader of the Opposition, about how he built in a Brisbane City Council area, or an area developed by the council, in which he found that he was flat out getting a street-light within 18 months. When the Minister is talking about writing protection into the Act, he should write in protection for the ordinary citizens, not for the developer.

**Mr Innes:** To be fair—on Moreton Island, they have generators in their subdivisions at Cowan.

**Mr BURNS:** I am not talking about generators.

As I understand it, section 34 of the Local Government Act provides that a local authority shall not approve an application for the subdivision of land included in a rural residential zone or similar zone under a town-planning scheme unless electricity is available. I object to the Cowan subdivision of Moreton Island.

As the honourable member knows, half of the people who live at Bulwer do not own their blocks of land; they are squatters sitting on them. If the Government wants to develop Moreton Island, it should do so in accordance with the recommendations in the reports of the committees of inquiry.

The honourable member knows as well as I do what is happening on Fraser Island. This is the way to break down the delay in developing new subdivisions on Fraser Island. The Bill should be called "Russ Hinze's Fraser Island Subdivisional Bill". That will be proved in time. It will be proved that that is what the car-dealer on the north side of Brisbane—Leach Motors—wants. I see the Minister grinning. Who paid the money? I know who received it.

Debate, on motion of Mr Wharton, adjourned.

### STOCK ACT AMENDMENT BILL

**Hon. N. J. TURNER** (Warrego—Minister for Primary Industries), by leave, without notice: I move—

"That leave be given to bring in a Bill to amend the Stock Act 1915-1985 in certain particulars."

Motion agreed to.

### **First Reading**

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

### **Second Reading**

**Hon. N. J. TURNER** (Warrego—Minister for Primary Industries) (5.26 p.m.): I move—

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

The proposed amendments to the Stock Act have three principal aspects: the furtherance of the bovine brucellosis and tuberculosis eradication campaign in this State; the strengthening of more general disease control measures; and a deregulation of boarding kennels and pet shops by my department.

At the same time, opportunity is taken to make a number of minor amendments to update the Act or overcome difficulties that have become evident in the light of experience.

Honourable members will be aware of the excellent record of this Government in support of the national eradication program and of its endeavours to eradicate brucellosis and tuberculosis in this State.

Since the inception of the program in 1970, brucellosis eradication progress has been excellent, and it is now confidently expected that Queensland will be in a position to be declared free from this disease towards the end of 1988. Members will be aware of the significant progress made in eradicating tuberculosis from the cattle herds in this State. There now remain only 141 herds, from a total of 34 000 herds, that are infected with this disease.

Further progress towards the eradication target of having no infected or restricted TB properties by 1990 will be slower as we are now dealing with infected herds in the more difficult and extensive areas of this State.

The Government, in recognition of these problems, has implemented various assistance measures, including market compensation for reactors and destock cattle, compensation for unmusterable or unmarketable stock for on-property testing subsidies, various freight rebate schemes and, importantly, capital improvement and carry-on finance.

To add to these industry assistance measures, recently, I have secured an additional allocation of \$350,000 from the Commonwealth Government to enable the construction of a 200-km strategic fence to assist eradication progress in the Nicholson River district of the Gulf of Carpentaria.

It is now necessary to protect the gains made in this eradication program from any erosion by non co-operative owners, as we approach the concluding stages of this disease-eradication project.

It is proposed to institute a formal agreement, which will clearly indicate the obligations of both parties, between the owner of the infected properties and the Crown.

My department will be responsible for providing economic advice and veterinary guidance to enable owners to develop a practical eradication program that is in line with their financial abilities and that will meet the proposed national deadline for eradication.

The owner, in meeting his obligation, will benefit through greater marketing opportunities and more assured financial direction, while progressing towards a disease-free status for his property.

It has become apparent, as eradication progresses into the more difficult areas, that some property-owners are unable to comply with the eradication orders simply because of their inability to muster the stock on their properties.

At present, these eradication orders must run their full legal time before any alternative measures can be undertaken. To overcome this difficulty and to provide some positive protection for neighbours who adjoin the infected properties, it is proposed to authorise the chief inspector of stock to undertake eradication measures when an owner advises in writing—and I repeat, “in writing”—of his inability to comply with the order.

These measures not only recognise the reality of the situation, but also are a positive endeavour to prevent the spread of disease to neighbouring properties.

Provision also is to be made for a ministerial authority to order the erection of stock-fencing for eradication purposes. This may become necessary as a measure of last resort on a holding, the owner of which refuses to co-operate, and there is a general lack of facilities necessary for a successful eradication program.

At the same time, a condition is to be included in this section to ensure that owners who do not co-operate in the disease-eradication measures cannot subsequently benefit financially by claiming an entitlement for individual animal compensation provided under the scheme.

It is proposed to amend the implied warranty provisions upon the sale of stock to restrict the movement of in-contact stock from saleyards where an animal in the affected sale draft has tuberculosis, brucellosis or other diseases that may in the future be declared an eradication disease.

Existing procedures still allow for the movement of in-contact animals to other properties. This is seen as a serious deficiency in preventing further spread of these nationally serious diseases.

At the same time, the opportunity is taken to remove some of the more cumbersome requirements of the present warranty system so that it becomes more equitable for all.

I now pass to the second aspect of this amending Bill. The necessity for constant vigilance in the more general areas of disease control has been highlighted by a number of incidents since the Stock Act was last amended. Of these, the most important undoubtedly was the detection of Avian influenza in the poultry flocks of Victoria.

The endeavours of the State to legally prohibit further introduction of poultry and poultry products were delayed because of the mechanical requirements involved in the gazettal of an Order in Council. If the disease had gained entry to this State during the period of delay, great hardship would have been inflicted on owners within the poultry industry. Fortunately, that did not happen.

It is now intended to rectify the deficiency through provision of a ministerial authority to issue notifications prohibiting introduction of stock and their products to this State. However, honourable members will note that it will still require the gazettal of an Order in Council to confirm that notification for the prohibition to legally extend beyond a period of 14 days.

Other matters of concern include an incident that occurred at Brisbane Airport, where a container of animal pathogens was damaged. Those animal pathogens had been introduced from New South Wales without notice or provision being made for special protective packaging. Although no damage occurred, that incident drew attention to several areas in which improved procedures were necessary.

In the first instance, conditions for entry to this State of dangerous animal pathogens or biological products have been strengthened and now require notice of intention to the Chief Inspector of Stock. That prior knowledge will be of inestimable help in providing for the correct cleansing, disinfection, isolation and treatment procedures.

Provision has also been made for these provisions to apply to vehicles and vessels, and also to laboratories and other holdings. This strengthening is in line with the demonstrated requirements, not only to control animal disease but also to prevent the possibility of transmission of such animal infections to humans.

There has also been concern that some private organisations associated with livestock production that operate their own veterinary laboratories have not reported notifiable diseases as required. It is proposed to remedy that anomaly, which allows these private laboratories to avoid reporting the existence of notifiable diseases through calling them "suspected conditions", and at the same time to strengthen the requirements for operation of private laboratories.

Many members will recall the introduction of concessional stock permits in 1984 for the movement of livestock in Queensland. Many members will also be aware of the benefits it afforded industry and the isolated grazier.

Following a review of its operation, it is now felt that the demonstrated success of the system and the improved animal health situation make it possible to introduce further deregulation to allow for repeated movements one way and to allow inspectors of stock some discretion in the issuing of concessional permits.

It will now be possible also to extend the concessional permit system to provide for the multiple daily movements of stock from border points to selected abattoirs on the Darling Downs. This measure will be of particular assistance in the movement of lambs from the property to point of slaughter with minimal delay.

These proposals are an extension of the principles already established, and honourable members can be assured that where stock are subject to disease restrictions or where movements could cause disease problems, the present requirements for a separate permit for each movement will still apply.

One further amendment to the present permit system is proposed. It is unnecessary for children, or adults, for that matter, when riding their horses on outings for pleasure purposes only, to have to obtain a stock permit or concessional permit and complete a way-bill or travelling stock declaration. It was never the intention of the Act to regulate that type of movement in restricted areas when there is no disease risk.

Provision is already made in the Act to exclude certain stock from the requirements of a permit and way-bill and it is intended to extend those exemptions to cover categories of particular stock. This will allow for a category of horses to be described as "ridden or led", and allow for exemption from permits to apply for that category of horse in restricted areas in which there is no disease risk.

It is proposed to amend the quarantine provisions to make more specific the measures necessary for control of disease on a quarantined property. At present, the quarantine notice imposes a blanket imposition upon all stock on that quarantined property. Members will appreciate that this is often unnecessary, and the proposed amendment will allow for nominated species only to be subject to the quarantine requirements.

In addition, it also is often necessary for the stock-owner on a quarantined property to isolate or confine obviously sick stock from healthy stock, or tested from untested stock, or even treated from untreated stock, and the quarantine provisions have been broadened to allow for that logical separation, which in time will allow for more effective disease control.

A provision also is to be introduced to give inspectors limited authority to reduce the suffering of animals seriously injured in transit. Other extensions of the powers for an inspector include an authority to seize permits and way-bills, to allow an inspector to call to his aid the assistance of police or other competent persons and to require a person to state his name and address.

The Act is somewhat deficient in relation to the provision of evidentiary requirements, and it is proposed to remedy that situation by incorporating appropriate amendments.

The opportunity is taken to consolidate general penalty clauses into the one area. Penalties are increased by 100 per cent to reflect grazing industry concerns for adequate deterrents and to protect the industry. Penalties were last amended in January 1978. It is with some satisfaction that I advise honourable members of the third major aspect

of the amending Bill, which is the proposed repeal of those sections of the Stock Act that relate to boarding kennels and also to pet shops. Currently, my department and local council bodies have complementary standards for pet shops and boarding kennels.

Following discussion by officers of my department with local government authorities and local council bodies, it has been agreed that council bodies will now assume full responsibility for that area of dog and cat control. This transfer of responsibility is on the understanding that all information held by a council will be readily available to officers of my department if a disease risk arises. These measures are positive measures for they have provided for a consolidation of authority and implementation of a single licensing and fee structure.

These repealing measures demonstrate the continuing concern of this Government to deregulate wherever possible and practicable in the small-business area.

Other minor amendments are proposed to update the Act and to ensure the flow-on of relevant regulations.

The Bill contains very significant amendments in relation to specific and general disease control measures and to deregulation.

I commend the Bill to the House.

Debate, on motion of Mr Kruger, adjourned.

#### LAND SALES ACT AMENDMENT BILL (No. 2)

**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 Land Sales Act 1984-1985 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) (5.38 p.m.): I move—

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

Honourable members will recall that the Land Sales Act was introduced to permit and to regulate the legitimate sale and purchase of land and strata-title lots prior to registration. The Act was proclaimed as from 1 July this year, and since that time it is evident that it has achieved the main objects for which it was enacted.

Unfortunately, since the Act has been in operation, misunderstanding has arisen in some sections of the commercial community regarding the meaning and effect of certain sections of the Act. A number of clauses of this Bill are specifically intended to overcome this misunderstanding and to clarify the meaning of a number of sections of the Act.

In addition, a number of machinery amendments are necessary to ensure that the legislation remains consistent with long-established and accepted commercial and conveyancing practice. Finally, amendments have also been necessitated by the recent High Court decision of *Chan v. Dainford*.

I must say from the outset that the success of legislation such as this depends on the goodwill, co-operation and common sense of local authorities throughout the State. It has been drawn to my attention that the practice of sealing plans often differs markedly from one authority to the next. It is hoped and it is expected that an acceptable degree of uniformity will be achieved in the future regarding these practices. I have been in contact with the Minister for Local Government, Main Roads and Racing (Mr Hinze)

regarding this matter and I am confident that any legitimate concerns that the free enterprise community may have regarding the multiplicity of practices will be answered.

I am pleased to be able to draw to the attention of the House the fact that Lend Lease Homes Queensland has already taken advantage of this Act for an early launch of its first major subdivision, Everton Park Rise. Mr William Redgrave, the Queensland director of Lend Lease Homes, was reported in *The Courier-Mail* as saying—

“Because the issue of title is generally six to eight weeks after the sealing of the plan, the new legislation means a substantial saving to developers in terms of holding costs. This saving is in turn passed on to the consumer.”

Mr Redgrave succinctly summarised the intention of this legislation. It was intended to enable, and it is believed that it has had the effect of enabling, developers to sell land at an earlier stage, with subsequent savings accruing to the benefit of the home-buyer.

The amendments before the House have been discussed at length with all major groups in the real estate and building industries as well as with the Law Society and the Bar Association. I place on record my sincere appreciation of the constructive assistance received from all of those organisations; it is reflected in the provisions of the Bill.

In short, therefore, the Bill is intended to overcome misunderstanding regarding certain provisions of the Act, to more closely mirror commercial and conveyancing practice, and to ensure that the Act is viable, realistic and effective in regulating and enhancing preregistration purchases for the benefit of both vendors and consumers.

Certain amendments are proposed to the interpretation section, namely, section 6. It is proposed that a definition “land held from the Crown for an estate of leasehold” will be inserted, which will make it clear that the Act applies only to leases held pursuant to the Land Act or the Miners’ Homestead Leases Act. To ensure that a purchaser is given a registrable instrument of transfer that is capable of immediate registration in the relevant registry, appropriate amendments to the definition “Registrable instrument of transfer” are proposed.

In order that the Act is not perceived to apply to anything other than subdivisions or proposed subdivisions of leasehold land, it is proposed to delete paragraph (c) of the definition “Relevant leasehold land”.

Amendments are proposed to section 8 to regularise the provisions of this section with the practice in the Lands Office. The attention of honourable members is also drawn to the proposed insertion of a new subsection 8 (3). This subsection is intended to enhance the rights and protection offered to purchasers by ensuring that they are not rendered technically liable because of statutory breaches by vendors.

The proposed amendments to section 9 are also intended to regularise the provisions of this Act with the practices adopted by the Lands Office. To prevent both purchasers and vendors being subject to any degree of uncertainty as to when a notice of rectification should be given and to ensure that a purchaser will receive notice of a totally amended plan, it is proposed that a vendor will give a purchaser, after registration, a copy of a plan as registered where there have been any variations to the plan of survey originally given to the purchaser.

It is proposed that the purchaser will now have at least 30 days after receipt of the registered plan to consider his position. This will enable a purchaser to seek legal advice, if necessary, and to complete the contract with full knowledge of his position.

Section 11 is proposed to be amended to clarify that settlement moneys can be dealt with in accordance with normal conveyancing practice.

The proposed new section 12 of the Act makes it absolutely clear that a trustee is permitted, when properly authorised by the parties, to invest trust moneys.

A number of procedural amendments are proposed to section 13, but of most importance is the intention that purchasers who onsell prior to completion will not be

disadvantaged by the operation of this Act. Again, this is an example of the rights of ordinary people being enhanced and protected.

Following the decision of the High Court in *Chan v. Dainford*, it is proposed that the purchaser's right of avoidance on payment of more than 10 per cent of the purchase price be deleted. Following the High Court's decision, this protection is now ensured by means of the instalment contract provisions of the Property Law Act, and, by deleting this provision, no scope exists for inconsistency between the two statutes.

The Act presently requires the vendor, pursuant to sections 18 and 30, to give notices to the registrar at certain times. It is intended to repeal these provisions because they offer no protection to consumers. In practice, they have not operated as suggested and are, quite frankly, unnecessary red tape.

In order that the special position of lessees under development leases and special leases held pursuant to the Land Act are not unnecessarily disturbed, it is proposed to grant to the Governor in Council power to exempt a proposed subdivision of leasehold land from the provisions of the relevant provisions of Part II of the Act.

It is proposed to amend section 19 by increasing the exemption limit from three to five, and to make it clear that an exemption granted may be from all or any of the provisions of Part II. Consistent with the Government's aim of ensuring that vendors' and purchasers' rights will be enhanced by the Act, it is also proposed to allow persons to enter contracts conditional on exemptions being granted.

The amendments proposed to section 20 are intended to liberalise the law regarding pre-selling of strata title lots. Such lots will be able to be sold and purchased at such times as may be agreed by the parties. As honourable members would, of course, realise, the major problem with pre-selling, which is misdescription, occurs mainly with sales of land and not units.

Although it was intended to protect purchasers, the existing section 20 may not have assisted them, and it is for that reason that a more commercially realistic situation will prevail in the future. Consistent with the Government's policy of protecting and enhancing the rights of purchasers, all of the existing protections will remain, thus ensuring that whilst the parties can enter into contracts as agreed, purchasers will be protected.

The proposed amendments to sections 20 to 30 mirror those to sections 10 to 18. As parties will be able to enter contracts at an earlier period, it is proposed that the 24-month time-limit in section 27 be extended to 36 months.

In order that the procedure regarding the service of documents under the Act is clear, a procedural amendment to set out the manner in which notices, plans and statements under the Act may be given is proposed.

In order to maximise the flexibility of the Act, a provision that will allow a vendor to apply to the Minister for an extension of the period specified in sections 15 and 27 is proposed. This provision has been drafted with ample protection, and such applications will only be granted when special circumstances have been demonstrated.

In essence, the amendments proposed to the Act are intended to liberalise the law in some respects and to clarify it to remove doubts existing in the minds of some and, most importantly, to bring some flexibility into the Act to guarantee that the rights of contracting parties will not be unnecessarily restricted. I believe that both bona fide vendors and purchasers will benefit from these amendments.

Accordingly, I have much pleasure in commending the Bill to the House.

Debate, on motion of Mr Goss, adjourned.

#### **INDUSTRY AND COMMERCE TRAINING ACT AMENDMENT BILL**

**Hon. V. P. LESTER** (Peak Downs—Minister for Employment and Industrial Affairs),  
by leave, without notice: I move—

“That leave be given to bring in a Bill to amend the Industry and Commerce Training Act 1979-1983 in certain particulars.”

Motion agreed to.

### **First Reading**

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

### **Second Reading**

**Hon. V. P. LESTER** (Peak Downs—Minister for Employment and Industrial Affairs) (5.48 p.m.): I move—

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

The Industry and Commerce Training Act was proclaimed on 20 September 1979, when it replaced the Apprenticeship Act 1964-1974. This new Act provided for the consolidation and amendment of the law relating to apprentices, and made provision for the industrial and commercial training of other persons.

Prior to the proclamation of this Act, apprenticeship training was provided for only under the Apprenticeship Act, and although the proclamation of the new Act introduced very real proposals for training in industry and commerce in spheres other than the traditional apprenticeship areas, more flexible training provisions are now required to meet the needs of industry and commerce. In that regard, the Bill makes provision for maximum flexibility for the investigation, approval, introduction and review of schemes of training to provide industry and commerce with the types of relevant flexible training provisions suitable to their purposes.

The flexible schemes of training include training arrangements for traineeships as proposed under the Australian Traineeship System. The establishment of traineeships throughout the country was initiated by the Queensland Government and formed the centre-piece of the Queensland Government's submission to the Committee of Inquiry into Labour Market Programs, known generally as the Kirby committee. Traineeships formed the major recommendation of the report by the Kirby committee.

It is expected that, in 1986, between 1 250 and 1 500 traineeship positions will be available throughout Queensland. If traineeships are developed to their full potential, between 12 500 and 15 000 positions will be available by 1988-89. Traineeships will provide industry and commerce with a better-trained and more adaptable work-force and young people with broad-based transferable skills of a consistent standard that will allow them to better cope with structural and technological change.

Although the Act has existing provisions for the approval and introduction of training provisions separate from apprenticeship, they are cumbersome when the newer traineeship requirements of industry and commerce are contemplated. The Bill has an important bearing of the introduction of flexible schemes of training, including traineeships.

The Bill further provides for a definition of trainees to establish quite clearly that the Act applies to occupations to which traineeships might apply, that is, occupations not in traditional trade areas but in areas in which training is needed to prepare and update the work-force for employment.

The Bill will also provide the mechanisms by which interested unions of employers and employees may request the Industrial Conciliation and Arbitration Commission to fix, by order, the rate of wages payable and other conditions of employment for trainees under these flexible schemes of training.

A number of the existing sections of the Act will be applicable to trainees, and the Bill makes provision for those sections to continue to apply.

A major consideration with respect to flexible schemes of training will be flexible contracts or agreements of training. Although the existing legislation has provision for contracts of training, these are considered too rigid to reflect the varying needs of the different sectors in industry and commerce for schemes of training such as traineeships. The Bill provides for the contracts to be most flexible to ensure that contractual

arrangements necessary between the parties reflect the varying needs of the different sectors of industry and commerce in which traineeships will exist.

The Bill provides for a training record book to be issued to trainees in which trainees will be required to record the training received while in the training arrangements, their progress towards a negotiated training plan and the skills imparted to them during the training.

The Queensland Government is committed to promoting the employment and training opportunities for Queensland youth. This Bill will enable the smooth introduction of the new flexible schemes of training, including traineeship, in Queensland, thereby increasing the employment and training opportunities for young Queenslanders.

I commend the Bill to the House.

Debate, on motion of Mr McLean, adjourned.

### **CITY OF BRISBANE (GARBAGE SERVICES) BILL**

**Hon. V. P. LESTER** (Peak Downs—Minister for Employment and Industrial Affairs), by leave, without notice: I move—

“That leave be given to bring in a Bill to ensure the orderly and efficient collection, removal, transportation and disposal of rubbish and other waste in the City of Brisbane consistent with rights of employees performing such work pursuant to contracts of service or applicable awards (or both) and to conciliation and arbitration in respect of claims and disputes, and for related purposes.”

Motion agreed to.

#### **First Reading**

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

#### **Second Reading**

**Hon. V. P. LESTER** (Peak Downs—Minister for Employment and Industrial Affairs) (5.55 p.m.): I move—

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

The legislation before the House relating to the collection and disposal of rubbish and other waste in the city of Brisbane comprises two Bills. The first, the City of Brisbane (Variation of Refuse Contracts) Bill aims at giving the council and its present contractors a statutory right to vary the existing contracts by agreement.

My colleague the Minister for Local Government, Main Roads and Racing (Mr Hinze) has explained to the House the nature of the contracts and the need for this legislation. The second Bill, which I bring before the House, is the City of Brisbane (Garbage Services) Bill. Its essential object is to permit the council to be involved directly in the conduct of the contractors employees and to insist on proper performance of work. Industrial action by the employees to achieve their demands or to make their employer more willing to negotiate has been commonplace in this industry.

The Brisbane City Council has a direct responsibility to ensure an orderly and efficient garbage service for the city of Brisbane. To do this, the council must be in a position to take action as is necessary to prevent or terminate unjustified industrial action.

The main aspects of the Bill are that—

- (a) the Brisbane City Council is empowered to give lawful directions to its contractors to ensure proper compliance by the contractors with the terms and conditions of the contract;
- (b) the contractors are required to give directions to their employees as are necessary to ensure full compliance with all obligations on the contractors;
- (c) no person shall do anything that may interfere with, interrupt, hinder or prevent compliance in any respect with any obligation on any person under the Act; and

(d) the council may direct dismissal of employees.

Clause 16 of the Bill empowers the Supreme Court, on the application of the council, to grant an order in such terms as are appropriate requiring a person to comply with his obligations.

Clause 17 provides that the Supreme Court may, upon the application of the council within one year after a period of non-compliance, order a person who has not complied with an order of the court to pay a pecuniary penalty not exceeding—

- (a) \$250,000 in the case of a body corporate; and
- (b) \$50,000 in the case of any other person.

Clause 18 of the Bill provides that the court shall exercise all of its powers and authorities in any proceedings under this Act. The court will, amongst other things, be able to punish for contempt.

I thank the people who have assisted me with the preparation of this Bill. I particularly mention the honourable member for Toowong (Mr Bailey), who chairs a committee interested in the concerns that affect people who live in the city of Brisbane.

I commend the Bill to the House.

Debate, on motion of Mr McLean, adjourned.

The House adjourned at 6 p.m.