Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

**THURSDAY, 14 APRIL 1988**

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# THURSDAY, 14 APRIL 1988

Mr SPEAKER (Hon. L.W. Powell, Isis) read prayers and took the chair at 10 a.m.

## MOTION OF CONDOLENCE

### Death of Mr R. L. Windsor

**Hon. M. J. AHERN** (Landsborough—Premier and Treasurer and Minister for the Arts) (10.01 a.m.), by leave, without notice: I move—

"1. That this House desires to place on record its appreciation of the services rendered to this State by the late Robert Levi Windsor, a former member of the Parliament of Queensland.

2. That Mr Speaker be requested to convey to the widow and family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland in the loss they have sustained."

Robert Levi Windsor served the people of Queensland as a member of this House for nine years, first as the Liberal member for Fortitude Valley and then, following the abolition of that seat, as the member for Ithaca from 1960 until his retirement in 1966.

He entered Parliament after great political excitement and upheaval in Queensland which saw a strong swing from Labor to the conservative style of government that we enjoy today.

Of his political contemporaries, only the honourable members for Nundah, Sir William Knox, Yeronga, Norm Lee, and Moggill, Bill Lickiss, remain in Parliament. They knew Bob Windsor very well.

Bob Windsor has left behind him a reputation for honesty and concern for his fellow Queenslanders that marked his entire career. He was a gentle person with a quiet courage, as is shown by his five years' service as a stretcher-bearer in the trenches of France and Flanders in the First World War.

After that conflict, Bob Windsor toiled as an engineering worker for seven years and then, always believing in private enterprise, launched out on his own and established an engineering works, which is still a going concern.

He was active in community affairs and willing to assist those in need. It was that sense of public service which brought this quiet and humble man into Parliament. For nine years, in this Chamber and out of it, Bob Windsor served his electors and all the people of Queensland faithfully and well.

I am sure that his grieving family will take great comfort from the knowledge that Robert Levi Windsor believed in service before self—and led by example.

On behalf of the Queensland Government and all honourable members, I extend our heartfelt condolences to the family of the late Robert Levi Windsor.

**Hon. W. A. M. GUNN** (Somerset—Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police) (10.04 a.m.): I second the motion moved by the Premier.

Bob Windsor's term in this Parliament ended in 1966, after he had served in this place for the best part of a decade. The records of his life show that he was a man who was actively involved in the community.

Born in Mackay in 1896, Bob Windsor was not 18 years old when the First World War erupted. He spent almost five years in the army serving as a stretcher-bearer in the

15th Field Ambulance in the Fifth Division, First AIF. In the Second World War, Bob Windsor served as an instructor in unarmed combat.

Between those two periods of world conflict, Robert Windsor was busy developing his own business. He started up that business in 1926. It was virtually a one-man enterprise—a general blacksmith, which was very common in those days—located at St Paul's Terrace, with the business occupying a total space of 220 square feet. That business continued to expand.

By 1930 it had developed to the point at which the business had to move to a new location to allow for expansion. The business then demanded a floor space 10 times that of the original shop. By 1945 the business was one that was on the move again, this time to Fortitude Valley, to allow for increasing growth. The space required for the firm's demands was then 100 times that of the original undertaking and was employing 55 men—truly a tribute to the man's initiative and drive. Part of his success probably related to his own approach to the job.

One report described Bob Windsor as a no-collar-and-tie man. He was regarded as one of the boys, to be seen in the rough work pants and blue shirt. Another indicator of the firm's success was its positive slogan—"Windsors can make it". Bob Windsor was the managing director of that firm, R. L. Windsor and Company Pty Ltd.

Apart from his business interests, he was very active in his church. A member of the City Congregationalist Church, he served as a Sunday-school supervisor for 30 years.

As the Premier stated, Bob Windsor was elected to State Parliament in 1957, the year that saw the coalition take power from the divided Labor Party. He represented the seat of Fortitude Valley for the Liberal Party from 1957 to 1960. Between 1960 and 1966 he was the Liberal member for Ithaca. Although Bob Windsor's term there was before my time, I knew the gentleman very well. He had an excellent record of service. His business success typified the get-up-and-go which helped our State develop in the first half of this century.

I pass on my sincere condolences to the members of his family and his friends.

**Mr GOSS** (Logan—Leader of the Opposition) (10.07 a.m.): On behalf of the parliamentary Labor Party, I join this motion of condolence on the occasion of the death of Robert Levi Windsor, a member of this Assembly between 1957 and 1966. Mr Windsor certainly lived to reach a great age. I understand that he was nearing 70 when he left this House, and that was 22 years ago, in 1966.

Mr Windsor was a politician from another generation altogether. Both the seats he represented in this Parliament no longer exist. He was also from another generation politically. In his time as a member of this House he served as a member of a Country/Liberal Party coalition, when the Premier was Mr Nicklin and the Prime Minister was Bob Menzies.

He also came from another era financially. His speeches, of course, referred to financial matters in terms of pounds, shillings and pence. He came from another era economically. In 1965 he made references in his speeches to Queensland's unemployment rate being 1.1 per cent, which he compared with the national average of 0.9 per cent.

Mr Windsor came from a time when the road toll was less than 300 deaths a year, but he showed a keen appreciation and an understanding of the problem when, in 1965, he spoke about major contributing factors to the road toll, including drink-driving, speeding, carelessness and poor road conditions. Though he came from another era and another generation, he displayed his understanding and knowledge of other matters that have not changed.

In his maiden speech in 1957, he spoke about the need to develop more productive and harmonious industrial relations. I repeat one of his comments—

> "We must establish a better feeling between employer and employee. We must have trust and respect of each other . . . methods of the past based upon economic

combinations of force and fear must be supplanted by the better principles of faith and co-operation."

Mr Windsor had a co-operative attitude towards the functioning of the Parliament for the betterment of the whole State. When he first arrived here, he offered to all members of the House, to quote his words, "my hand of comradeship". He went on to say that he trusted that we would work harmoniously together for the good of the State.

That spirit of co-operation of which Mr Windsor spoke in his first speech to the Parliament continued and, near the end of his career in 1965, he said—

> "In the eight years that I have been here it has been a great joy to me to associate with members from both sides of the House. The atmosphere in this Parliament reminds me of the camaraderie that existed in the Army. We understand and help each other whenever we can.
>
> Although we might be on opposite sides of the House, our objectives here are the same. We still have at heart the best representation we can give to our constituents."

It is, I believe, of value on occasions such as this motion of condolence to consider, remember and heed those words and sentiments.

In conclusion, I extend to the family of Robert Windsor the sympathy and condolences of the parliamentary Labor Party.

**Mr INNES** (Sherwood—Leader of the Liberal Party) (10.10 a.m.): Naturally, the Liberal Party wishes to be associated with the condolences that are to be expressed today on behalf of a respected member of the Liberal Party.

As one might expect, Bob Windsor's personal record indicated that sense of service, that sense of compassion, and perhaps that sense of strength or steel that would go with somebody who was a stretcher-bearer for five years in one of the worst theatres of war and one of the worst experiences that mankind has ever witnessed.

Bob Windsor was a deeply devout man who worked considerably about the affairs of his church, continuing that sense of serving Christianity which he had demonstrated earlier in life. It has been said that he was also an intensely practical person. The business that he founded achieved a nationwide reputation for high-quality cutting-edge engineering products.

He was a person who did some path-finding or major things with regard to campaigning. It will be recalled that Bob Windsor was one of the first people—perhaps the only person—who campaigned with a gramophone and a large pile of records that he would play on request as part of his method of attracting and maintaining a crowd. That was a political insight.

Bob Windsor has a reputation in Parliament—probably an unparalleled reputation—for never missing a minute of a day of sittings. If the House was sitting, he was in the Chamber. One of his proudest boasts was that he was the best attender of his time—and perhaps of all time—in this House. As one honourable member has said, Bob Windsor entered this Chamber at a late stage as part of his commitment to his party, perhaps at a time when he was so involved that he never thought that he would see the day when his party would be propelled into power in the circumstances that prevailed in 1957. As one would have expected of somebody with that lengthy record—starting so early in his teens as a stretcher-bearer, through to his active involvement in both church and a reputable engineering organisation—Bob Windsor served long and well and faithfully. Of course, he went on to spend many years in retirement.

Bob Windsor was a quiet and purposeful individual. He is remembered so by his party. It is clear from the expressions today that he was respected by all sides of the House, which he in turn respected.

**Hon. Sir WILLIAM KNOX** (Nundah) (10.13 a.m.): I wish to join with the previous speakers in supporting this condolence motion regarding the late Bob Windsor, who was a colleague of mine for the nine years during which he served in this House.

Bob Windsor was a very generous man with a very warm personality. He was an enormously strong man; a very tall and powerful man who made friends very easily. He made many friends in this House.

In 1957, when Bob Windsor stood for the seat of Fortitude Valley, it was regarded as a safe Labor seat. Nobody really gave him much chance of winning the seat. However, Bob Windsor went from door to door. Although he did not drink, almost every day he visited the Breakfast Creek Hotel, which he used as a meeting place to discuss aspects of his campaign with the people of Fortitude Valley. His opponent on that occasion was Jack Egerton. It was generally felt that Bob Windsor had very little chance of winning the seat, but he won it very comfortably.

Bob Windsor's business in Fortitude Valley employed about 40 people. As my colleague mentioned, that business had a tremendous reputation throughout the nation for quality of work. Having been a blacksmith and having worked with people in all sorts of circumstances over a long period, Bob Windsor was always very comfortable in the company of any person who sought his company.

As I said, he was a very strong man. Many stories could be told about his strength, but I will not regale members with them today as some of them are probably not appropriate for this occasion. However, one story relates to his playing of billiards, which he did often with members from both sides of the House. On one occasion while playing billiards he hit the cue ball, which left the table, went onto the floor, rolled out onto the veranda, over the edge of the veranda and landed on a Jaguar which belonged to a fellow member. The member to whom it belonged was not pleased. All sorts of apologies were made for the incident.

Bob Windsor was a very big man, physically and in personality. He was twice married and he had seven children. Many of them have been associated with his business and of course have distinguished themselves in their own right.

His business, R. L. Windsor and Son Pty Ltd, was established in Fortitude Valley and later transferred to Meeandah. On many occasions I toured that business both in Fortitude Valley and Meeandah. It was extremely well managed. His employees had a very high regard for him. The personal relationships between himself and his employees were quite magnificent. Under Bob Windsor's leadership, it was his firm that developed some of the innovative ideas in packaging machinery in this country, many of which were patented and have become used worldwide. He was a great contributor to engineering skills and he himself was a very fine man.

He was involved in World War II, during which he was a physical culture instructor and an instructor in unarmed combat. As I said, he became the member for Fortitude Valley. He was a very keen and very capable tennis-player, belonging to several tennis clubs. He played tennis right up into his senior years.

He entered Parliament at the age of 61 and was a member for nine years. He was very well known as the member for Fortitude Valley. He continually interjected to remind members which electorate he represented. His last statement to this House was a point of order reminding the members, he said, for the last time that he was the member for Ithaca and not the member for Fortitude Valley. When he retired from this House he was one of the personalities who was missed. I join with my colleagues in extending condolences to his family.

Motion agreed to, honourable members standing in silence.

## PRIVILEGE

### Misleading of Parliament by Deputy Premier

**Mr SPEAKER:** Honourable members, on Tuesday the honourable member for Lytton requested me to study some matters with regard to statements that were made by the Honourable the Deputy Premier, Minister for Public Works, Main Roads and

Expo and Minister for Police. I have examined those statements and all other statements relating to the matter, and it is my opinion that the Minister has not deliberately set out to mislead this Parliament.

## PAPERS

The following papers were laid on the table—

Order in Council under the Meat Industry Act 1965-1984

Regulations under the Public Service Act 1922-1978 and the Public Service (Board's Powers and Functions) Act 1987.

## MINISTERIAL STATEMENT

### State Service Superannuation Scheme

**Hon. M. J. AHERN** (Landsborough—Premier and Treasurer and Minister for the Arts) (10.20 a.m.), by leave: In Parliament yesterday, I was asked detailed questions about funding of the Queensland State Service Superannuation Scheme. I answered the question in broad terms yesterday and indicated to the House that I would seek detailed information on the matter so that the honourable member who asked the question could study further the detailed issues. I now provide that detailed information.

The Scheme

Employees in the Queensland public service are entitled to superannuation benefits in accordance with the State Service Superannuation Act 1972-1985 and the Public Service Superannuation Act 1958-1985. Benefits related to final average salary are provided on age retirement, incapacity or death, with resignation benefits being generally a return of employees' contributions with a low rate of interest. The Additional Benefits Fund meets five-sevenths of the cost of non-resignation benefits. I would have thought that the honourable member would know all this; but, anyway, the State Service Superannuation Fund meets the balance. The Crown contributes 2.31 times the employees' contributions, that is, the Crown contributes about 15 per cent of salary, to fund the Crown share of benefits.

Assets

The contributions of employees are maintained in the State Service Superannuation Fund. This fund is part of the cash balance held in Treasury and interest is payable on the monthly balance at 12 per cent per annum currently. The contributions of the Crown are maintained in the State Service Superannuation Additional Benefits Fund. The fund is credited with the income from the investments of the fund. At 30 June 1987, the balances of the funds were $788.5m and $2,071m, respectively.

The assets are pooled with those of other trust funds, notably those of the Workers Compensation Board and the Nominal Defendant. The State Actuary, Dr A.L. Truslove, has visited Treasury to inspect the stock certificates held in respect of the pooled funds to verify the existence of all the assets, and confirm that the correct proportion has been allocated to each fund. These facts have also been checked by the Auditor-General.

The Actuary has based his valuation on the book value of the assets held. Because of the nature of the assets, it is his opinion that there is no material difference between the aggregate book and market values of the assets, so that the use of book value of assets is appropriate.

Contributions

In the State Service Superannuation Fund, employees contribute at the rates, expressed as percentages of salary, of—

| Age | 20-24 | 24-35 | Over 35 |
|---|---|---|---|
| Contribution | 5.5% | 6.0% | 6.5% |

These increasing rates partially reflect the increase with age of the annual accruing cost of superannuation benefits. The Crown contributes a fixed multiple of the employee's contributions. The contribution rates are adequate for the benefits due to new entrants. For the existing members of the fund the contributions due in future, together with the existing assets, are adequate for the benefits due.

The result is that the State Service Superannuation Fund is funded on a minor variant of the level percentage of salary method using contribution rates adequate for new entrants.

Liabilities

The last actuarial valuation, covering both funds, was made as at 30 November 1985 by the then Acting State Actuary. The valuation disclosed a surplus of assets over liabilities. The surplus was in part used to provide improved benefits. The State Actuary, Dr A. L. Truslove, has examined the report and confirms the conclusions drawn.

Funding Status

Consider by way of example a superannuation scheme which provides an age retirement benefit only of a fixed lump sum, for example, $2,000 for each year of service. The cost incurred in any one year could be regarded as the present value in that year of the extra benefit accrued. With that approach, the annual expense is much less at young ages than at older ages. The employer thus undertakes an obligation to meet a superannuation expense, which increases over the years of the employee's working life. This obligation to meet future increases in the expenses is a hidden liability. It is often contended that this approach presents difficulties in explaining the long-term costs involved, particularly in annual reports.

The common basis of superannuation costing uses a level percentage of pay-roll so that future increases are avoided. The minor variation in the State Service Superannuation Fund makes negligible difference. In the example above, the employer cost using this latter method would be the same each year as a percentage of pay-roll, irrespective of the employee's age. This produces employer costs higher in the early years, and lower in later years, than with the previous method described. The result is a cost which is stable in proportion to pay-roll, and this is much more useful in establishing the costs of enterprise output.

In accounting terms, any superannuation scheme funded on a level percentage of pay-roll contributions rate basis adequate for the benefits payable for new entrants is overfunded in accounting terms, because the accruing liabilities are more than covered by the contributions paid. This is so because in the early years of an employee's working life the actuarially calculated employer contributions are higher than are required to fund the past service liability in accounting terms.

The only exception to the above conclusion arises from arrangements amortising on actuarial deficiency. Such a deficiency may arise from adverse experience, or from the granting of improved benefits in respect of past service under arrangements which provide for funding over a number of years. A deficiency disclosed by an actuarial valuation using a new entrant contribution rate basis means that the past service liability is not fully funded. The surplus disclosed at the last actuarial valuation means that the scheme was fully funded as at November 1985.

Conclusion

The State Actuary, Dr A. L. Truslove, has stated that, in his opinion, the State Service Superannuation Scheme has adequate contribution rates and is fully funded and that no circumstance affecting the scheme since 1985 has altered that conclusion. The simple answers to the questions are that the scheme is fully funded on both measures.

## MINISTERIAL STATEMENT

### Major Industrial Developments in Queensland

**Hon. R. E. BORBIDGE** (Surfers Paradise—Minister for Industry, Small Business, Communications and Technology) (10.27 a.m.), by leave: There has been much criticism by the Opposition of late—most of it empty rhetoric, I might add—about the Government's performance in broadening Queensland's economic base.

Whilst some members, such as the honourable member for Cairns, continue to blunder around, insulting and alienating local industry with ill-founded statements, the Government has been extremely active in attracting and stimulating new business and industry.

I am pleased to advise the House that in the first four months of the Ahern Government a number of major industrial developments have been announced for Queensland. Tomorrow, I will open a new $5m factory and office complex for Century Yuasa Batteries on the Government's Carole Park Industrial Estate. The company is now the second-largest battery-manufacturer in Australia, with 210 people employed at its new national headquarters and manufacturing plant. This is the latest on a growing list of new developments for Queensland.

Recently, the Premier announced to this House that the giant Japanese NEC Corporation had selected Queensland for its new multimillion-dollar software research and development centre. This project will not only provide employment and valuable exports, but also, and more importantly, it will put Queensland at the forefront of Australia's software technology section.

Other major industries to be established in Queensland include the granite-processing manufacturer, Emidex Resources Limited, which will situate its $25m plant on Government land near Ipswich by August 1988. It is expected that the operation will employ some 60 people.

Two complementary medical facilities are to be established at the Department of Industry Development's technology parks. Medical equipment and supplies manufacturer, William A. Cook Australia Pty Ltd, will transfer its $4m operation from Melbourne to the Eight Mile Plains Technology Park by December this year. This export-oriented company, which is heavily involved in the IVF research program, will employ up to 60 people. A genetic engineering research and development operation, Medical Innovations Limited, will set up its $1.3m medical facility on the Labrador Research and Development Park. Construction will commence this year and the facility will employ 20 people.

Last week it was also announced that a clothing manufacturer trading as "The Competition" and called Xcat will be locating from interstate to Toowoomba.

Honourable members will also be aware that negotiations are well advanced concerning ICI's proposed $80m chemical plant on Crown industrial land in Gladstone. This will undoubtedly lead to other major industrial developments for the Gladstone area.

It is clear that, despite the constant, ill-informed prattlings of the Opposition, the Government has been making strong progress towards a healthy and broad-based industrial base for Queensland.

## NOTICE OF MOTION

Mr WELLS having given notice of a motion—

**Mr WELLS:** I seek leave to have the document to which I referred incorporated in *Hansard.*

**Mr SPEAKER:** Order! The honourable member seeks leave to have a document incorporated in *Hansard.* I have looked at it. It is merely a statement of the intent of the motion.

Leave granted.

## PUBLIC ACCOUNTS COMMITTEE BILL 1988

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same as follows:—

1. This Bill may be cited as the "Public Accounts Committee Bill 1988".

2. In this Bill unless the contrary intention appears "Committee" means the Public Accounts Committee constituted under this Bill.

   "Chairman" means the Chairman of the Committee "Vice Chairman" means the Vice Chairman of the Committee. "Member" means a member of the Committee.

3. (1) There shall be a Committee, to be called the Public Accounts Committee.

   (2) The Committee shall consist of nine Members of the Legislative Assembly.

   (3) The Committee shall include no more than five members who are members of the party or parties which constitute the government, and other parties shall be represented on the Committee as nearly as is practicable in proportion to their numbers in the Parliament.

   (4) No Minister of the Crown shall be a member of the Committee.

   (5) The Committee shall be appointed as soon as practicable after the commencement of this Act, and as soon as practicable after the commencement of each session of each parliament after the commencement of this Act.

4. Each member of the Committee shall, subject to section 5 of this Act, continue to hold office until the next appointment of the Committee, notwithstanding that the House has been dissolved or that the term of the House has expired.

5. (1) A member of the Committee ceases to hold office if he
   (a) becomes a Minister of the Crown.
   (b) ceases to be a Member of the Legislative Assembly.
   (c) resigns the office by an instrument in writing addressed to the Speaker.
   (d) is absent without approval by resolution of the Committee from three consecutive duly summoned meetings of the Committee.
   (e) is removed from office by resolution of the Legislative Assembly on the ground that he is incompetent or neglectful in the discharge of his duties or is not a fit and proper person to continue as a member of the Committee.

   (2) Subject to section 3 of this Act, the Legislative Assembly may appoint a member to fill a casual vacancy on the Committee.

6. (1) After each appointment of the Committee, the members of Committee shall elect one of their number to be Chairman, and another Vice Chairman, of the Committee.

   (2) Not more than one of the Chairman and Vice Chairman shall be a member of the political party or parties which constitute the Government.

   (3) The Committee shall be presided over by the Chairman, or in his absence the Vice Chairman, or in the absence of both a temporary Chairman elected by the members present at any meeting at which a quorum is present.

   (4) In the absence of the Chairman the Vice Chairman may exercise all the powers conferred on the Chairman, and in the absence of both the temporary Chairman may exercise all the powers of the Chairman.

7. (1) Five members of the Committee shall constitute a quorum, except that when the Committee meets for the consideration of a report to Parliament, a quorum shall consist of not less than six members.

   (2) All questions decided by the Committee will be decided by a majority of the votes of the members present.

   (3) The Chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

8. (1) The Committee may appoint sub-committees of not less than three members of the Committee, of whom one shall be appointed by the Committee as Chairman of the sub-committee.

   (2) A sub-committee may exercise any of the powers of the Committee in respect of any matter referred to the sub-committee.

   (3) A sub-committee shall report to the Committee which may adopt, reject, or adopt with amendments the report of the sub-committee.

(4) A quorum of a sub-committee shall be one more than half the members of that sub-committee.

9. The duties of the Committee shall be:—

(1) To examine the accounts of the receipts and expenditure of the State and each statement and report transmitted to Parliament by the Auditor-General.

(2) To report to the Parliament with such comments as it thinks fit, any items or matters in those accounts, statements and reports or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed;

(3) To report to the Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt control issue or payment of public moneys;

and

(4) to inquire into and report to the Parliament on any question in connection with the public accounts of the State—

(a) on its own initiative;
(b) which is referred to it by a resolution of the Parliament;
(c) which is referred to it by the Governor in Council or by a Minister of the Crown.

10. The Committee shall have the same powers to summon and compel the attendance of witnesses and compel the production of documents as a Commission of Inquiry under the Commissions of Inquiry Act 1950-1987.

11. (1) Subject to this section, the Committee shall take all evidence in public.

(2) The Committee may take in private evidence, whether oral or documentary, which, in the opinion of the Committee, relates to a secret or confidential matter.

(3) Where, at the request of a witness, evidence is taken by the Committee in private—
(a) the Committee or a member shall not, without the consent in writing of the witness: and
(b) a person other than a member shall not, without the consent in writing of the witness and the authority of the Committee under sub-section (5) of this section, disclose or publish the whole or a part of the evidence.

(4) Where evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) shall not, without the authority (in writing signed by the Chairman) of the Committee under the next succeeding sub-section, disclose or publish the whole or a part of that evidence (other than evidence which has already been lawfully published).

(5) The Committee may, in its discretion, disclose or publish, or authorize the disclosure or publication of evidence taken in private, but this sub-section does not operate so as to affect the necessity for the consent of a witness under sub-section (3) of this section.

12. The Committee may sit and transact business at any time while the Parliament is not sitting and, with leave of the Parliament, at any time while Parliament is sitting.

13. The Governor in Council may make any regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## QUESTIONS UPON NOTICE

### 1. Return of Full Responsibility for Education to the States

Mr FITZGERALD asked the Minister for Education, Youth and Sport—

"Has his attention been drawn to the change of heart by an influential section of the Federal Liberal Party which is now advocating a return of full responsibility for education to the States?"

**Mr LITTLEPROUD:** It is nice to see at long last that the Federal Liberal Party is beginning to accept the validity of the Queensland Government's claims. Constitutionally, education is a State responsibility, yet successive Commonwealth Governments have increasingly used their funding powers to impose Commonwealth priorities on State education systems.

The functions of the Commonwealth Department of Education and other Federal education bureaucracies could be considerably restricted, and the funds so saved directed to the States to improve educational services. The Commonwealth has been playing an increasingly intrusive role in tertiary education and is duplicating State efforts. There is merit in reducing the administrative structure in relation to tertiary education.

Members will recall that this Government opposed the handing over of responsibility for tertiary education to the Federal Government in 1973.

The answer to this question is rather long, so I seek leave to table the remainder and have it incorporated in *Hansard.*

Leave granted.

*Whereupon the honourable member laid on the table the following document—*

The inequitable allocation of funds amongst the States to Queensland's disadvantage which followed the handing over of tertiary education funding to the Commonwealth is obvious for everyone to see.

In spite of the loud trumpeting that the Federal agencies would have regard to balanced development amongst the States, Victoria started off by getting three per cent more of the Commonwealth funds than it was entitled to on a population basis and maintains that overfunded position today.

Queensland in the mid 1970s was underfunded by almost 2.5 per cent and in spite of making small gains in recent years is still underfunded by nearly two per cent in terms of its share of the national population.

It is good to know that the Federal Liberal Party is now coming to its senses and sees the merit in full responsibility for education being handed back to the States. The repeated calls by me and my predecessors in this Government are clearly beginning to bear fruit. Some 12 months ago, the Honourable Lin Powell pointed out that the duplicated Commonwealth bureaucracies in education were costing the taxpayer $60 million per year.

In addition, the Commonwealth-imposed Higher Education Administration Charge raised a total of $87 million in 1987. Although much of this money was refunded to certain categories of students and institutions, some $40 million went to consolidated revenue.

It is interesting to note that if the Commonwealth education bureaucracies were abolished and the funds reallocated to the States on a population basis we would get sufficient funds to virtually wipe out the shortage of higher education places that currently exists in Queensland.

## 2. Videotaping of Gamblers at Casinos

Mr BURNS asked the Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police—

"With reference to a statement in the *Gold Coast Bulletin* in which it is reported that a spokesman for him as the Minister for Police said, when speaking of Queensland casinos, 'Gamblers should be well aware they were monitored by cameras and that the video tapes were later stored.'—

(1) Does the relevant Act provide for video taping and recording of customers at casinos?

(2) Who is responsible for making and storing such video tapes?

(3) Who can scrutinise such tapes?

(4) For how long are they kept?

(5) Who decides which tapes are destroyed, or more importantly, kept?

(6) Will he give a full and frank explanation of this invasion of the rights of citizens to enjoy a night out in Queensland casinos?"

**Mr GUNN:** (1 to 6) The honourable member would be aware that casino operations fall within the ministerial responsibility of my colleague, the Minister for Finance and Minister Assisting the Premier and Treasurer and questions arising therefrom should be directed accordingly.

However, in view of the past circumstances relating to this particular question, I will advise him that the Casino Control Act clearly provides that the Casino Control Division of the Treasury Department is charged with the effectual administration of that Act and, in that regard, the inspectors of the division may at any time take appropriate steps to ascertain whether the operation of casinos is being properly supervised and managed and whether the provisions of the Act and the related agreements are being observed.

The Act also requires the casino-operator to ensure that the operation of the casino is conducted at all times in a proper and competent manner. As part of the necessary and required surveillance of casino gaming, a closed circuit television system of an approved standard and lay-out has to be installed. Under sections 74(r) and 75 of the Act, the procedure for the use and maintenance of security and surveillance facilities, including a closed circuit television system, must be described and approved. Indeed, procedures on internal control systems covering every aspect of casino operations are approved.

The system of internal control concerning surveillance operations specifically addresses, in extensive detail, the issues referred to by the honourable member. In brief, the making and storing of videotapes is a responsibility of the Casino Control Division and the surveillance department of the casino operator. The question of scrutiny of such tapes is on a need-to-know basis and high degrees of confidentiality are applied to surveillance information that is gathered. The procedure for tape usage and retention is well defined. Retention can vary from 24 hours to five days depending on the activity being taped. Tapes on court room activity, for example, are kept for five days whereas tapes of activity on progressive video machines are kept for 24 hours. Tapes are retained for longer periods when they relate to the gathering of evidence as a result of investigations or arrests.

The honourable member will surely agree that the integrity of the operation of a casino is of paramount importance and that, given the nature of casino gaming where an historical record of the actual betting transaction is not always available, it behoves the Government to ensure that the best possible controls are maintained.

It is precisely under these conditions that casino patrons can enjoy a night out in Queensland casinos safe in the knowledge of receiving scrupulously fair treatment because the rules and operating procedures are being carried out correctly and are seen to be carried out correctly.

Only those who have an interest in cheating the system need be concerned about the security procedures in place.

**Mr BURNS:** Can I take the Minister's suggestion in the first part of the answer that I place that part of the question on notice?

**Mr GUNN:** No, I answered it.

**Mr SPEAKER:** Order! The Minister then went ahead and answered it, as I understand it.

**3. Mr D. Draydon, Investigation of Insurance Fraud for Suncorp; Representation of Mr G. P. Hallahan at Fitzgerald Commission of Inquiry; QRP Investigations; Insurance by Suncorp of Properties Mysteriously Burnt**

Mr BURNS asked the Premier and Treasurer and Minister for the Arts—

"(1) Is Des Draydon, a former National Party candidate, investigating insurance fraud for Suncorp?

(2) When was this investigation started and when is it expected to be completed?

(3) What is the total cost and how much is Mr Draydon being paid?

(4) Is Mr Draydon also representing a former police officer, Glen Patrick Hallahan, at the Fitzgerald Inquiry?

(5) Does Mr Hallahan work for Suncorp?

(6) If so, what is his position and who appointed him to that position?

(7) Did Mr Hallahan hire former police officer, Tony Murphy, and a group called Queensland Retired Police Investigations or some similar name to investigate claims?

(8) Who are the ex-police officers who work for or make up Queensland Retired Police Investigations?

(9) Have any of them been mentioned before the Fitzgerald Inquiry?

(10) If the answer to numbers 8 and 9 is that he does not know, will he cause enquiries to be made as many policy holders are concerned at the possibility of corrupt officers becoming aware of their financial dealings, their property, and the confidential information required to be disclosed when insurance policies are applied for?

(11) Were any of the night club, casino and restaurant properties mysteriously burnt in recent years insured by Suncorp and did Mr Hallahan or Mr Murphy's group investigate any of them?"

**Mr AHERN:** (1) Because of his experience as a policeman and a barrister practising in criminal law, Mr D. Draydon is retained by Suncorp to carry out consultative work in relation to suspected fraud within motor vehicle compulsory third party (personal injury) insurance claims.

(2) Following a preliminary survey in early 1987 and submission of a report, Mr Draydon has been engaged as a consultant on an as-required basis.

(3) I have indicated that Mr Draydon is engaged as a consultant. The levels of charges for his services are commercially based, are reasonable, and are confidential between Suncorp and Mr Draydon.

Just as other insurers do not publish this type of information, it is not considered appropriate that the confidentiality of such arrangements should be breached either by this Government or by Suncorp.

(4) Media reports indicate this is so. However, the honourable member should seek advice from the appropriate source to confirm this.

(5) Yes.

(6) Mr Hallahan was appointed to the position of claims investigator by the corporation in accordance with the provisions of the Suncorp Insurance and Finance Act.

(7) The corporation uses a number of firms and individuals to investigate claims. The services of an organisation by the name of QRP Investigations, of which Mr Murphy is believed to be the principal, have been used for this purpose.

(8 and 9) I am not in possession of this information.

(10) I am advised by Suncorp that QRP Investigations has not been used for some time, nor is it contemplated that the services of this organisation will again be used in the foreseeable future.

(11) I am not aware of the properties to which the honourable member refers. However, any premises insured by Suncorp which are damaged or destroyed by fire in unusual circumstances would be the subject of either an internal or external investigation before the claim is settled in order to safeguard the interests of policy-holders.

I hope that that provides the necessary information to the honourable member. I understand that it was sought by Mr Jack Stanaway.

**4. Child Guidance Centre for Slacks Creek State School**

Mr FRASER asked the Minister for Education, Youth and Sport—

"(1) Is the allocated child guidance centre for the Slacks Creek State School situated on the Gold Coast?

(2) Considering the travelling expense involved for parents to obtain counselling services for their children, is it possible for State schools in the Springwood Electorate to be allocated to the Woodridge Child Guidance Centre?"

**Mr LITTLEPROUD:** (1) Yes, the administrative centre is situated on the Gold Coast.

(2) Guidance services provided by the Department of Education are delivered in schools normally attended by the child concerned. Such school-based services permit the guidance officer to work closely and effectively with principals, teachers, parents and children in the child's most natural environment.

In view of this school-based delivery of services, there should be little need, if any, for parents of children attending the Slacks Creek State School to travel to the district guidance office administrative centre at Southport for counselling services. However, I have directed my officers to investigate the feasibility of the member's suggestion.

**5. Improvement of Urban Transport Services in Springwood Electorate**

Mr FRASER asked the Minister for Transport—

"Has his department completed a study to improve urban transport services in the Electorate of Springwood and what improvements can be expected from the study of transport deficiencies in the area?"

**Mr I. J. GIBBS:** The rapidly growing area of Logan City has been the subject of both investigation and capital investment by the Department of Transport in recent years.

As a result of investigations and studies, new urban bus services have been established in the Park Ridge/Browns Plains area; a major rationalisation of operations by Greenline Transit in the Woodridge, Kingston and Marsden area has occurred; and special limited stop bus services known as "Flyer" services have been introduced by Clarks Bus Service from Loganholme, Daisy Hill, Shailer Park and Springwood.

Each of these improvements has been undertaken concurrently with additional capital investment in car and bus interchanges along the rail corridor from Kuraby to Beenleigh.

Investigations are in hand for the provision of direct bus services from Logan City suburbs east of the Pacific Highway to the CBD via Garden City and it is expected that these services will be introduced as rapidly as operator-resources permit.

In the meantime, the Department of Transport has recently completed a study into the public transport interchange requirements of the proposed Logan City shopping centre at Bryants Road, Loganholme. It is expected that this centre will attract approximately 50 local and over 100 long-distance bus and coach movements daily, and accordingly the provision of major passenger interchange facilities in this centre is considered essential.

The Transport Department's findings have been made available to both the Logan City Council and the centre developer and detailed proposals are now awaited.

I can assure the honourable member for Springwood and this House that public transport facilities and services in rapidly growing areas of the State will continue to receive appropriate attention from my department.

## 6. Prospect Marine Pty Ltd Lease, Whyte Island

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

"(1) Who initiated the discussions between Prospect Marine Pty Ltd and the Government which have led to the Government purchase of Whyte Island?

(2) Is he aware that the developer has made efforts over many years to find a joint venture partner or sell the site?

(3) What was the real equity contribution of the developer, Prospect Marine Pty Ltd, to develop the site prior to its sale?

(4) Is he aware that the Corporate Affairs Commission records show that Prospect Marine Pty Ltd has not lodged an annual return since 1983?

(5) With reference to his indication on 15 March that a $2m valuation was arrived at following a site valuation carried out by Dr J. F. N. Murray and V. I. Brett and Associates, what is the breakdown and basis of these valuation figures?

(6) Is there a record of the Premier opposing this lease application in Cabinet when approved in 1982?"

**Mr NEAL:** (1) The discussions were between the Port of Brisbane Authority and Prospect Marine Pty Ltd and were initiated by the port authority with the support of the Government.

(2) Obviously, with a proposed development of this magnitude, a major injection of capital is required and the promoter can be expected to become involved in negotiations for financial support. I do not have records of steps taken by the lessee in this regard, nor am I aware of any effort made to sell the site.

(3) These details are not available. Apart from the major contractual commitments for the conduct of physical works on site relating to excavation, revetment, reclamation and drainage, the developer has expended considerable funds and effort in relation to the planning of the project and the negotiation of the many aspects which were required to be resolved as part of the clearance of the development through the approval processes of the Brisbane City Council, as well as the arrangements with the Port of Brisbane Authority for the joint provisions of services.

(4) No. My department does not normally become involved in the policing of requirements relative to corporate affairs legislation in respect of corporations with which it has dealings.

(5) I have already indicated that two valuations were available to the port authority and that its determination of an appropriate consideration was made in the light of both valuations as well as its understanding of the alternative methods available to the developer for realisation on the property.

(6) I am not aware of any recording system which would provide the information sought by the honourable member.

## 7. Proposed Ministerial Rezoning of Portion of Orchid Beach Airstrip Lease

Mr BEARD asked the Minister for Local Government and Racing—

"(1) Has he received a number of objections to his proposed ministerial rezoning of approximately 19 hectares of the Orchid Beach Airstrip Lease?

(2) Were all of the objections from landholders on Fraser Island and not from conservationists?

(3) In view of his promise of 1987, on his assumption of office, that there would be no more ministerial rezonings, how does he justify this affront to the rights of other landholders, including people who bought adjacent land, similarly zoned, but on the freehold market?

(4) Will he cease this rezoning immediately and require the intended beneficiary to go through the ordinary processes, which preserve the right of appeal of these adjoining landholders?"

**Mr RANDELL:** (1) Yes.

(2) It appears that all of the 32 pro forma and two individual objections lodged were from persons having an interest in land on Fraser Island. I am not aware of the views of these persons in relation to conservation matters.

(3) No promise of the nature referred to in the question was made by me. Upon being appointed Minister for Local Government and Racing in December 1987, I expressed publicly my view in relation to the matter of ministerial rezonings in the future. If the honourable member peruses the statements that I made at that time, he will ascertain the correct position. I have in my possession some statements that I could supply to him later.

I inform the honourable member that I will never give away the right to recommend a ministerial rezoning to Cabinet when I consider it appropriate to do so. However, I emphasise that that will be done only after careful review and consideration of an application. I would state also that in this instance the proposal had the full support of the Hervey Bay City Council, and substantial weight was given to that aspect.

(4) In terms of the provisions of the Local Government Act, a final decision in respect of a rezoning of this nature is a matter for the Governor in Council, and the proposal will be submitted to him for consideration at the appropriate time.

## 8. Clinical Academic Staff at University of Queensland Medical School

Mr SHERLOCK asked the Minister for Health—

"(1) Is the State Government receiving clinical services in public hospitals from academic staff of the University of Queensland Medical School for which neither they nor the University receive remuneration?

(2) Is there a large discrepancy between the salary package of senior academic staff working in the public hospitals compared with full-time and visiting staff on the Public Hospital payroll and their colleagues interstate?

(3) As the situation has now reached a crisis, will there be a large exodus of academic staff from the Medical School of the University of Queensland into full-time and the private sector?

(4) Will there be a 'medical brain drain' out of Queensland?

(5) If there is a major exodus of academic staff from the medical staff, will this adversely affect the training of doctors and the training of interns for the public hospital system of Queensland and will this be felt first in the country?

(6) What action has she taken to deal with and resolve this dilemma of clinical academic staff in the Medical School?"

**Mrs HARVEY:** (1) I am advised that, in respect to some full-time staff employed by the University of Queensland to provide clinical services in teaching hospitals, no remuneration is made by the teaching hospital to either the university or the individual. There is a significant number of staff where the teaching hospitals currently pay moneys to the university for such services.

(2) I am unaware of the extent of differences in salary package, but I am advised that there are differences between salaries paid by the University of Queensland to academics and full-time and visiting staff of Queensland public hospitals.

(3) I am unaware of the potential exodus of academic staff from the University of Queensland.

(4) I am not anticipating a medical brain drain out of Queensland.

(5) A significant exodus of academic staff would have an adverse effect on training of undergraduate medical students.

(6) I have seen a deputation from the Vice-chancellor, University of Queensland, and, following this, have agreed to the establishment of a committee to investigate the various matters raised by the university. Correspondence has been exchanged with the university on this matter. The Director-General of Health and Medical Services has written to the Vice-chancellor suggesting a date for the first meeting and details of the agenda. It is hoped that this first meeting will be held in the next few weeks.

**9. Gazettal of Bayfield National Park**

Mr HINTON asked the Minister for Environment, Conservation and Tourism—

"What is the progress of negotiations, particularly with regard to mining authorities to prospect, with respect to the Cabinet decision to gazette Bayfield National Park?"

**Mr MUNTZ:** I thank the honourable member for his question. I am aware of the work that he has done to ensure that Bayfield national park does come to fruition and the work that he has done in the whole Bayfield area to ensure that it will be of enormous environmental benefit. That work will have an effect on the potential for employment opportunities in the overall plan for that area. The honourable member has been very supportive of that. I am sure that everyone who lives in that area will benefit in the long term.

I am informed that negotiations are in progress between the Mines Department and the relevant mining companies with a view to their relinquishing authorities to prospect over those sub-blocks within the area allocated for conservation purposes and their being allocated substitute areas. These delicate negotiations are being carried out as speedily as possible, but, of necessity, they take time.

As Minister for Conservation, I reaffirm my personal commitment to national park gazettal of the environmentally diverse Byfield area.

**10. Upgrading of Byfield Road**

Mr HINTON asked the Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police—

"What plans has the State Cabinet for the development of the Byfield Road north of Yeppoon, given that it is the sole access road to the Byfield pine forest, and currently used for an ever-increasing tonnage of state forestry timber transport and, given further, that the whole of the forest timber will have to travel over this particular road?"

**Mr GUNN:** I am pleased to advise the member for Broadsound that the Government has allocated $7m from the Special Major Capital Works Program for the upgrading of this road north from Yeppoon. The 4.1 kilometres of four-lane construction will be completed in 1989.

Further north from this section, minor construction works such as realignment and widening of isolated sharp curves and selected widening for safety purposes are also planned for construction over the next few years. In particular, design is in hand for upgrading a short section of low-standard alignment adjacent to the Farnborough school with a view to commencing work in the middle of 1989.

**11. Closure of Condamine Highway, Escorts for Road Trains Using Alternative Routes**

Mr HOBBS asked the Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police—

"Due to recent flooding and the closure of the Condamine Highway to road trains, will he assure this House that restrictive and expensive police or private

escorts will not be forced upon road trains that can use the alternative route via Chinchilla and Miles, only while the Condamine Highway is closed to traffic, keeping in mind also coach and other forms of transport use the same road as road trains from Toowoomba to Dalby and from Roma west?"

**Mr GUNN:** In order to travel the alternative routes indicated by the member for Warrego, road trains would have to utilise the Warrego Highway, which is closed to that class of transport east of Roma. If approval was given for road trains to use alternative routes to the normal Condamine Highway route, no general assurance regarding escorts can be given, as circumstances existing at the time would be the determining consideration.

Under regulation 14 of the Traffic Regulations, a district superintendent or superintendent of traffic must give prior consideration to the safety of the public generally before any permit is issued. I will have further dialogue with the honourable member on that matter.

## 12. Volume Loading of Single-axle Prime Movers

Mr HOBBS asked the Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police—

"Will he undertake to investigate and recommend the volume loading of single axle prime movers, in view of the fact that these vehicles may exceed slightly on axle loading, whereas present volume loaded trucks can be well over the legal axle limit?"

**Mr GUNN:** I will undertake to have this investigation carried out by the Main Roads Department.

## 13. Heron Island Reef, Damage by Dredging

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

"(1) Is he aware that the Director of Heron Island's research station, Dr Ian Lawn, claimed there has been extensive damage to the reef surrounding Heron Island following dredging operations late in 1987, at which time Dr Lawn claimed dredging and excavation permits should never have been issued?

(2) What action has he taken to have these claims investigated and what action has he taken to remedy any damage that has been done?

(3) Will no further permits be issued that could damage the reef and will he take such action as is necessary to protect the reef?"

**Mr NEAL:** (1) Any statement made by Dr Lawn in this regard has not been brought to my attention.

(2) As the honourable member is no doubt aware, the Great Barrier Reef Marine Park Authority has jurisdiction in the area in question and it was, inter alia, a condition of the approval granted pursuant to the provisions of section 86 of the Harbours Act for the construction of the wharf, approach jetty and dredging at Heron Island that the constructing authority must obtain the approval of the Great Barrier Reef Marine Park Authority prior to the commencement of the works.

The Great Barrier Reef Marine Park Authority subsequently advised that the authority had no objection to the proposed redevelopment of the harbour, including the dredging and construction of a bund wall, subject to a number of conditions prepared in conjunction with the Queensland National Parks and Wildlife Service. The authority further advised that a permit would be issued to Heron Island Pty Ltd to undertake the harbour reconstruction, including dredging and bund wall construction.

The draft permit conditions for the Heron Island harbour development forwarded with the authority's above advice included a condition that—

"The permittee shall ensure as far as practicable that construction works result in minimal disruption of harbour usage".

The policing of any conditions of the permit issued by the Great Barrier Reef Marine Park Authority would be a matter for that authority.

(3) My department places a high priority on the preservation of reef areas, such as those at Heron Island, and will continue to ensure that full regard is had to the need to avoid damage.

### 14. Reduction in Staff at Babinda Court House and Other Courthouses

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

"(1) Since he would be aware that the clerk typist at the Babinda Court House was removed because of cutbacks in Court House staff, will he list the Court Houses in Queensland where staff were reduced and by how much?

(2) Is he aware that there are now periods of time that the Babinda Court House is shut during working hours because the Clerk of the Court has other duties that take him out of the office?

(3) As there was only one clerk typist in the office and her removal represented a 100 per cent reduction of typing staff, will he restore the clerk typist to Babinda as there is an urgent need for the Court House to be properly staffed at all times?"

**Mr CLAUSON:** (1 to 3) As I advised the honourable member in my letter to him of 14 March 1988, my department, like all departments of the Government, has been required to ensure that all expenditures are contained within Budget allocations in order to maximise the effective use of resources. It has therefore been necessary to redeploy staff within the Magistrates Courts service.

Consequently, staff have been transferred to achieve maximum utilisation. These transfers have occurred at Babinda and a number of other centres throughout Queensland. This is an ongoing process which is continually monitored in order to achieve maximum efficiency in the context of limited resources.

If the Babinda Court House is required to be closed for short periods during the absence of the Clerk of the Court, this is a consequence of the limited resources available to my department.

The clerk typist in question was transferred from Babinda to Gordonvale and is available to return to Babinda for periods when the work at Babinda requires the presence of a clerk typist. At present, she returns regularly to Babinda each Wednesday. I can assure the honourable member that the Babinda Court House has not been singled out for any special detriment.

## QUESTIONS WITHOUT NOTICE

### Closure of Government Motor Garage, Zillmere

**Mr GOSS:** In directing a question to the Premier and Treasurer, I refer to concerns about the future of the Government Motor Garage at Zillmere and the Premier's statements in this House yesterday that State Cabinet had made no firm decision on closing the garage and selling its facilities to a private operator. I ask: will the Premier confirm that the Cabinet Budget Review Committee has made a definite decision in favour of closing and selling the Zillmere facilities, and that the Premier took a submission to Cabinet last Monday based on the committee's recommendation?

In the light of the reported recommendation before the Government, will the Premier admit that his statements yesterday were both evasive and misleading in relation

to the planned closure of the Government Motor Garage and the loss of more than 100 jobs?

**Mr AHERN:** I will make no such admission. Yesterday, I was asked a direct question in respect of this matter and I answered it completely honestly. The question asked was whether or not a decision had been made, and it has not. Cabinet makes those sorts of decisions. Cabinet has made no such decision.

In the preparation of submissions to go to Cabinet, there are a number of Cabinet committees that are considering a generality of issues and making recommendations to the full Cabinet, but they are not decision-making bodies in their own right.

It is not the practice of this Government—nor, to my knowledge, is it the practice anywhere else in the country—to make public the recommendations of various Cabinet committees if the Government does not wish to do so. At this stage I do not propose to make such recommendations public.

I want to simply repeat what I said yesterday. On the recommendation of Treasurer Keating, all States in Australia are looking at all of their Budget items, all of their items of expenditure. Paul Keating, the political colleague of the Leader of the Opposition, has instructed us to do this; to go through all of our Government programs. All Governments in Australia have been instructed to do that. The State Government is required to look at all of these issues.

Yesterday I made the position very clear, and I do not retreat from it. At the moment the matter is being actively examined by the Government, but no decision has been made.

## Statements by Premier about Sir Joh Bjelke-Petersen and Fitzgerald Commission of Inquiry

**Mr GOSS:** In directing a question to the Premier and Treasurer, I refer to his statements on television this morning in which he described his predecessor, Sir Joh Bjelke-Petersen, as being vindictive and also resentful of the fact that he was under investigation by the Fitzgerald commission of inquiry. In his statements this morning the Premier also repeated his claim that Sir Joh's attempt to sack Cabinet Ministers late last year was directly related to a move to bring the Fitzgerald inquiry to a premature end.

In relation to those three statements, I ask: instead of making sinister and unsubstantiated references to his predecessor, when will the Premier take the proper course and, either under the privilege of this House or by giving public evidence to the commission of inquiry itself, tell the public of his knowledge of any attempted political interference in the Fitzgerald inquiry? If the Premier is not prepared to tell the public what he knows, does he intend to continue making these allegations?

**Mr AHERN:** As the honourable Leader of the Opposition knows, the normal course of events is that it is not open to anyone to just determine that he will give public evidence before the Fitzgerald inquiry That is a decision that the commissioner himself makes. In respect of the generality of issues before him, the commissioner decides what issues will be presented publicly.

When I made my original allegation, it was suggested that I might approach the commission in the proper way and talk with the senior counsel assisting the commission, Mr Gary Crooke. That has been done. I have placed before the commission the evidence that I have.

In respect of this issue, which is now one for the commission—senior counsel was summoned into the presence of the former Premier and was instructed to prepare papers for the termination of the commission of inquiry. That is not an unsubstantiated allegation at all. It is true. It happened. In due course, those matters will surface.

In relation to the totality of this matter in respect of criticisms by my predecessor—I regret that those criticisms are forthcoming. However, I feel constrained—required—to give some sort of explanation as to why they are forthcoming. I do not retreat from the statement which I made this morning, that my predecessor is dismayed at the present time in respect of a whole variety of issues. He is certainly to appear before the commission and he will be——

**Mr Goss:** You are backing away. He is not under inquiry.

**Mr AHERN:** I am not backing away at all. The issue is quite clear. It is one for Mr Fitzgerald. The issues will be disclosed at the appropriate time. It is no secret at all that my predecessor will be appearing before the Fitzgerald commission at the invitation of the commissioner. I do not retreat from anything that I said previously in respect of this matter, which is behind a number of the quite trenchant statements that are being made at the moment.

### Telecasting of Special Events to Country Areas

**Mr FITZGERALD:** In directing my first question to the Minister for Industry, Small Business, Communications and Technology, I refer to a claim attributed to the Australian Broadcasting Corporation that awarding coverage of the 1990 Commonwealth Games to the Channel 9 network will mean that country areas in Australia will miss out on coverage. I ask: will that situation occur in Queensland?

**Mr BORBIDGE:** My attention has been drawn to comments attributed to the ABC's Mr David Hill to the effect that, because television coverage of the 1990 Commonwealth Games in Auckland had been awarded to another network, people living in remote, inland and country areas of Australia would not have access to television coverage. In this particluar instance, Mr Hill and the ABC are not well informed.

Under the arrangement that the Queensland Government has entered into for the provision of remote commercial television in Queensland, which will commence on 24 April, people living in the remote and inland areas of this State will receive coverage. The area that will be covered by Queensland's RCTS stretches from Thursday Island to the western borders and even down into northern New South Wales. The people who live in that area—approximately 100 000 Queenslanders—have not had access to commercial television before. They will be able to not only view the next Commonwealth Games but also major events such as the opening of Expo 88 on 30 April, the National Olympathon on 20 and 21 May that will be held to raise funds for Australia's Olympic team, and coverage of the Seoul Olympics in September this year.

At this time, 13 centres throughout Queensland are being equipped with satellite retransmission towers so that viewers in those areas will be able to receive commercial television by using a normal TV aerial. Outside those centres, people will be able to use TV satellite dishes to receive commercial broadcasts from TNQ-7, which operates out of Townsville. On top of that, viewers in remote areas will also receive a series of special educational, rural and community programs that are of particular interest to their communities.

I suggest to the honourable member that the comments attributed to the ABC are incorrect, at least in respect of Queensland, because of this Government's very important initiative of providing remote commercial television for the people of this State. The Government will be making sure that Queenslanders in remote areas are not denied the services that today's technology can deliver.

### Accidents in the Workplace

**Mr FITZGERALD:** I ask the Minister for Employment, Training and Industrial Affairs: what are the Queensland Government's initiatives to help prevent accidents in the workplace?

**Mr Milliner:** Nil.

**Mr LESTER:** It seems that the Opposition is not interested in a safe place of work.

I suggest that accidents at the place of work are quite costly. Financially, accidents take away Queensland industry's competitive edge for obvious reasons. Workers' compensation payments in Queensland amount to approximately $147m per year, which is an enormous amount to pay out in respect of accidents. On top of that, associated costs include family problems and certainly loss of confidence, which inhibits people from returning to work sooner.

I might add that the number of people who have been injured at work is five times higher than the number of people injured in road accidents. The figures indicate that it is a very serious problem and that the trend is Australiawide.

On the positive side—during the last 12 months in Queensland the number of workers' compensation claims have reduced by approximately 7 per cent. That is a good step forward and that is the way that Queensland should be heading. In addition, the Workers Compensation Board is moving into statistical collection, so that accident trends can be monitored. The Queensland board is a long way ahead of any other workers' compensation authority in Australia. The board will be able to ensure through preventive maintenance that few accidents occur, because it will know the trends.

The rehabilitation centre at South Brisbane is regarded as the most modern in the world and will pay for itself within four years. Honourable members can see that this Government is concerned when it comes to accidents at the workplace. Country rehabilitation programs have also been implemented and the Department of Health and my department are co-operating together to bring in a new Bill that will implement a full review of occupational health and safety in this State. This will make it safer for people to go to work in this State and give a better quality of life to all.

## Underfunding of Police Force

**Mr BURNS:** I have a question without notice to the Premier. I refer to today's announcement that he, as Premier, will head a concentrated Government media campaign to improve the image of the Queensland police, and ask: why will he, rather than Mr Gunn, the Minister for Police, lead this media campaign? Is not this poor perception of the police by Queenslanders a direct result of the chronic and persistent underfunding of the police by the National Party Government, to the point at which Queensland has consistently recorded the lowest expenditure of any State on police and that the latest Commonwealth Grants Commission report estimates an additional $38m will need to be spent immediately to bring Queensland's police force up to the national average standard?

Is it not true that this persistent and systematic underfunding has put undue pressure on police manpower and resources to the point at which they are unable to do their jobs and, as such, public perception of police is adversely affected? Would it not be better to spend the money allocated for the Premier's announced Government media campaign on better facilities, equipment, overtime, etc., for the undermanned and low-morale police force?

**Mr AHERN:** It is my veiw that, in the wake of the Fitzgerald inquiry, the Police Department and police personnel are entitled to some morale-building within the community. An exercise such as the Fitzgerald inquiry in Queensland is unparalleled in Australia's history in terms of its openness. People from all walks of life can come before it and make all sorts of allegations about the conduct of Queensland's police officers. It is obvious that some of the allegations will be right and some will be wrong. The truth is very clear; in the wake of an exercise such as that, some bridge-building is necessary with the community and this will have the strong support of all members of the Government, including myself.

So far as the Police Department generally in Queensland is concerned, most policemen are honourable people who are married with families. They are entitled to Government support and are faced with intense media pressure. I want to say to them

that this Government understands the sort of pressure that they and their families are under at the present time. The Government supports them and will support them to a greater extent in the future.

### Harassment of Aborigines, Rockhampton

**Mr BURNS:** My second question without notice is directed to the Deputy Premier. I refer to an article on page 4 of the *Courier-Mail* dated Friday, 11 March. In that article he announced that claims of Aboriginal harassment in Rockhampton had not been substantiated by a police investigation. The article states—

> "A group know as SPONGE (Society for the Prevention Of Niggers Getting Everything) had been identified as a legitimate social organisation."

I ask the Deputy Premier: is he aware that such groups operate in contravention of an Act of the Australian Parliament, namely, the Race Discrimination Act? Is he aware of the massive social disruption such hate-inspired groups cause in the community? Has the Minister forgotten that he is now Deputy Premier in a new enlightened regime where such sentiments are not in keeping with the Government's attempts to create a new image for itself?

**Mr GUNN:** My information on SPONGE came from the director of the Capricornia Institute of Advanced Education in Rockhampton. This organisation is not operating. At one time it had six members. I have met members of civil liberties groups to see what could be done about the Aboriginal question in Rockhampton. Members of civil liberties groups came in and I gave them a good hearing. At the insistence of those civil liberties groups, I arranged for Superintendent McMahon and a sergeant to go to Rockhampton to investigate this matter. I await their report.

### First Home Owners Scheme

**Mr STEPHAN:** In asking a question of the Premier, I refer to articles in today's *Australian Financial Review* and *Sun* that state that the Federal Government is considering abandoning the first home owners scheme. Bearing in mind the considerable success of that scheme in helping low income earners to purchase their own homes and the supportive role of the Queensland Housing Commission, particularly by way of the interest subsidy scheme, I now ask: does this indicate the low priority that the Labor Party places on the wishes of individuals to own their own homes? What effect will this have on the Queensland Government's role in supplying homes for Queenslanders?

**Mr AHERN:** It was only a few days ago, when asked about the process of introspection in the Labor Party, that the Prime Minister indicated that it had to be accepted that there was some disenchantment generally in the electorate with the Australian Labor Party, particularly from middle income earners. It was his intention to look seriously at their needs and to respond to them.

This is the first initiative to respond to those needs. What a response! Do away with the first home owners scheme in Australia! In the Australian context, for generations home-ownership has been an important part of the Australian ethos. A man's own home has been his castle. That is why Governments of all political colours around Australia in recent times have assisted the first home owner to get his hands on that initial piece of real estate to establish a haven for his family. It has been an accepted part of social policy as a reasonable course that all Governments should assist new, young families in Australia to establish that part of their asset in life. It is their most important life-time investment.

What has happened is that serious consideration is being given to this matter. The Queensland Government will fight the proposal tooth and nail. Whatever assistance it can give, it will give. I say to the members of the Australian Labor Party that on this matter they are completely hypocritical, particularly in relation to all of the statements they have recently been making about the Queensland Government's performance on home-ownership, Expo housing and so on.

Honourable members have stood up in this House and said, "Look at what you are doing in the total context of rental housing in Queensland." But here we see the Australian Labor Party looking at giving away this important tenet of social policy that has existed in Australia for some considerable time now—for decades. There is no way in the world that the Queensland Government can tolerate that. The Federal Minister has been invited to Queensland. He has been critical of our housing policies, which are fully funded and responsible. The Queensland Government is not into deficit budgeting, the sorts of programs that apply in the Labor States of Australia. The Queensland Government has a program on interest subsidy of which it is very proud. Interest rates have just been reduced to 13 per cent, and building societies are following. The Queensland Government is proud of its policies. I say to the Australian Labor Party: to even contemplate this move is completely hypocritical and contrary to what the Queensland Government would do to provide reasonable policies to assist Australian families.

**Promotion of Tourism in Western Queensland**

**Mr STEPHAN:** In directing a question to the Minister for Environment, Conservation and Tourism, I refer to the fact that tourism is the undoubted growth industry in established centres throughout Queensland, particularly along the coastline. I ask: what is happening to open up the other areas such as the remote areas of western Queensland to assist in strengthening the economy and to increase job opportunities in those areas?

**Mr MUNTZ:** I thank the honourable member for the question. As he well realises, the tourist industry has expanded throughout Queensland, particularly on the coast, since 1979 when the Queensland Tourist and Travel Corporation set out to make Queensland a world destination on the tourist map. There is no doubt in my mind that Queensland will become the hub of the south Pacific so far as the tourist industry is concerned. No matter whether it is from Coolangatta to Cape York or to Birdsville or Mount Isa, tourist promotion will provide an opportunity to improve the economy and it will create job opportunities for the young people of the State, such as those in the gallery today. I am not saying that they will all seek jobs in the tourist industry; however, the growth in and consolidation of the economy through the involvement of the tourist industry, in conjunction with rural industry, will assist those areas. We, as a Government, are very conscious of a need to expand the tourist industry west of the Great Divide.

I pay tribute to the local tourist organisations representing those areas who are adamant that the tourist industry in those areas will survive and prosper. There is co-operation between the QTTC, the Government and those local organisations.

In March, in Toowoomba, a farm tourism association to promote farm holidays was formed. My colleagues Mr McPhie, Mr Berghofer, Mr FitzGerald and Mr Elliott are aware of that. Those associations will provide the opportunity to promote western Queensland from those centres.

Planet Downs was established by the Bloxham family. It is second to none as a western tourist destination. A four-star destination, with Aboriginal art as good as that at Carnarvon Gorge or any other place in Australia, has been established there.

The Longreach Australian Stockman's Hall of Fame and Outback Heritage Centre will be a lasting monument to the people of the west who established it. It will also be a catalyst to encourage people to go further west.

It is essential to encourage and promote home hospitality. Recently, in the Stanthorpe district I visited a small home hospitality centre established on a farm providing accommodation for six or eight people and home hospitality. Closer to home, recently the Jondaryan Wool Shed promoted a successful Woolarama. It is a facility from which we can promote our Queensland heritage. It has become more and more obvious that people are seeking a nature-based destination in rural areas as well as five-star accommodation, beaches and rainforests.

Last year, the QTTC included farm holiday destinations in Sunlover holiday packages. Honourable members might ask what Sunlover holiday packages are. They

are the biggest tourism packages in Australia, providing destinations throughout Australia and New Zealand, as well as eight other international destinations in countries in which they have offices throughout the world.

The Government is very conscious of the need not only to serve the coastal regions and established tourist areas—whether it be the Gold Coast, the Whitsunday Islands, Cairns, Cape York or even Fraser Island, which is one of the wonderful destinations that this State has to offer—but also to promote the hinterland and the west to ensure that all Queenslanders have an opportunity to share in the prosperity and the job opportunities that the tourist industry offers to them.

### Airstrip Lease, Orchid Beach

**Mr INNES:** In directing a question to the Minister for Land Management, I refer to the question that I asked of the Minister for Local Government relating to the rezoning of approximately 19 hectares of the airstrip lease at Orchid Beach. I ask: as that clearly involves the Government in the consequential rezoning and re-leasing, has his department been involved in negotiations on the matter? Is it not a fact that in 1984 the existing airstrip lease and the associated existing resort lease were bought by the existing owners; that at that time all requirements for redevelopment of those leases had been carried out by previous owners; that the annual rental for both pieces is less than $1,500; and that the parcel was bought for $145,000? Is it not a fact that, in the same year, from the same receiver of the previous owner, people bought, for $1m, freehold land adjacent to it zoned and intended for the future resort?

**Mr GLASSON:** I note the depth of information that is required to answer that question. The member for Mount Isa has been pursuing this issue. Now the Leader of the Liberal Party is pursuing it. Accordingly, I request that the honourable member place his question on notice so that I can give him the full story in relation to the subject land.

**Mr SPEAKER:** Order! I direct that that question be placed on notice.

**Mr INNES:** I do so, with pleasure.

### Ministerial Rezonings

**Mr INNES:** I ask the Minister for Local Government: is it not a fact that in the last three years developers of proposed resorts on land which was required to be rezoned at Eurong Beach and North White Cliffs had to go through the process of applying for rezoning in the ordinary manner, had to provide environmental impact statements, had to bear the costs of going through court, and had to bear the associated costs of rezoning? I ask further: what is the friendly basis of picking the winners who do not have to go through the expensive process of environmental impact statements and the losers who do have to go through the ordinary processes?

**Mr RANDELL:** I do not know how many questions the honourable member has asked me. In answer to his last question—I reiterate that any applications for rezoning that come before me are considered on their merits. That will continue to be the position.

### Relationship between TAFE Colleges and Secondary Schools

**Mr SHERRIN:** In directing a question to the Minister for Employment, Training and Industrial Affairs, I draw his attention to the close relationship that has developed between TAFE colleges and Government and non-Government secondary schools in recent years. I ask: will the Minister inform the House whether this close relationship will be further developed now that TAFE has been incorporated into the new department of State within his portfolio?

**Mr LESTER:** One of the successes of the new department has been its total co-operation with the Education Department. After all, what we are about is trying to link industry more to training and TAFE training in Queensland. At the same time, it is most important that the education component be a real part of this process.

Obviously, what is needed most is the training. There is also a need for management practices to be taught in apprenticeships and so on. I might add that, during my visits to the colleges, we have at all times made regional directors from the Education Department available. In fact, anyone from the Education Department is free to come along.

In senior colleges we have a particularly good relationship with the Education Department. So the whole story goes on. Our officers at all levels are continuing to work together because we have a common aim, which is to give the best quality of training and education to our students, whether they are junior or senior, for a better Queensland.

### Free Hospital System

**Mr COMBEN:** In directing a question to the Minister for Health, I refer to her statement in yesterday's *Sun* in which she says that she will resign if the Queensland free hospital system is dismantled. Will the Minister advise whether, in keeping with that statement, she has advised her department's operating efficiency review committee to stop considering projects Nos. 8 and 18 concerning the closure of small country hospitals and the charging of patients for services?

If the Minister has not ordered that no further action be taken on those two items, which, if implemented, would mark the end of the free hospital service, will she advise the House why she is still allowing them to be considered and why she should not be sacked for allowing scarce Health Department resources to be used on what she claims is a pointless exercise?

**Mrs HARVEY:** In answer to the first part of the honourable member's question about the statement in the *Sun*—I would not mind making that type of statement when I am ready to do so, but I do not appreciate the media making it on my behalf when it has not come out of my own mouth. I do not appreciate that statement. I did not use those words. I will use my own words when I am good and ready.

As to the second part of the honourable member's question—when a review is undertaken, it should be open and honest. One encourages as much lateral thinking and brainstorming through one's department as one can manage to encourage. The first thing one does not do is immediately start to establish limitations on an honest and open review. The member for Windsor ought to be entirely ashamed of himself for trying to work into an open and honest review matters that are simply not there and for scaremongering throughout the community.

Time and time again since I was given the Health portfolio, the honourable member has run to the press saying that certain things were going to happen. All his statements are full of gloom, doom and condemnation, instead of being a positive contribution to the health system. He is constantly getting people in the community worried about things that are not going to happen. I already have a long list of the honourable member's statements to the press about things which were going to happen to the detriment of the people of Queensland and which have never happened and never will happen, regardless of what he does.

The review will be open and honest. I have no intention of limiting it in any way. When it is completed, I will then decide, with the assistance of my Cabinet colleagues, which direction the Health portfolio will take.

The first thing I have to ensure is that the excellence of the health service in Queensland is maintained and protected. The review is aimed at precisely maintaining and protecting what we have come to know is the best health service in Australia.

### Business Interests of Mr W. Job; Nurses' Quarters at Princess Alexandra Hospital

**Mr COMBEN:** In directing a further question to the Minister for Health, I refer her to her stated support yesterday for Mr Bill Job——

**Honourable members** interjecting—

**Mr SPEAKER:** Order! I am having great difficulty in hearing the honourable member because of the interjections that are coming from both sides of the House.

**Mr Elliott:** It is all that fungus around his mouth.

**Mr SPEAKER:** Order! The member for Cunningham!

**Mr COMBEN:** The mould on him only comes in the wet; mine is there all the time.

**Mr SPEAKER:** Order! The honourable member will ask his question.

**Mr COMBEN:** In directing a question to the Minister for Health, I refer to her stated support yesterday for Mr Bill Job, Chairman of the South Brisbane Hospitals Board, and his actions concerning loss of nurse accommodation at the Princess Alexandra Hospital. Will the Minister advise the House whether Mr Job's architectural firm has any interest in the extensive building program about to be commenced at the Princess Alexandra Hospital? Is she satisfied that Mr Job has acted with impartiality, integrity and in accordance with the Hospitals Act in all dealings between the South Brisbane Hospitals board and his architectural firm and the two companies, VRC Printing Pty Ltd and Supacorp Pty Ltd, in which he has financial interests and of which he is chairman of their boards?

Why did the South Brisbane Hospitals Board not adopt the lowest quote for the printing of its annual report and accept instead the quote from VRC Printing Pty Ltd of $8,000 for 300 copies of that report? Why is Supacorp Pty Ltd, his other company, allowed to canvass nurses and other female staff at the PA Hospital when no other canvassers are allowed in the hospital? Is the Miss Job employed in the public relations section of the PA Hospital the daughter of the chairman of the board?

**Mrs HARVEY:** I am not aware of Mr Job's business interests. I am aware that he is no doubt the best chairman of any board that one could find. He does an excellent job. The allegations made by the honourable member are extremely serious and, in fairness to Mr Job, I ask him to put his question on notice.

**Mr SPEAKER:** Order! I order that the question be placed on Notices of Questions.

### Employment, Vocational Education and Training Board

**Mr ALISON:** In directing a question to the Minister for Employment, Training and Industrial Affairs, I note from media reports that the interim Queensland Employment, Vocational Education and Training Board, which he recently established, has held its inaugural meeting. Will the Minister advise the House the purpose of the board and what can be expected from it?

**Mr LESTER:** Yes, the board of the new department has met. That board includes representatives from industry, employees, the department head, the Education Department, Commonwealth and north Queensland to ensure that they have a say in what is going on. The board is responsible for employment, apprenticeships, traineeships, TAFE colleges, senior colleges and rural colleges.

The policy that has come from that first meeting is to link the department with industry as much as possible—not forgetting the education component. The head of the department will be linked similarly to industry and will be called the chief executive; the person in charge of TAFE operations will be called the general manager; and the principals of colleges will be called directors.

Meetings have been held to discuss all of these matters, and all have unanimously agreed that this is a good idea. The education component will ensure that management and communication training will be given to our apprentices and trainees so that they will have a better opportunity in life and receive the management expertise that they need.

Those colleges will have more autonomy. They will have councils. In fact, this Government will move to allow the colleges to enter into business ventures through which they will be able to sell and market expertise.

Another important aspect that is being considered is the leasing of equipment so that, where possible, we can keep up with technological changes on the spot. We will be seeking input from all sectors through an industry training advisory council, an industry advisory council and the college councils. Our aims are to keep up with and be ahead of technology; to be flexible and responsive to change; and to give as much as possible towards enhancing and widening our knowledge by making all types of courses available to all Queenslanders. That will be done with the total co-operation of my good friend in the Education Department, Brian Littleproud.

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

## PRIVILEGE

### Misleading of Parliament by Deputy Premier

**Mr INNES** (Sherwood—Leader of the Liberal Party) (11.33 a.m.): I rise on a matter of privilege that arises out of a matter upon which you, Mr Speaker, have ruled today but is additional to it.

Mr Speaker, you will recall that the matter of the Deputy Premier's statements arose out of allegations that no Liberal Party member had spoken to him about the matter of Route 20. That later became the subject of a question by the honourable member for Lytton, a statement to the House by the honourable member for Mount Coot-tha and a statement yesterday by the Minister. This new matter arose yesterday.

Not only did the Minister explain how he had, in fact, spoken to the member for Mount Coot-tha, when it had been earlier denied—an explanation which one accepts in terms of your ruling—but also at the end of his statement the Deputy Premier said—

> "In my opinion, it would appear that either Mr Schuntner or Mr Burns has misled or attempted to mislead this House by what they said."

He did not just explain his own situation; he made the allegation of serious impropriety against one or other of two members of this House.

## LEAVE TO MOVE MOTION WITHOUT NOTICE

**Mr INNES** (Sherwood—Leader of the Liberal Party) (11.34 a.m.): Mr Speaker, I believe that there is only one proper way in which this matter can be raised. Therefore, I seek leave to move a motion without notice.

Question—That leave be granted—put; and the House divided—

| AYES, 38 | |
|---|---|
| Ardill | Schuntner |
| Beard | Scott |
| Braddy | Shaw |
| Burns | Sherlock |
| Campbell | Smith |
| Casey | Smyth |
| Comben | Underwood |
| D'Arcy | Vaughan |
| De Lacy | Warner |
| Eaton | Wells |
| Gibbs, R. J. | White |
| Goss | Yewdale |
| Gygar | |
| Hamill | |
| Hayward | |
| Innes | |
| Knox | |
| Lee | |
| Lickiss | |
| McElligott | |
| Mackenroth | |
| McLean | *Tellers:* |
| Milliner | Davis |
| Palaszczuk | Prest |

| NOES, 45 | |
|---|---|
| Ahern | Lester |
| Alison | Lingard |
| Austin | Littleproud |
| Berghofer | McCauley |
| Booth | McKechnie |
| Borbidge | McPhie |
| Burreket | Menzel |
| Chapman | Muntz |
| Clauson | Neal |
| Cooper | Nelson |
| Elliott | Newton |
| Fraser | Randell |
| Gately | Row |
| Gibbs, I. J. | Sherrin |
| Gilmore | Simpson |
| Glasson | Slack |
| Gunn | Stoneman |
| Harper | Tenni |
| Harvey | Veivers |
| Henderson | |
| Hinton | |
| Hobbs | *Tellers:* |
| Katter | FitzGerald |
| Lane | Stephan |

PAIR:

Warburton | Hynd

Resolved in the negative.

## COMMISSIONS OF INQUIRY ACT AMENDMENT BILL

### All Stages

**Hon. P. J. CLAUSON** (Redlands—Minister for Justice and Attorney-General) (11.43 a.m.), by leave, without notice: I move—

"That so much of the Standing Orders be suspended as would otherwise prevent the immediate presentation to the House of a Bill to amend the Commissions of Inquiry Act 1950-1987 in certain particulars and for related purposes, and the passing of such Bill through all its stages in one day."

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. P. J. CLAUSON** (Redlands—Minister for Justice and Attorney-General) (11.44 a.m.): I move—

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

In 1987, Mr G. E. Fitzgerald, QC, was appointed by the Queensland Government to conduct a commission of inquiry into possible illegal activities and associated police misconduct. Since the original terms of reference were provided to Mr Fitzgerald, it has been found necessary to extend the terms of reference and it has been necessary for the Commissions of Inquiry Act to be amended by this House to ensure that the commission was granted adequate powers to complete the task assigned to it. Additional amendments to Commonwealth legislation have been enacted to allow the commission to have access to the taxation records of the Commonwealth Government and for other associated purposes.

Throughout this exercise, the Queensland Government has provided the commissioner with the necessary resources to facilitate the successful outcome of the commission. Additional staff have been provided as requested. At the present time the staffing level of the commission comprises a complement of no fewer than 52 legal staff, seconded police officers, accountants and administrative back-up staff.

As a result of the success to date of the commission, and the number of witnesses who have been prepared to come forward to the inquiry, it is now evident that the provision of additional staff—whilst ensuring that all matters coming before the commission are adequately investigated and brought to an appropriate conclusion—will not be the sole determining feature which will assist in the early conclusion of the commission. There can be no doubt that it is in the interests of the people of Queensland that the results of the inquiry are known and acted upon at the earliest possible opportunity. The Queensland Government is particularly mindful of the need for these issues to be resolved in a careful and appropriate manner, but without undue haste which would compromise the integrity of the commission.

The commissioner has now made further representations to the Queensland Government concerning the future needs of the commission. It is apparent to the commissioner that it would take a substantial time to complete the inquiry using the present methods and resources of the commission if the practice of conducting comprehensive public sittings is to be continued. It has been suggested that the appointment of a deputy to the commissioner would assist in ensuring that early reports are made available by Mr Fitzgerald.

The purpose of this Bill is to implement this request by permitting the appointment of a deputy to the commission who, whilst not being a member of the commission in accordance with the provisions of the principal Act, would nonetheless undertake a number of duties otherwise undertaken only by the commissioner himself. Consideration has been given to the appointment of an additional commissioner to the inquiry; but, for practical and legal reasons, including the terms of the Commonwealth legislation, neither the Queensland Government nor Mr Fitzgerald supports this approach. The appointment of a deputy to the commission is therefore seen to be the only feasible and appropriate response to the needs of the commission at the present time.

It is intended that a deputy to the commission will be appointed in the immediate future and that such an appointee will be empowered to sit with the commission during any sittings, as approved by the chairman, but without any power to decide or participate by voting in relation to any matter arising for decision at such sittings. He or she will be specifically empowered to conduct, on behalf of the commission, without attendance of any member of the commission, any sittings approved by the chairman.

It is this feature which will be of most benefit to the inquiry, as it will permit the continuance of public sittings into matters which are approved by Mr Fitzgerald whilst the commissioner himself is able to commence the preparation of a report to the Government. Mr Fitzgerald has expressed the hope that, if his proposal is implemented, the first report ought be ready for submission to the Government within 12 months and perhaps even by the end of this year. Subsequent reports would, it is hoped, be presented shortly thereafter.

The deputy to the commission will also be required to assist the commission in such manner and to such an extent as the chairman decides by exercising any power which is exercisable by the commission itself or a commissioner, other than certain powers which are expressly reserved to a chairman of a commission. For example, the deputy to the commission will be empowered to compel witnesses to answer questions, but will not be empowered to summons witnesses, issue warrants or punish offences of contempt of the commission. It is intended that during the course of public sittings the deputy to the commission shall have power to decide all issues that arise, but may refer any issue which arises for decision to the chairman for his determination. This provision is intended to provide a degree of flexibility to ensure that, where appropriate, significant decisions may be referred to the commissioner.

Consequently, amendments to other provisions of the Act will be necessary to ensure that the commission may take into account and rely, to such extent as it thinks appropriate, upon any evidence or other material given or produced before a deputy commissioner. Provisions will also be inserted to ensure that the commissioner may also rely upon any report and/or recommendation made by a deputy to a commission. It is also intended to ensure that the reports of the deputy to the commissioner may be treated as internal documents of the commission which are not for public disclosure. The commissioner will, however, be provided with a discretion to disclose whether or not reports or recommendations have been made by a deputy, the terms of any such reports or recommendations or whether the reports have been relied upon by the commission. Finally, it is intended that the Act be amended to ensure that separate reports an/or recommendations may be made at any time by the commissioner.

The amendment to the principal legislation is further evidence of the commitment of the Queensland Government to the successful completion of this vital inquiry. I am confident that the provisions will not act to the detriment or disadvantage of any person or persons; nor will they in any way interfere with the integrity of the commission. The Government proposes to take this legislation through all stages immediately and will seek urgent assent for the Bill and facilitate the early appointment of an appropriate person as deputy to the commissioner. I look forward to support from all members of this House for the commission of inquiry by the speedy passage of this Bill.

I commend the Bill to the House.

**Mr BRADDY** (Rockhampton) (11.50 a.m.): Of course, the Opposition has not had an opportunity to peruse at any length the legislation proposed by the Minister, who was kind enough to show me a draft of the legislation yesterday evening. Shortly before the legislation was introduced today, he gave me a copy of his speech notes. The Opposition fully supports the Fitzgerald inquiry and has been pressing for either an extension of the terms of the inquiry or an appointment of further inquiries to investigate what the Opposition believes to be further examples of police and public malpractice in this State.

In these circumstances the Opposition fully supports the proposals put forward by the Attorney-General on behalf of the Government. Clearly the Fitzgerald inquiry already has a multitude of material and evidence before it and every assistance should be given to it to carry out its work, no matter the extra cost involved or, indeed, in this case, the necessity to have the Bill passed through all its stages in the House today.

The cost involved is paltry by comparison to the cost that has been incurred by the State and people of Queensland because of the corruption that has been allowed to run riot in this State for too many years. I indicate that the Opposition accepts the necessity for the Bill to pass through all stages immediately and that the Opposition will support it.

This is an opportune time to review certain matters. The Attorney-General has taken that opportunity himself. On behalf of the Opposition, I also do that now. The basic purpose of the Fitzgerald inquiry was to get to corruption in the State of Queensland and particularly to investigate corruption relating to the Queensland police force and people from the criminal element in this State with whom its members may be associating.

On several occasions I have attempted to bring home to the Government how ridiculous it would be if the terms of reference of the Fitzgerald inquiry were left so narrow that significant corruption that could be exposed remained unexposed and that the Government, if given a reasonable indication of evidence, should either extend the terms of reference to expose further malpractice or corruption, or the possibility of it, or institute a new inquiry.

One of the difficulties is that the Government and the people seem to think that everything will come out in the Fitzgerald inquiry. I do not really think the Government believes that, but unfortunately the public are somewhat misled. The public seem to be of the opinion that anything that relates to police corruption in this State can be dealt with by the Fitzgerald inquiry. Clearly, that is not so. The terms of reference, even interpreted widely as they are by the commissioner, must be the parameters of his investigations.

So it is a time to look at it and say to ourselves here in the House and to outsiders: what is happening? Are the matters being dealt with adequately and exposed or are there matters that to some extent are associated with police corruption, or potential police corruption, malpractice or failure that should be exposed further? I refer to material that has been given to the Attorney-General. I raise the matter today to ascertain what answers, if any, he can provide for the people of Queensland. I also wish to raise some new matters about police corruption and the necessity for an inquiry.

In the material that the Attorney-General received from solicitors Witheriff Nyst and Co. on behalf of James Finch, there was a signed, dated statement by a former member of the Federal narcotics bureau. In that signed statement, which was sent with a request that the matter be inquired into either by Fitzgerald or some associated or alternative inquiry, the Attorney-General was informed that the person who is named—he is a very respected person—informed the Attorney-General that during February 1973 a person whom he called X came to his house very early one Wednesday morning and told him that the Bellino brothers had engaged one Billy McCulkin to set fire to Torino's restaurant. The informant told the now retired narcotics officer that Torino's restaurant was to be fire-bombed on a certain night and that Billy McCulkin had been paid $1,000 to do the job. The officer concerned contacted a police officer by the name of Don

Russell, who is still a serving police officer in the Queensland police force. In the course of my speech, I will deal with the information that he has provided. The officer informed Russell at Russell's home of his knowledge of the matter. Russell assured the retired officer that he was most interested in what he had been told. Russell subsequently informed him that he had passed on that information to his superior officer. Russell further said that, although he was rostered off duty on the following Sunday night, he, Russell, was prepared to come in on his own time to be on hand to stop the fire-bombing of Torino's restaurant and to intercept the culprits. The retired officer states that Russell had been told by his superior that he was not required.

As we now know, as predicted, Torino's restaurant was fire-bombed. It was not stopped, nobody was apprehended and no police action, to my knowledge, has ever been taken in respect of the information provided.

Of course, the Whiskey Au Go Go fire occurred a short time after the fire-bombing of Torino's restaurant. Suggestions have been made that people involved in the Torino's restaurant fire could also very likely have been involved in the Whiskey Au Go Go fire.

The witness states that he was informed by Russell that he could not explain to him why the fire-bombing of Torino's had occurred and what the particular problem was.

I have taken the opportunity to speak to the police officer Russell on the matter. He indicated to me his concern and his inability to explain what went wrong on that occasion. He is still a serving police officer. At present, he is a senior sergeant. He informed me that, after having been told of the information by the person to whom I have referred, he took it most seriously; that he knew the man to be an investigating officer of integrity and ability; and that he believed what he had been told. He further says that he then went to his superiors and informed them of the information, said that he believed it and that something should be done about it. Although he did that, it appeared to him that the matter was not being followed through with any great seriousness. He then approached his superior officer and was told that he should put in writing in the form of a report his predictions in relation to the fire-bombing of Torino's night-club.

Taking the matter seriously, as a responsible police officer, Don Russell in fact did that. He handed in a written report in which, he tells me, he indicated that the fire-bombing would occur at the particular time that it did. It is now his recollection that he was not informed by the previous witness to whom I referred of the actual time. However, it was to be within the next few days, and he had sufficient information to be able to work out that it would occur on the Sunday night on which it did in fact occur. He was told to put that in writing, and he put that in his report.

He further indicated, as the witness said in the statement that the Attorney-General has, that he would like to be present and do what he could as a conscientious police officer to protect the building and to apprehend the villains who were about to perpetrate the offence. However, he was told that it was nothing to do with him, that the matter had been detailed to the Valley police and that it would be attended to. He was told by his superior, "I have experienced detectives.", and it was indicated to him that his presence was not required.

Police officer Russell in fact went to the country on the Sunday in question. When he returned that night he was informed by his wife that Torino's had in fact been fire-bombed. He was astounded. He made further inquiries.

I understand that the information that he was given by members of the Queensland police force was to the effect that there had been a dreadful mistake, that what had occurred was that the detectives who had been detailed to protect Torino's and apprehend the villains were supposedly waiting down at the Valley Police Station for the owner of Torino's to turn up with the key so that they could get into the premises. While they were sitting down at the Valley Police Station waiting for the key, other people who did not need a key to fire-bomb it turned up and attended to the business that they had set

about doing and which the police had been told all about by two reliable people. It is extraordinary, I suggest, that it was thought necessary for police officers to have a key to prevent the fire-bombing of a building that obviously could be attacked from the exterior.

Police officer Russell tells me that he has never accepted that explanation; that he cannot explain the matter further; that it was clearly a gross dereliction of duty, if not worse, and that when he suggested to some members of the police force that the Bellinos might be involved in it, he was told that the Bellinos were very fine people and that there was no basis for believing that there was any connection at all between them and the bombing of Torino's. He was told that there could be no connection at all. He was told that he was inexperienced and to mind his own business.

Police officer Russell has, of course, continued on as a conscientious officer in the Queensland police force. I will return later to some other information that he has in his possession that is also extremely worrying.

All of this was contained in the material submitted to the Attorney-General by Messrs Witheriff Nyst and Co. in relation to the Finch matter. This is part of the reason why I, Mr Nyst, and others have been saying to the Attorney-General, "That material that you have received does not just relate to whether Finch is innocent or guilty. It relates to serious matters involving the Queensland police force."

I have interviewed Detective Russell. I wonder whether the Attorney-General, having received the same material that I have received, has interviewed Detective Russell himself or had his officers interview him to see whether he corroborated the information of the retired officer, whose name I shall not use at this stage.

I ask the Attorney-General whether in fact he took any steps to have Detective Russell interviewed by his officers. I do not have any information that indicates that he in fact did so. In other words, a serious offence that was known in advance to the Queensland police force was not stopped. There is a person in the Queensland police force who can give information in relation to that.

The matter, of course, proceeds further. Honourable members will recall that the information received by the original witness, whose statement is before the Attorney-General, indicated that one Billy McCulkin was implicated in Torino's bombing. A suggestion was made that the Whiskey Au Go Go bombing, which occurred shortly afterwards, was also a matter in which he was vitally interested.

The matter becomes even more serious because substantial rumour had it that Billy McCulkin's wife was to place certain evidence before the authorities, and that that evidence would inevitably implicate her husband, Billy McCulkin, in both Torino's bombing and the Whiskey Au Go Go bombing. Unfortunately, Mrs McCulkin and her two daughters disappeared. Neither those persons nor their bodies have been found. Subsequently, at a coroner's inquiry into the murder of Mrs McCulkin and her two daughters, Mr O'Dempsey was committed for trial. As I said, their bodies have never been found. The suggestion is that gangland people had stepped in to protect Billy McCulkin and that, if they had not murdered Mrs McCulkin, the facts in relation to Torino's bombing and the Whiskey Au Go Go bombing would have emerged. Taking into account the inquiries that are now taking place in Queensland, that is a very serious matter.

**Mr DEPUTY SPEAKER** (Mr Row): Order! I would like to raise a matter with the honourable member for Rockhampton. I have allowed him to range fairly widely on a matter that I believe does not relate entirely to the subject of the Bill. I suggest that he bring the relevance of his argument back to the Bill, otherwise I will have to question the relevance of his speech.

**Mr BRADDY:** The relevence of it to this Bill is that the Minister canvassed the issue of public confidence in the administration of justice in this State and the Queensland police force, and an inquiry is now taking place into those matters.

Honourable members are aware that the Fitzgerald inquiry was set up because of publicity in the media that enabled some of the truth to come out. Those matters are now being investigated and the whole can of worms is being exposed. We have the same situation here. It would be a tragedy if honourable members could not canvass in this Chamber matters that are of public concern, because the media can do so. I am not canvassing the contents of the Fitzgerald inquiry itself, which is sub judice.

As I said, some of this information was put before the Attorney-General. He should have followed up that information. I ask the Minister in his report to the Parliament to tell honourable members what he has done or caused to be done to follow up that statement from that person of integrity, as vouched to me by a police officer of senior rank. The police officer believed what he was told and he did something about it; but his superiors and fellow-officers failed miserably to carry out their duty. I ask the Minister: is there a concern that some police officers could themselves be involved with the people involved in Torino's bombing and the Whiskey Au Go Go fire bombing?

The matter goes further. When Mr Nyst became aware of these allegations and certain other matters about Mrs McCulkin's murder that I cannot canvass here, he inquired and informed me about the matter and I inquired why O'Dempsey having been committed for trial, the trial did not proceed. Very serious concerns have been expressed.

I am in possession of an affidavit that contains some very important and worrying information, the details of which I cannot discuss in this House. If an inquiry was held into all of these matters, I could go to that inquiry with that affidavit. Such an inquiry does not exist. It was obvious to Mr Nyst—and I agreed with him—that he should read the depositions of the coroner's inquest from which O'Dempsey was sent to trial.

**Mr SPEAKER:** Order! I really must ask the honourable member to explain how this refers to this Bill, which relates to the creation of the position of deputy commissioner.

**Mr BRADDY:** This particular legislation relates to an inquiry into corruption in Queensland involving the Queensland police force. In his second-reading speech, the Minister spoke in generalities. He stated that it is important for Queensland that, as far as possible, all the problems concerning corruption should be solved by the inquiry; that they are very important and should be attended to. I support the Minister in that. I intend to deal very briefly with some of these questions, but this is a matter that must be raised in this House.

Mr Nyst wished to obtain and read a copy of the coroner's inquest depositions to ascertain whether matters in those depositions could in fact be sent to the Fitzgerald inquiry—whether the material that he had would be relevant. First of all, Mr Nyst wrote to the Department of Justice and then to the Sheriff's Office of the Supreme Court. The information that he received from both the Department of Justice and the Sheriff's Office was that the depositions in relation to Vincent O'Dempsey were no longer on the file and that no copy of those depositions could be located.

**Mr Palaszczuk:** Where are they?

**Mr BRADDY:** Indeed, that is the question: where are they?

Mr Nyst wrote to the Sheriff's Office and pursued a similar inquiry. He ascertained that the depositions have disappeared. The information that was received raised serious doubts about the involvement of police officers in this matter. I telephoned the clerk of the Justice Department to inquire whether or not I could obtain a copy of the depositions of that inquest. I was informed that those depositions could not be located. No reason could be given for that. Not only were the depositions missing, but the O'Dempsey file in the Supreme Court also was missing.

I understand that that is not the only Supreme Court file that has gone missing in relation to matters that are of serious concern and relate to police corruption in this State. I raise these matters because publicity is the very soul of justice in such matters.

In fact, publicity led to the establishment of the Fitzgerald inquiry. If there had been no publicity on *Four Corners* and in the *Courier-Mail* there would have been no Fitzgerald inquiry. Anything that is done in an endeavour to hamper publicity in these matters is wrong.

I have agonised over an attempt to be fair and proper in these matters; as to how much I can reveal in this House and how much can be revealed elsewhere. Because I am told that the Fitzgerald inquiry's terms of reference do not fully cover these matters, I am hamstrung. Further, I am told by the Attorney-General that he is not satisfied that a further inquiry should be established. What do I do? These matters are here. What better time to raise them than during a debate in this Parliament that relates to an inquiry into police corruption.

The Opposition is concerned that, if there was potentially a cover-up in relation to the O'Dempsey trial, one of the best things to do would be to remove the formal evidence. Indeed, I understand that the official files no longer contain a copy of the depositions which set out in detail the evidence that was given.

**Mr Clauson:** Have you written to me about it?

**Mr BRADDY:** I am raising these matters here today. In my judgment I decided that, because to date the Government has refused to extend the inquiry, despite serious evidence which the Attorney-General has received, the best chance of having something done about it related to the publicity which may be given to it after today. Having neglected, or refused to take seriously, these matters that I have canvassed previously, the Attorney-General has to wear the fact that I am saying them openly today.

I believe that it is possible that a copy of these depositions exists in the files of one section of the police force. I ask that the Attorney-General inquire whether a copy of those depositions is still available there or elsewhere and that he make such a copy available to Mr Nyst and to myself. If those depositions were where they should be, namely, in the Supreme Court file, we would be able to purchase a copy of them to see whether the matter should be pursued further. The Attorney-General must wear the fact that he has participated in not ordering an inquiry, which I believe he should have done, when serious concerns have been raised with him in a signed proof of evidence. He must wear the results of that.

**Mr Clauson:** It is a matter for Cabinet.

**Mr BRADDY;** He must also wear the results of further remarks that I will make, which will touch on the Fitzgerald inquiry, which is another matter of concern.

All of us have been most appreciative, and accept, that the Fitzgerald inquiry has been competent and forthright in the matters which it has been investigating. However, there is some concern in the material that went to the Attorney-General from Mr Nyst about the Finch case and about an officer in the Fitzgerald inquiry. I have received further information which again raises that concern. There is no indication whatever that the Attorney-General did anything about the concern which went to him about this officer in the Fitzgerald inquiry.

In the statement about the Torino's bombing, the witness informed the Attorney-General that a senior officer in the Fitzgerald inquiry had been invited to attend at his place and meet the informant, X, who had told him about the Torino's bombing, and that arrangements had been made for that senior officer to attend. A message had been left subsequently when and where the meeting could take place. That senior officer had never got back to that retired officer. He had an opportunity to meet the person concerned. The witness was of the opinion that he would turn up. I am also informed by the police officer, Don Russell, that about last Christmas he was interviewed about these matters by the same police officer. He again was of the opinion that the matter would be taken further and that he would later be contacted by this police officer. Again, that contact has not been made.

I have received further information that this police officer is a close friend of and is in constant contact with Assistant Commissioner Ron Redmond. In the material that went to the Attorney-General, Assistant Commissioner Ron Redmond was named as being one of the people present at the so-called confession of Jim Finch. On reading the materials forwarded to the Attorney-General and on having received the information which I have received, one can but be concerned about whether in fact there is at least one officer at the Fitzgerald inquiry who, whilst doing his job in other matters, in fact has conversations with the Assistant Commissioner and is in fact failing to fully carry out his role in relation to matters that are not part of the terms of reference of the Fitzgerald inquiry but which are still touching on it and which are still very serious.

I again ask whether the Attorney-General has done anything about the officer whose name appears in the statement that he received. I ask whether the Attorney-General took any action to see why the officer did not go back to interview the reliable witness with his informant.

I will give further information in relation to this because the public knows that without publicity, the Fitzgerald inquiry could never have occurred. The public also knows that, without publicity of the failure to attend to duty of a serious nature, other matters will not be investigated.

I have decided that I will not name the officer today. If the Attorney-General looks at the material he has, he will know the officer to whom I refer and would know how important and how senior an officer he is.

**Mr Clauson:** Why don't you name him? Why won't you name him?

**Mr SPEAKER:** Order!

**Mr Clauson:** Well, he is making all the allegations. Why won't he name him?

**Mr BRADDY:** Mr Speaker, the Attorney-General challenges me to name the officer. I have no concern for myself whatever in not naming the officer. It is a matter of propriety. I thought long and hard about it and about what is in the best interests of the Fitzgerald inquiry and the people of Queensland.

**Mr Clauson:** Why don't you name him?

**Mr BRADDY:** The Attorney-General has the name. If the Attorney-General looks at the statement, he will see the name. I am prepared to name the officer in Parliament, if necessary, if nothing is done.

**Mr Clauson:** Do it now.

**Mr BRADDY:** I will name him, without any shadow of doubt and without any trouble. However, in the interests of justice and in the interests of enabling people to do their job properly—which I believe has not happened in this instance and has not been done by the Attorney-General—I will not name the officer today. However, I will attend at the inquiry and ask to speak either to Mr Fitzgerald or to Mr Crooke, senior counsel assisting the commission. I will name the officer then.

**Mr Clauson:** That is the correct way to go, if you've got any guts.

**Mr BRADDY:** I will name him then and, if necessary—if I believe that the matters are not attended to properly, which is the case in respect of the Attorney-General—I will certainly name the person at the appropriate time.

My main concern—which should also be the concern of the Attorney-General—is this: all matters of police malpractice or failure to attend to duty or corruption should be attended to. The Attorney-General has avoided his responsibilities to date. I have challenged him in relation to these matters. Some of them were included in the material that he has received.

A few minutes ago, the Attorney-General told me that I had no guts. I say to the Attorney-General and members of his Government that they do not have any guts. If

they had any guts, they would want to get to all the police malpractice in this State and would not continue to pretend that everything will be solved by the Fitzgerald inquiry. Why is the Attorney-General allowing this matter to be covered up?

I heard the Attorney-General interject before and say, "It's not a matter for me; it's a matter for the Cabinet" as though he is hiding behind the suggestion that he would clear up everything, if only he had a better and stronger Cabinet to back him. Is that the sort of courage that the Attorney-General of this State has? He comes into the Parliament and says, "It is not a matter for me; it is a matter for Cabinet."

**Mr Clauson:** Why don't you tell us the name? If you know it, tell us.

**Mr BRADDY:** Today, the Attorney-General is in a very important and onerous position. He must not allow policemen who are corrupt to escape. He must not allow malpractice to continue. It is no good his coming into the Parliament and making a wimpish interjection by saying, "It's not me; it's a matter for Cabinet." Let the Government and the Attorney-General get to the root of all these problems.

I have no difficulty in naming the police officer. I am purely concerned with trying to make sure that the best interests of justice in this State be served and that matters be looked into. I do not wish to do anything that would in any way hinder the Fitzgerald inquiry in its work. I have made a decison that at this time it would be better for those conducting the Fitzgerald inquiry and the Attorney-General to look into the matters I have raised. The Attorney-General would know, if he has bothered to read the submission that he has received, who the police officer is. If he has not bothered to read it, I can tell him the page number on which the name appears.

The Attorney-General seems to have some difficulty in understanding that there are people in this State who want the Fitzgerald inquiry to uncover not only the corruption that is before it at the present time, but all matters. He and his Government appear to have a different set of values and priorities. The matters that I have raised are serious. Clearly the Government has failed to instigate a widening of the Fitzgerald inquiry. It has come here today to widen the inquiry to a certain extent, and the Opposition supports that move.

The Opposition says that the proper course would have been to inform this House that the terms of reference have been extended also, so that other serious matters of police corruption and malpractice, details of which have been given to the Attorney-General and the Government, could also have been investigated. The Opposition would have also agreed to put through all stages today under the suspension of Standing Orders legislation to extend the terms of reference. The Opposition begged the Government to do that; but no, the Government wants to maintain the mirage that the Fitzgerald inquiry is the be-all and end-all and will solve all the problems. The Opposition knows that that is nonsense and that serious matters must be investigated. The Attorney-General has refused to refer the matter of Finch and other associated matters to the Fitzgerald inquiry or elsewhere. He has talked about a pardon for Finch, but that does not cover associated matters, such as the Torino night-club investigation that I have raised today. Also he has refused to refer the Mannix matter for further investigation.

The situation exists where the Government by its own inaction and the Attorney-General by the interjections that he has made today appear to be frightened of something. What is the Government frightened of? Is it frightened of the full exposure and glare of publicity in relation to all matters and allegations of corruption? Having been a Government that for 30 years has presided over this massive growth of corruption, why does it not want to get rid of all the corruption now rather than only some of it? What is it really concerned about? I do not know the answers to those questions, but the public is entitled to know.

Publicity is the very soul of justice in these matters, and some publicity has been given here today. The challenge is again before the Government. Why does the Government not inquire into the Torino bombing and the other associated matters? It will be interesting to hear what answers are given in relation to the missing depositions and

Supreme Court file. The challenge is there. The Fitzgerald inquiry should have been extended or a suitable alternative should have been provided. Today was the day for the Attorney-General to do that in this House. He knew that he would have the support of the Opposition if he did that. The Opposition has urged him to do it and has helped to put material before him. He has failed to do that and he and his Government stand condemned.

For the Attorney-General to challenge me in relation to my refusal to name one person, when I believe it is fairer and more just and proper that the inquiry look into that matter without my giving a name today, is silly. It is a smoke-screen. The reality is that the Attorney-General has much more to attend to than that. He should go back and look at some of the material that he has received and give some kind of an assurance to the people of Queensland that he is vitally concerned to get to the bottom of all allegations of corruption which have some substantial base to them. No more substantial base could be given than to have statements put before the Attorney-General indicating that the police failed in extraordinary circumstances to solve and prevent a crime, when one of the relevant people is still a serving police officer and casts no shadow of a doubt that he passed the matter on to his superiors, and makes no apology for doing so. The matter has not been adequately investigated and explained.

For the Government to continue with this facade that the Fitzgerald inquiry, when given these extra powers today, will solve everything, is clearly nonsense. The people of Queensland are entitled to be told that it is a nonsense, and I have endeavoured to do that. The Attorney-General must do more than cry out epithets about gutlessness and things of that kind. His serious responsibility is to do his job—to institute the necessary investigations and inquiries and to report to the people of Queensland.

**Mr BURNS** (Lytton—Deputy Leader of the Opposition) (12.30 p.m.): In his second-reading speech the Attorney-General really said that the Government is intent on concluding this commission of inquiry quicker than Mr Fitzgerald and the average member of the public expect it to be. The way it has been going along, I think most of us thought that it would continue for a number of years. The suggestion is that the appointment of a deputy commissioner will allow Mr Fitzgerald to have his first report ready for submission to the Government within 12 months, perhaps even by the end of this year, and hopefully to present subsequent reports shortly thereafter. I have no argument with that, because I think that many of the people who have been named in hearsay evidence before the inquiry need a determination so that that is not hanging over their heads. If they are innocent, those sorts of allegations should be cleared up.

Now it comes down to a question of the Government's will. I have gone back through the press cuttings at the time of the *Four Corners* report that started the inquiry. At the time, after a lot of public pressure the Government was forced to hold an inquiry, but it thought that it could get away with an inquiry of the type that investigated matters surrounding the National Hotel—a smoke-screen inquiry. For the National Hotel inquiry the Government appointed a commissioner whose determination to get to the bottom of the matter was indisputedly lacking. If honourable members recall the Judge Pratt episode and the other stories at the time of the pressure for this inquiry, I think they will conclude that Mr Gunn tried that again. The terms of reference for the National Hotel inquiry were strictly limited to allegations surrounding the National Hotel and were designed to prevent a wider inquiry.

All through the time when pressure was mounting for an inquiry into police corruption, the Government said that any inquiry should be restricted to allegations made on the *Four Corners* program and nothing else. The terms of reference for the National Hotel inquiry had a strict limit of only five years. That time-limit came up a number of times in statements from Mr Gunn.

At the National Hotel inquiry statements of potential witnesses were made available to police officers assisting the commission prior to those witnesses being called. It should be noted that persons now named before Commissioner Fitzgerald were prominent amongst those police officers involved in the National Hotel inquiry. In short, the

conduct of Mr Gunn and, to a certain extent, of Mr Clauson at that time when they were dragged screaming into the establishment of this inquiry has reflected their determination to repeat the "success" of the National Hotel inquiry.

I say that whether the Government wants to continue is a question of will. This morning in answer to a question the Premier said that the former Premier had called officers into his office and issued instructions to close down this inquiry. At least, that is the allegation that the Premier made this morning. On Tuesday in the House the member for Mulgrave, Mr Menzel, asked a series of questions about the inquiry. His main theme was how much it would cost. One of the parts of the question read—

> "Does he agree that the legal community is receiving a great financial boost to its coffers and will he agree that there may be a willingness on the part of many in the legal community to keep the inquiry going at taxpayers' expense with no results?"

A prominent back-bench member of the Government made the suggestion—make no bones about it, he made the suggestion—that this inquiry is a rip-off for lawyers. He referred to unsubstantiated allegations and many other things. This morning the Premier referred to the matter in the House, and also on television he has referred to actions of the former Premier.

Does the Government really want an inquiry that will bring out the full truth, to go all the way? I understand that Commissioner Fitzgerald has said that, the way it is going, he could be inquiring for the rest of his life. I do not think anyone wants that, but at the same time it would be stupid—

**Mr Menzel** interjected.

**Mr BURNS:** My belief is that it will be 20 or 30 years before a Government sets up another inquiry like this, and that it was accidental, and in some ways directly due to the force of public pressure, that Mr Gunn blundered into the establishment of a very successful and competent commission of inquiry, the determination and integrity of which guarantee its success. The myth of Mr Gunn's setting it up is just that—a myth.

The Fitzgerald inquiry is an achievement of Mr Fitzgerald himself and a victory for public pressure. What the members of the public want from it now is to have corruption cleaned up. They do not want the inquiry cut off. What I want, and I am sure what the members of the public want, is a police force that can be looked at with pride, so that members of the police force can say, "We have had this inquiry. It was not restricted in any way. Everything has now been cleaned up. We can start from there."

We should by then have a proper Police Complaints Tribunal to hear the complaints. It should be an independent tribunal with statutory powers to carry out proper investigations and to take action against police who infringe against the laws of this State. When that has been achieved, we will have a police force in which the members can be proud of themselves, and we will be proud of them. The Government can only achieve that if it does not place any restrictions on the operation of the inquiry. It is important that the terms of reference of the inquiry are not in any way reduced or impaired and that the inquiry itself is not impaired.

I agree with the proposal. The Opposition does not oppose the idea of the appointment of a deputy commissioner. If the commissioner wants two or three assistants, the Government should let him have them. That will enable the commissioner to make an earlier report so that the people whose names have been slurred can be cleared or proven guilty. If the commissioner cannot clean some of the matters up quickly, then the Government should not put any restrictions on him. He should be allowed to continue until such time as he obtains the information that he needs so that he can recommend the proper course of action.

There is genuine disquiet in the community about some of the things that the Government is doing as a result of the Fitzgerald inquiry. This morning, I received a telex from the Gold Coast Police District Operations Centre in relation to attacks on Mr Gunn by the police union. In the last week, he has had resolutions carried about him throughout Queensland. The fourth paragraph of that telex, which demanded that Mr Gunn be immediately relieved of his portfolio, states—

> "That we believe that he has been adversely named in the Fitzgerald Inquiry and we believe that the allegations against him are as serious as the allegations made against Mr HINZE who has been stood down by parliament."

Obviously, the police union does not know that the Parliament did not stand Mr Hinze down. It has that point wrong. However, that is a resolution carried by the police at the Gold Coast.

There is some feeling that the Government is playing fish and fowl on these issues. Mr Lane and Mr Hinze have been stood down; but other Ministers have been mentioned and have not been treated in the same way. Mr Lewis has been stood aside; but Mr Redmond has been mentioned adversely and has not been stood aside. Some people are receiving indemnities, yet others seem to be able to pick up their superannuation and run well before their names come up in the inquiry. There is some disquiet, and it has to be cleared up. The Government must ensure that everybody is treated fairly in the handling of the inquiry.

I agree that the Government should let Mr Fitzgerald start to produce the report which will help clear the names of people mentioned or help to prove them guilty in the courts, depending on the recommendations that he makes.

In addition, now that he will have time the commissioner should make recommendations on the information that he has obtained from the inquiry and give the Government something that it can act upon, especially in relation to complaints against the police. For a long time, I have asked various Premiers and Ministers: will the Government give an assurance that, when the Fitzgerald inquiry is completed, it will not only publish the report of the inquiry but also give a guarantee that it will act on the recommendations brought down by Mr Fitzgerald? In the past, we have had the Lucas inquiry, the Scotland Yard inquiry and other inquiries; however, nothing has come out of them. If time and money are to be spent to give Mr Fitzgerald the opportunity to inquire properly into the police force, the Government must give an assurance that his recommendations will be seriously debated and considered in this place and that they will be implemented.

**Mr INNES** (Sherwood—Leader of the Liberal Party) (12.39 p.m.): The Liberal Party supports this legislation and any other legislation requested by the commissioner to expedite the full and exhaustive examination of the important issues raised by the inquiry and its speediest possible determination. The Liberal Party would have to put the same caveat that the member for Rockhampton put on behalf of the Labor Party. I cannot say that I have had time to marry the amendments to the original Act. I was given the draft Bill at midnight last night and had early morning obligations; however, I assume that, because of the sources from which the legislation came, it will be adequate for the purpose towards which it is directed.

I am sure that the reality is that, because of the astonishing events that have been unearthed by the inquiry and the number of tributaries, shall we say, down which the inquiry has legitimately had to go, Mr Fitzgerald has been overwhelmed by the task in hand. I do not suggest that the inquiry is in any sense out of control.

Clearly, a most extensive and sophisticated inquiry is being presided over by Commissioner Fitzgerald. Clearly, daily inquiries are still being made in all parts of the State, at least in relation to drugs, prostitution and illegal gambling. The inquiry has already heard that that is occurring in areas such as far-north Queensland, the Rockhampton district, the Sunshine Coast, Brisbane and the Gold Coast. To investigate those matters in any one of those areas would take several investigators a great deal of time.

What appears to be happening is that the commissioner is responsible daily for receiving information and intelligence as a result of a whole series of different inquiries. He has to set in train and manage the ongoing inquiries and the areas that should be followed up further. He has to meet with Mr Crooke, who has the responsibility of presenting the results of inquiries in the commission itself.

The commission sits from 10 o'clock till 4 o'clock. I understand that just the management of the conduct of the order of witnesses and the immediate evidence in hand takes several hours of consultation out of the court room each day, and then there still remains the management task involved in directing inquiries.

The pioneering of practices that have never occurred before in Queensland, such as the protection of witnesses, has occurred. That commission has been responsible for the development of a witness-protection system in Queensland, which in itself is an unusual and very demanding matter.

The selection of special staff, the evaluation of which staff can be trusted, the accumulation of a large team of people and the creation of computer-bases has all taken place. The commission is trying to do in less than a year what the National Crimes Authority has an ongoing charter to accomplish. Matters such as cost and the recruitment of additional personnel are in themselves justified, are in themselves small beer, compared with the obligations that have fallen upon permanent undertakings such as the National Crimes Authority and the task in hand.

The revelations have been staggering. The member for Lytton made some reference to them. As the revelations have continued one can see that some problems could have occurred had not the selection of Mr Fitzgerald as an individual and the people of good character surrounding him, been made.

There is no question that at the outset consideration was given to Judge Pratt. This is the only occasion on which I have ever publicly made reference to the disqualification of a judge for a particular task. On an ABC program the Minister for Police had said that Judge Pratt was a friend of his. In addition, of course, extensive criticism was made of the vigilance and determination with which the Police Complaints Tribunal had pursued its brief and, indeed, a great deal of justifiable criticism was made of the products of its work, notably the Mannix report.

When one reads the Lewis diaries, one can see how important it was and how justified the Government was in choosing Commissioner Fitzgerald. I must say that the Leader of the Opposition joined me in suggesting that there were clear reasons why the Minister for Police could not appoint somebody who he claimed to be a friend of his and a friend of the Police Commissioner's. The Minister's own portfolio was the target of the inquiry. I suggest that members of this Parliament performed a very important public service carefully and responsibly.

I am not suggesting that Judge Pratt was an unfit person but that there were things on the public record that created problems in relation to his being given that task. In the end, a very vigilant and very capable commissioner was chosen.

I can state from personal experience that the commissioner, whom I have seen with the other party-leaders, and counsel assisting the commissioner, whom I knew very well because I was in chambers with him for some years, have changed physically because of the responsibilities and the volume of work that they have had to carry out. Both are visibly thinner, more gaunt and greyer than they were a year ago. They have an enormously responsible and worrying task. They are charged with making findings about the operations of a most important area of Government activity. They are also responsible for making judgments about the reputations of people against whom some extraordinarily serious allegations have been made. Threats or the possibility of threats concern anybody involved with the commission. Living with security police on a daily and weekly basis is in itself a matter of very great pressure. Already, important work has been done by the commission.

Revelations already have exposed cancers within the Queensland public service, particularly in the Queensland police force. As time goes on, it is clear that the cancers are not isolated. There is a network of cancers spreading further into the body than one feared or believed. Perhaps for many people the following-up of particular allegations and the making of a determination at the end of them is a boring routine. At times, one has to get away from daily spectacular revelations and get down to the hard slog of pursuing the allegations and finding out what the witnesses or the persons who were mentioned say about those allegations. There has been the astonishing spectacle of police officer after police officer, sometimes of very significant seniority, and people in vital positions in the police force—even those responsible for investigating other policemen; those involved in the cleansing of the police network—being involved in allegation after allegation that other senior police officers have made against them. They are extraordinary allegations of criminality. Those senior police officers have been prepared to fabricate evidence to support their allegations of criminality.

The system at the core is extensively rotten. There was a time when, knowing the people within the police force on whom the reconstruction of the police force should take place—particularly in that vital criminal investigation area, which is at the centre of the allegations—I thought that perhaps there would be somebody within the police force itself. That is no longer my belief.

Mr Fitzgerald will have a better informed and more in-depth opinion than I have. However, such is the extent of the allegations and the amount of compromise, the amount of passive neutrality imposed by the fear of retributive transfers, the fear of unfavourable reaction by the brotherhood network or of jeopardy of promotion, that I no longer think that anybody can look to someone within the Queensland police force to provide that absolutely ruthless objectivity that is necessary to cleanse the system. However, it is my view that it will have to be somebody with police experience.

Obviously Queensland needs a Mick Miller, a legendary member of the Victorian police force who achieved an unrivalled and continued reputation for both vigorous administration and impeccable honesty. Serious matters are in issue. The sooner that Mr Fitzgerald can begin to produce reports about it, the better. It is perfectly clear that there are some matters that do not relate to findings about credibility of particular allegations. A police force that has a commissioner who does not bother to read relevant reports is a police force that is in trouble. Without making a finding as to who is right and who is wrong—and clearly somebody is wrong—I suggest that a police force in which there can be found with great regularity police officers making criminal allegations against other police officers is a police force that is in desperate trouble.

Remedial steps can be taken. It took some urging, kicking and prodding from both parties on this side of the House, but finally the Minister for Police started to do something about the Lucas inquiry recommendations on the tape recording of confessional evidence. Of course, those recommendations were made a mere 11 years ago! Some objective criterion or some objective way in which one can judge the credibility of evidence is absolutely necessary, particularly when the inquiry that took place 11 years ago stated that some police will tell lies as a matter of course, routinely and habitually, but more particularly when we find that that is precisely the evidence that comes out in dramatic abundance from the mouths of police officers themselves day after day and week after week at the Fitzgerald inquiry.

Mr Fitzgerald's task is quite clearly to try to keep up with and absorb the huge volume of material and to detach himself somewhat from being compelled to sit through some quite routine evidence in the commission of inquiry day after day. Together with his other administrative responsibilities, that prevents Mr Fitzgerald from embarking upon the task of starting his report. The evaluation of the documentation is an enormously onerous burden. There are clearly some conclusions that he would have arrived at, at least with regard to administrative matters, which could be the subject of interim reports or advice to the Government. I am positive that all honourable members welcome the possibility of any assistance from Mr Fitzgerald, who would probably know more about

the problems of the Queensland police force than anybody else has ever known. The sooner we see the product, the better.

From his reputation and character, I know that Mr Fitzgerald is a man who never liked having any particular problem hanging over his head. The sooner that he is able—and given the equipment—to bring some of the reporting and finding responsibilities to a conclusion, the better. That is why the Liberal Party supports this legislation.

I do not envisage any particular fears about asking other trained personnel to pursue particular lines of inquiry or to receive aspects of the evidence. A lot of routine and hackwork is involved. Because of the changing ground, the novelty of the allegations or the particular quality or importance of a particular witness, an assistant would be in a good position to know when he is required.

The Liberal Party supports the legislation and it supports any other recommendation that is not intended to denigrate the legal profession. I believe that that is perfectly clear. I was disturbed by the nature of a question that was asked a couple of days ago by the honourable member for Mulgrave. It seems that it was a question that was probably not written by the member himself. It contained particular barbs that were intended, for instance, to denigrate the legal profession—and it is fair game—but, more particularly, to denigrate by reference to costs and smear the motives of the commissioner and the motives of the inquiry.

Mr Fitzgerald has pointed to the fact that there has never ceased to be active in the Queensland police force—and it is clear that there are groups within the police force that have things to fear; those who have confessed but who have not been found guilty—a network of sophisticated manipulators who have attempted to organise the denigration of the commission and individuals.

The Leader of the Opposition raised an astonishingly disturbing matter. I do not always see eye to eye with him, but I agree with the sorts of allegations that seem to be involved in that cattle-duffing situation in which the wheel has suddenly turned and the person who was asked to do the investigation is suddenly being investigated and transferred.

There is no question that there is a network within the Queensland police force that will attack any individual and do absolutely anything to protect itself and its criminal ways.

I do not make a particular allegation about the honourable member for Mulgrave; I have never had reason to doubt his punchiness or sincerity about the affairs with which he is involved. He will take anybody on. The question that he asked may well have been invited by somebody else.

Let no member of this House become the vehicle for the denigration by which vested criminal interests that are at work both inside and outside the police force are achieving and maintaining their criminal purposes.

If we are going to criticise the Fitzgerald inquiry, let us do it fairly, legitimately, and for good and detailed reasons. Let us not simply make broad allegations that lawyers are interested in keeping the inquiry going. It is not the lawyers who are keeping it going; it is the activities that have been revealed by the commission together with the allegations of police force members and others about themselves and others. Once the allegations have been made, there is an obligation to pursue them.

Of course, everybody who is the subject of an allegation wants the matter pursued so that if possible Commissioner Fitzgerald can say that he is exonerated, that "A serious charge was made and I find that it was only uncorroborated hearsay evidence. I do not find the person guilty of any criminality." That is what the people who are named would expect from anything resembling a reasonable judicial process. That is a note of warning that I sound. It is the responsibility of every one of us to criticise only where criticism is fair and not to become a vehicle for a bunch of people who clearly have been

manipulating the system for years, who are highly sophisticated and highly adept at it, and who have their tentacles everywhere.

**Mr SHAW** (Manly) (12.56 p.m.): I also want to speak to the Bill, and use the opportunity to follow up some of the points that were raised by the Leader of the Liberal Party and to relate some experiences of my own of what can happen when police are allowed to get away with presenting evidence which is less than what the general community would expect. The expectation is that the Fitzgerald inquiry will eliminate the occurrence of those sorts of things, and it is to be hoped that Queensland will give a lead that other States will follow.

Sitting suspended from 12.57 to 2.30 p.m.

**Mr SHAW:** I want to inform the House of a story that will cause concern in the minds of all responsible people. The story begins at Bathurst in 1984. In that year, as a result of misguided exuberance promoted by excessive alcohol, a large number of people who were visiting the Mount Panorama motor-cycle races behaved quite badly and caused considerable damage. Police and authorities were poorly prepared to control the outbreak. As is generally the case on these occasions, the problem was allowed to deteriorate from little more than mischief in the early hours to criminal acts, when those involved lost self-control.

In 1985, the following year, police went to Bathurst and were prepared for trouble. It became apparent afterwards that, unfortunately, they were not only prepared for trouble but were also looking for trouble, and even created it. The majority of police involved were the New South Wales Tactical Response Group, who seem to be poorly trained—and that is also the case in Queensland—for normal crowd control.

In 1985, the New South Wales police force set up a police compound at Mount Panorama. Late in the day, as a result of the intake of alcohol, some young louts gathered around the compound making rude remarks about the "pigs". This deteriorated into a sort of game and the police charged the assembled groups who would then run away, except for a few who were so inebriated that either they could not run fast enough or they fell over. Those people were then arrested. The whole episode should have been stopped there and then. However, the police proved to be incapable of doing that and allowed the matter to get out of hand. Rocks were thrown and, finally, burning missiles. Later a vehicle owned by a television company was burnt.

Frankly, in the first place, the television cameras should not have been there because their presence, without doubt, exacerbated the problem. Both the police and the crowd performed for the cameras. The reason that television crews took the trouble to attend on that specific occasion is also very interesting. I have been advised that it was the police who informed the television stations that there would be trouble that would make a good story. To a large degree, all this seems to have been self-fulfilling. The behaviour of both the crowd and some police officers on that night was bad, but what followed was much worse.

The next day, Tactical Response Group policemen—some of whom had shown themselves to be thugs in police uniforms and a disgrace to the many dedicated people who are in the police force—moved around Mount Panorama arresting a selection of young men. Unfortunately for him, one of those arrested was a Queensland youth who is resident in my electorate. He found himself in trouble because of his upbringing, which is supportive of the police force, and also because of his belief that he had no need to run or hide—as others did that day—because he had not been involved and, consequently, had nothing to fear. His trust of the police has brought him into terrible trouble. He told his friends, "It has nothing to do with me. I wasn't there." He remained at his tent, and made a cup of tea. He was in his tent alone when the Tactical Response Group bullies arrived.

He was arrested and, when he protested his innocence, he was told that the police had evidence that he had been involved and had in fact seen him on a video recording.

That is a very important point. He was held by the police in the compound and later taken to a police station, where he was photographed and bashed.

I have spoken to some other young men who were also arrested on that day. One of them told me that he was lucky that all he had lost were his teeth. His rather unattractive grin as he spoke to me bore testimony to the truth of what he had said.

The lad from Queensland, Colin Macphail, was arrested and charged with riotous assembly. He was, without doubt, not guilty of this charge. He believed, his family believed and his friends all believed that the terrible mistake that had occurred would become obvious to police and that the matter would be dropped. I wrote to the former Police Minister, Mr Anderson, asking that an investigation be carried out into the charges. I was also confident that any proper investigation would prove the Queensland lad to be innocent.

I wrote to Mr Peter Anderson on 15 April 1985, a few weeks after the charges were laid. He replied to me on 14 November 1985—some months later—advising me that committal proceedings had already commenced and that it was too late for him to do anything. My letter to him subsequently turned up in the prosecution's file relating to the court case. It is no wonder that Mr Peter Anderson lost his seat in the general election that was held in New South Wales recently. It is probably a good thing for the people of the electorate he formerly represented that he did.

It transpired that the police had no evidence to support their charge. He does not appear on any video that was taken of the events that night, simply because he was not there. However, for some reason, Senior Constable—now Sergeant—Preston, who was then with the New South Wales Tactical Response Group and who arrested Colin was reluctant to admit his mistake. Perhaps this was because at that time he was a senior constable and wanted to become a sergeant. He has since been promoted to sergeant and moved away from the Tactical Response Group. I think that there might be good medical reasons why that has been done.

I am not sure how the matter developed; whether it was a desire for police revenge on somebody, anybody, or perhaps the need for the New South Wales Government to promote an image of law and order and to indicate to people that action had been taken about the unruly behaviour that was shown by thousands of people that night. For whatever reason, it was decided to proceed with rioting charges.

The details of the trial read like fiction. I was told that it was a kangaroo court and I was a little sceptical. I was not convinced of this until I visited the proceedings myself. I was horrified that such bizarre prosecutions could take place in a democracy such as Australia. When people are informed for the first time of what took place at both Bathurst and the subsequent trial, they are without exception amazed and their reaction is, "But, surely, people cannot do that."

I have made inquires myself to prove to my own satisfaction the innocence of this young person from my electorate. I have had the opportunity to interview people not only from Queensland, but also from other States who were at Bathurst that night. Some of them have frankly admitted to me that they were involved and have given information to me about who else was involved. They spoke to me quite freely and frankly because they knew that I would maintain their confidence. All of those people have substantiated what I already believed: that Mr Colin Campbell Macphail was nowhere near the events of that night.

There have in fact been two trials, although as yet I do not have details of the first trial. The trial of Colin Macphail has frightening simularities to the trial of the South African Sharpeville Six. In that case six people were sentenced to hang for merely being in the same area as a riot. In Australia the only difference between the Sharpeville Six and this trial is that the Bathurst boys were gaoled rather than sentenced to hang.

With the obvious blessing of the Labor Government in New South Wales, the prosecution applied to Judge Harvey Cooper, a District Court judge in that State, to conduct a mass trial, which is something that I believe is out of place in any democracy.

Judge Cooper went down the list of the people who were arrested at Bathhurst and selected 12 people whom he would try at the same time. He selected the people whom he wanted to try.

The first inescapable point which is clearly indicated is that, having selected the 12, Cooper was under pressure to find at least one of them guilty. It would look strange if he had selected 12 people for trial who were all innocent. It became evident during the very early days of the trial that Cooper had pre-judged some of the defendants and there were strong indications as to which of the defendants he had selected. Whether he did this after discussion with the police, or on whatever basis he did it, it was clearly apparent that Judge Cooper was failing to fulfil his obligations as a judge to ensure a fair trial. One of the people he clearly selected was Colin Macphail, whose family have been long-time residents in my electorate and who is well known as an extremely quiet, law-abiding person of impeccable character.

Colin had been arrested by a Tactical Response Group policeman named Preston the day after the rioting and not during it. At the time of arrest Preston stated that he was doing so because Colin appeared on video. It subsequently transpired that this was completely untrue and the police have never been able to produce any evidence whatsoever that Colin Macphail was involved in the riots. This is an important point because the Tactical Response Group obviously arranged for its own videos to be taken in addition to those taken by four TV stations. This was done with the express intention of getting evidence against wrong-doers. The cameraman who took this video and all the other cameramen were unable to get one shot of the involvement of Colin Macphail. If he had been as prominent as the police said, it would have been very easy to get a shot of him and he would have been one of the first people on whom they would have trained their cameras. They could not get one shot of him anywhere.

However, rather than admit the mistake when it was found that Macphail did not appear on a video, Preston got together with a Constable Harrigan, also of the Tactical Response Group, and agreed to falsely identify Macphail for the trial. They managed to find other members of the police force who were pepared to give limited support to their claims.

Preston and Harrigan lied under oath in the witness-box and, under cross-examination, were proved to be lying when the transcript of court proceedings showed them to be making conflicting statements on important points during the trial. I might say that there were conflicts in their own evidence, not only conflicts between the two.

Their claim that Macphail had been prominent for five hours in throwing stones and missiles at police was proved to be incorrect by his failure to appear on any of the videos that were taken for the specific purpose of gaining evidence and upon which the police had at first relied to support their claim. It would, in fact, have been impossible for anyone to have taken such a prominent part in the affair without appearing on one of the five videos at least once, yet Colin Macphail did not appear anywhere. If anything, the videos prove his innocence.

Another witness provided an alibi for Colin Macphail and swore that it was not possible for Macphail to have been anywhere near the troubled area that night. In spite of considerable attempts to do so, this alibi could not be faulted in any way. The alibi witness was subjected to some 2½ hours of police questioning prior to the trial. Every effort was made to find a discrepancy in his evidence. Then and on the witness-stand there was no discrepancy. Nothing could be found to prove that he was not telling the truth. He told the court that he had seen Colin Macphail in bed in his tent that night and nowhere near the problem area.

Local representatives, myself included, gave evidence of his impeccable character and very quiet nature. All of this was rejected by Judge Cooper, who later directed the jury to believe the lies of Sergeant Preston and Constable Harrigan.

Colin's case was heard in No. 1 Court at the Penrith Court House, starting approximately nine months ago. Twelve cases were heard simultaneously. This trial

proceeded under the mismanagement of Judge Cooper for nine months, with no consideration of the tremendous costs being incurred and, much worse, of the suffering being caused to families and the denial of justice to the accused.

Legal representatives for all 12 defendants were required to be in the courthouse, even when their particular client's case was not being heard, which must have sky-rocketed costs. Even worse, the jurors were expected to retain in their memory evidence presented to them over eight months, with each case intermingled in hopeless confusion. It is not surprising, then, that their final verdict defied all logical explanation.

I found it of particular concern that months were to pass between the time when the jury heard evidence from the witnesses and the time when they actually considered their verdict. Foremost in their minds had to be the most recent summing-up and direction of the judge, which, to an admittedly untrained observer, was illogical, biased and unfair. The jury followed Cooper's direction and found three of the 12 guilty, including Colin Macphail. Notably, and a little alarmingly, one person from each State was found guilty. There was no other pattern. The jury decided in line with Judge Cooper's direction. They had accepted police evidence in some cases and rejected the same evidence as applied to others. Some actually arrested during the riots were freed; others who were not there were found guilty. It is hard to escape the conclusion that someone, somewhere, had sought to find a token defendant guilty, perhaps one from each State, so as to prevent the public seeing what an expensive fiasco the whole trial was.

Predictably, Judge Cooper continued on his illogical course and imposed gaol sentences on the three, in spite of the fact that the prosecution was forced to admit, prior to sentencing, that none of the three had any history of trouble with the police. One was recently a Sunday-school teacher and all had already incurred great hardship throughout the trial.

Colin Macphail had no police record. In fact, he had never incurred so much as a parking ticket in his life. The sentences imposed were six years for Colin Macphail, four years for a chap by the name of Wayne Tivey and 3½ years for Greg Bull, a lad from Victoria. They had all been required to live in Penrith, away from their homes and jobs, for the nine months of the trial. To do that, one of them—I believe it was Greg Bull—was forced to live in a small tent in a park, cooking on a fireplace, while Colin Macphail lived in a caravan nearby. They had to report to the sheriff at least three times each day and had to obtain special permission to visit their homes on occasional week-ends. It could well be argued that, even if they were guilty, they had been more than adequately punished.

So what have Judge Harvey Cooper and the Tactical Response Group of New South Wales achieved so far? After the expenditure of well in excess of a million dollars of tax-payers' funds and imposing considerable hardship on a number of innocent people, the authorities have managed to gaol three young men who nobody could suggest are criminals or in any way a threat to the community. To make a place in gaol for them, rapists, child-molesters and other malicious criminals have been released from gaol without serving their full sentences. That has been well publicised.

My great personal shame and regret is that a Labor Government has presided over this unfair, horrible mess. The Labor Government has now been defeated in New South Wales, and I look to the new Liberal Government to put the matter right.

The three convicted at Penrith should immediately be released from gaol—where they should never have been in the first place. That opinion is shared by sensible and responsible police and prison officers in that State who are familiar with the circumstances. Furthermore, the new Government of New South Wales must move immediately to stop the mass trials, not only because they will involve that State in several millions of dollars of unnecessary expenditure, but also because they are unjust and will achieve nothing positive.

People who misbehave should be punished. But when a judge imposes a six-year gaol sentence on a young man who, even if he had been guilty, was guilty of nothing more than throwing things at police, it becomes obvious that the judge is not competent to hold the very difficult and responsible job of controlling a court.

What happened is that some lying, standover men, who would more appropriately wear the uniform of Hitler's Brown Shirts than that of the New South Wales police force, have combined with a pompous dill of a judge to waste millions of dollars of public funds to send to gaol three young men who are of good character—at least one of whom, if not all, is innocent of any crime—while criminals walk the street. This judge obviously wants these young men to learn a new trade—how to deal in and use drugs, commit burglary and how to hate. That is all they will learn where he has put them in the gaol at Parramatta.

I will endeavour to bring this matter before the new Liberal Government of New South Wales and I hope it will do what the Labor Government should have done—take the trouble to correct the terrible injustice imposed by this farce of a trial and quickly tell those involved to bring themselves up to standard.

**Hon. P. J. CLAUSON** (Redlands—Minister for Justice and Attorney-General) (2.48 p.m.), in reply: I thank all honourable members for their contributions to the debate on such an important piece of legislation. As they have all indicated that they support the legislation, it will certainly assist in the early resolution of the Fitzgerald inquiry. I thank them for their support.

I thank the honourable member for Rockhampton for his contribution to the debate. I am at some loss as to exactly what the thrust of his speech was. The Government has decided that no inquiry is to be held into the Finch matter. That information has already been communicated to Mr Finch's solicitors. The member suggested that it is incumbent upon me to carry out investigations and interviews. However, I would suggest to him that it is incumbent upon Mr Finch's legal representatives to do that. It is certainly not appropriate for me to interview people who may or may not appear in information provided to me.

The honourable member raised a question about Supreme Court files. I am having investigations made into that matter. As he would appreciate, that was an event that occurred long before my time in this place or in this portfolio. However, attempts are being made to locate those files after so many years. I shall keep him apprised of that matter. I might point out that, if he wanted those files and he had difficulty obtaining them, all he needed to do was to contact me rather than go on a grandstanding escapade in this place.

The honourable member for Rockhampton quoted at length one section of the brief that was sent to me by Mr Nyst's firm. He was quite open about the matters contained in it. I am greatly fascinated at how open he is about the matter and how far these documents have spread, not only to members of the Opposition—notwithstanding the fact that Mr Nyst claims that he did not want to make the matter a party-political matter—but also to the Friends of Finch and to other groups in the community.

The honourable member for Rockhampton quoted one of the statements contained in that brief. Without giving anything away and while honouring the assurance of confidentiality that I gave to Mr Nyst when he sent the information to me, I point out that that particular statement is followed by a handwritten statement, which the honourable member failed to indicate to this House. The statement reads—

> "This statement is given on the assurance of Christopher Nyst that the content of the statement is for his information and the information of the Attorney-General, Paul Clauson, and no other persons."

I have honoured that particular request all the way along the line, and today the information contained in that statement has been disseminated to the public of Queensland

by the honourable member for Rockhampton. Be it on his head. It certainly was not I who disseminated Mr Nyst's information to all and sundry. That is all I have to say on the contribution by the honourable member for Rockhampton.

I thank the honourable member for Lytton for his contribution. I point out to him that the legislation was drafted at the request of the commissioner, who is eager to have the commission of inquiry completed at the earliest possible opportunity. There is evidence of the Queensland Government's dedication to the commission of inquiry. I am sure that the honourable member would have to agree with that. He is smiling. He is enjoying this immensely. Obviously the honourable member considers that the Government has done something outstanding and that this commission of inquiry will be the best commission of inquiry ever held in Australia, which undoubtedly it is.

Some reference was made to the National Hotel inquiry, which was held in 1963. The honourable member for Rockhampton touched on that, as did the honourable member for Lytton. I point out that for 40 years the ALP held power in this State and for 40 years it did nothing. A couple of years after 1957 it became apparent that something had to be done, and of course the issue had fomented until it reached boiling point. It was necessary to hold an inquiry into the National Hotel case. Once again, it was a conservative Government that instituted that inquiry. This Government can hold its head high because it is the only Government that had the fortitude to conduct a commission of inquiry into corruption in all forms in this State, irrespective of what the honourable member for Rockhampton might say.

I also thank the honourable member for Sherwood for his contribution. He gave a very meaningful and carefully reasoned contribution. Obviously, his years of experience as a criminal advocate have provided the insight, the background and the understanding to enable him to make the observations that he did make.

Together with the honourable member for Sherwood, I certainly understand the burden that has been placed not only on the shoulders of commissioner Fitzgerald but also on the shoulders of his wife and family. It is for that reason that this Government has moved swiftly at his request to aid the commission of inquiry on every occasion, and in particular on this occasion.

I concur with the comments made by the honourable member for Manly. He has spoken to me about the matters to which he referred. The police force in New South Wales is in a parlous state. It was allowed to fall into that parlous condition of non-justice over the last 12 years of Labor rule in that State. It would appear that there has never been any change in that State since the Rum Rebellion. It is rotten to the core.

With the change in Government in New South Wales, there is now a dedication to get to the truth in that State. I understand that the New South Wales Attorney-General will embark on a commission of inquiry. New South Wales will set up a corruption commission, which will go on and on, sweeping up the dregs with whom Mr Wran and Mr Unsworth have associated over the years—all the cohorts, cronies and grubs, the barracudas of Sydney and Australia which the ALP Government has cultivated like a worm farm. That is how they have operated in New South Wales. Now that the conservative Government has gained power in New South Wales, let us hope that we never see a repetition of the disgusting, deplorable and outrageous deprivation of justice that occurred in those Bathurst trials to which the honourable member for Manly referred.

Motion agreed to.

## Committee

Hon. P. J. Clauson (Redlands—Minister for Justice and Attorney-General) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

**Mr BRADDY** (2.58 p.m.): Clause 5 deals with an amendment to the provision relating to protection for participants in commissions. Of course, it is important that

proper protection be given to participants in the Fitzgerald commission and to everyone who comes forward to give police evidence. Those persons need protection and indemnity. The Opposition supports that.

On occasions it is important for the Government to review the protection that it provides for official records. I note the Attorney-General's undertaking that he will look into the matter of the missing file. In that regard, I table two letters, one from the Department of Justice, dated 14 March 1988, and one from the Acting Sheriff of Queensland, dated 7 April 1988, relating to the missing file and the missing depositions in the matter to which I referred.

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

**Mr BRADDY:** In his reply the Attorney-General made some play about the statement to which I referred. It related to the retired narcotics officer and the fact that on the bottom of that statement was a handwritten note that the matter was for the information of Mr Nyst and the Attorney-General and no other persons. That certainly was so at the time. I can only indicate, as the Attorney-General should be aware, that people can change their minds. Although he may be incapable of changing his mind even when proper evidence is put before him, the same is not true of the deponent or the maker of the statement. When the material was forwarded to him and he failed to act to have the matters investigated properly through his Government, I understand that Mr Nyst contacted the people who had given statements on the basis of secrecy and spoke to those persons and obtained their consent. I know that to be completely accurate, because, apart from Mr Nyst telling me so—I accepted his word implicitly—I was given permission to ring the witness myself. He spoke to me openly about it and indicated that it was quite in order for me to have read it and to refer to it but, at this stage, not to use his name.

Once again, the Attorney-General has gone off on a wrong tangent. He has taken the minor point—a technical, legal point, so he thought—but he has not done his homework. He has not checked with the witness to ascertain whether or not he agreed subsequently to give the statement to me. That is the reality. If the Attorney-General does his homework in relation to that point, he will discover that he was totally wrong.

Because the person who made the statement believed that the Attorney-General had failed to do his job, he gave permission for the shadow Attorney-General to have a look at the material.

Once again, the Attorney-General has taken up the wrong point. It would be better if he looked closely at the evidence—the statements—and had those matters investigated, rather than attack the messengers when they come along. The reality is that the facts need to be looked at, not the messengers. Some very serious facts need investigation.

**Mr CLAUSON:** It would have been nice if Mr Nyst had let me know of his change of mind and attitude. It is a pity that he does not normally do that.

Clause 5, as read, agreed to.

Clauses 6 to 8, as read, agreed to.

Bill reported, without amendment.

### Third Reading

Bill, on motion of Mr Clauson, read a third time.

## PENALTY UNITS ACT AMENDMENT BILL

**Hon. P. J. CLAUSON** (Redlands—Minister for Justice and Attorney-General) (3.03 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill to amend the Penalty Units Act 1985 in certain particulars."

Motion agreed to.

**First Reading**

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

**Second Reading**

**Hon. P. J. CLAUSON** (Redlands—Minister for Justice and Attorney-General) (3.04 p.m.): I move—

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

This is a Bill to amend the Penalty Units Act 1985, which was introduced to provide for a system of penalty units to ensure that fines and statutory penalties kept pace with inflation.

The system operates on the basis of an automatic conversion of present-day values of fines and penalties, and the conversion is effected by way of a formula that is based on the monetary value of a penalty unit and, where a fraction occurs as a consequence, the next higher whole number of penalty units is then adopted.

The value of a penalty unit is presently set at $50, and by adjusting such value from time to time, the level of fines imposed should be increased with a consequent benefit to the public revenue, whilst at the same time keeping in accord with the deterrent intentions of the legislation. Such value was fixed in October 1985, and the Consumer Price Index has increased to the extent that, in June 1987, a penalty unit was worth in excess of $57. It is now considered that $60 would be justifiable as an appropriate value per penalty unit, considering future possible increases for the purposes of the present amendment.

The Parliamentary Counsel has drawn attention to what he regards as inconsistencies and uncertainties in the existing Act, and to overcome any interpretative problems which might otherwise arise, both substantive and technical amendments are proposed.

The Bill contains an appropriate conversion formula to cover the possibility where, owing to human error, a penalty in money terms is prescribed in the future although contrary to the existing legislation.

When the legislation was introduced, it was proposed that it would have particular application to monetary penalties imposed by courts of law for offences where portion of the penalty was payable to the Consolidated Revenue Fund of Queensland but not otherwise. As part of the overall clarification of the legislation, it is now proposed that it also apply where portion of a penalty is payable to some authority or person not connected with the Consolidated Revenue Fund.

It is also proposed in the Bill to broaden the effect of the existing legislation by providing that the reference to penalty units also catches a penalty which may be imposed other than by a court, for example, the Medical Board pursuant to the Medical Act by way of a forfeiture or fine of a disciplinary nature. In other words, the Bill also provides for the application of the penalty units system other than where penalties are imposed for offences in proceedings before a court.

I commend the Bill to the House.

Debate, on motion of Mr Braddy, adjourned.

## FINANCIAL ADMINISTRATION AND AUDIT ACT AND ANOTHER ACT AMENDMENT BILL

**Hon. B. D. AUSTIN** (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (3.06 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Financial Administration and Audit Act 1977-1985 in certain particulars and to amend the Constitution Act 1867-1987 in a certain particular."

Motion agreed to.

**First Reading**

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

**Second Reading**

**Hon. B. D. AUSTIN** (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (3.07 p.m.): I move—

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

The purpose of this Bill is to put in place measures to enhance and improve the efficiency of financial administration consistent with the Government's policy statement on public sector reform. The measures will streamline the day-to-day management of departments and the Treasury. The Bill provides for public finance standards to replace the present Treasurer's Instructions and Minister's Directions.

The current detailed practice and procedures set down in the instructions and directions are unduly prescriptive. Broad standards on policy and principles of financial administration for statutory bodies and departments are more in keeping with the increasing emphasis on management responsibility. Detailed practices and procedures will no longer be prescribed but will be dealt with in the accounting and other manuals of departments and statutory bodies.

The proposed new public finance standards will give greater flexibility to management to embrace such things as accepted accounting standards, strategic planning and program management. Governor's warrants are required to be issued regularly prior to any expenditure of funds appropriated by Parliament. As the given expenditure has already been appropriated by Parliament and assented to by the Governor through the annual Appropriation Acts, no real purpose is served by their continued use. Similar controls have been abolished by other Governments.

Under the proposed Public Service Management and Employment Act, the chief executive will have responsibility to the Minister for the management of the affairs of his department. Provision has also been included in that Act for delegation of the chief executive's responsibilities. A similar power of delegation will be incorporated in the Financial Administration and Audit Act. The Bill also provides for the definition of Treasurer to now include the Minister Assisting the Treasurer.

Other amendments will remove impediments to the use of electronic information transfer technology and the use of standard accounting manuals for groups of statutory bodies. There are also minor amendments to overcome other definitional and procedural problems including the capacity for the Treasurer to create new headings of expenditure during a financial year.

I would not propose to take the time of the House now to spell out the amendments in detail. To provide members with the opportunity to study the Bill's provisions, under Standing Order 241 (c) I table the explanatory notes and ask that these be incorporated in *Hansard.*

Leave granted.

*Whereupon the honourable member laid on the table the following document—*

EXPLANATORY NOTES

FINANCIAL ADMINISTRATION AND AUDIT ACT AND ANOTHER ACT AMENDMENT BILL

The Bill provides for the following amendments.

Public Finance Standards

Under Section 44 of the Financial Administration and Audit Act, the Treasurer is required to prepare and issue instructions (called Treasurer's Instructions) to accountable officers with

respect to the principles, practices and procedures to be observed in the establishment and keeping of departmental accounts.

Section 45 of the Act provides for Deparmental accounting manuals setting out in detail the Departmental financial systems, forms, practices and procedures to be used in accordance with the Act and the Treasurer's Instructions.

Since the introduction of the Act in 1977, the Instructions have developed and expanded as required to set out all relevant principles, practices and procedures. Much of the detail relates to practices and procedures rather than principles.

In line with general spirit of devotution, it is proposed that detailed practices and procedures be set out in the Departmental accounting and other manuals rather than prescribed by the Treasurer. In lieu broad accounting and other financial management standards would be established by the Treasurer after consultation with the Auditor-General.

Further, it is considered appropriate that where possible standards to apply to Departments should be similar to those for Statutory Bodies.

At present, Minister's Directions may be issued for Statutory Bodies and apply in the same way as Treasurer's Instructions for Departments. Minister's Directions are prepared in consultation with the Treasurer. To be consistent, the standards should apply to Statutory Bodies as well as Departments.

The Bill therefore provides for—

- Treasurer's Instructions and Minister's Directions to be discontinued and replaced by Public Finance Standards (Clauses 21 and 24).
- Public Finance Standards issued by the Treasurer in consultation with the Auditor-General to set out policies and principles to be observed by Departments and Statutory Bodies in Financial Administration (Clause 27).
- Accountable Officers and Statutory Bodies to be required to prepare accounting manuals setting out the practices, procedures and financial systems to be used to comply with any relevant Act and the Public Finance Standards. (Clauses 22 and 25). This is essentially the same as at present but removes the overlap with Treasurer's Instructions and Minister's Directions and deletes references to detail and forms.

It is proposed that the amendments take effect from 1st July 1988 by which time Public Finance Standards would be ready for issue. Where possible and appropriate, professional accounting standards will be adopted in place of detailed prescriptions. Also, where appropriate, non-prescriptive parts of the Treasurer's Instructions and Minister's Directions will be incorporated in the new standards.

Warrant Controls

The Constitution Act and the Financial Administration and Audit Act provide for the Governor's Warrant as a process of expenditure authorisation.

Through the Appropriation Acts and various other Acts Parliament authorises the issue to the Crown of moneys for the year from the Public Accounts. The Crown, by medium of the Governor's Warrants, places the sums granted at the disposal of the Treasurer for onpassing to Departments.

Governor's Warrants authorises expenditure for a period not exceeding three months. The Warrants are prepared regularly by Treasury as required and are subject to certification by the Auditor-General.

While in their original concept Warrants were designed to provide a measure of control over the release of funds during the year, in practice the rate of expenditure is calculated by the Executive. Accordingly such controls serve no practical purpose and only impose an unnecessary administrative burden on Treasury, The Auditor-General's Office and Departments.

The role of the Governor is not diminished in any practical way, and will still be fulfilled in the absence of Warrants through his assent to the Appropriation Acts and approval of any expenditure for which Parliament has not appropriated funds.

Similar Warrant controls have been abolished by other Governments, most recently New South Wales.

The Bill therefore amends the Constitution Act and the Financial Administration and Audit Act to—

- abolish Warrant controls (Clauses 11 and 30), and

- provide that the Treasurer may release funds for expenditure by a Department subject to the submission of an abstract by the Department as at present and him being satisfied that funds are available according to law for the purposes indicated. (Clauses 10, 12 and 13).

Delegation of function and duties of an accountable officer

The Bill (Clause 18) provides for accountable officers (defined as Chief Executives or other persons appointed under the Act) to delegate functions and duties to officers within the department.

The power to delegate is required with the removal of the provision to appoint accountable officers for sub-departments (Clause 16).

Under the now Section 36A is will now be a matter for the accountable officer to determine whether delegation is appropriate. Such delegation will be pursuant to an instrument of delegation (subsection (1)). The delegation may be subject to conditions and limitations (subsection (2)), the delegate will have discretion in the conduct of the function or duty be of the same effect as if done by the accountable officer (subsection (4)).

Subsection (5) provides that the accountable officer will not be relieved of responsibility for ensuring that any function or duty is properly discharged.

The above provision is consistent with the provisions of the Public Service Management and Employment Bill relating to delegation of responsibilities of Chief Executives.

While this is a conceptual shift in the underlying philosophy of the Financial Administration and Audit Act, it recognises the reality of the Minsterial/Chief Executive relationships and is consistent with the policy statement on public sector reform.

Definition of Treasurer

The Bill (Clause 6 (a) (x)) provides for the expansion of the definition of the Treasurer to include a Minister assisting the Treasurer to the extent that he is authorised by the Treasurer to perform a duty.

This is to provide improved flexibility in the day to day administration of the Act.

New Headings of Expenditure

Sections 24 and 24A of the Act provide for the Treasurer to approve transfers of funds within existing subdivisions or subdivisional items within a vote. It does not allow the transfer to a new heading of expenditure within a vote.

The Bill (Clauses 8 and 9) provides for creation of new headings of expenditure by the Treasurer within a vote.

This will provide flexibility for cases such as where the Treasurer proposes to make a transfer from the Treasurer's Advance Account to a particular Department for special purposes or where a Department wishes to expand its accounts during a financial year to accommodate a new expenditure program funded from within its existing vote.

Standard Accounting Manuals

At present, that Act provides that all Statutory Bodies are required to prepare accounting manuals. This may not be practical for smaller bodies. The Bill (Clauses 23 and 25 (b)) therefore provides that the Minister or department may issue a standard accounting manual for use by a group of like statutory bodies.

Other Amendments

The Bill also provides for:

- the removal of the requirement for abstracts and bank transfers to be in writing to allow for the use of new technology in the future (Classes 5 (a) (i), 12 (a) and 13 (a)).
- clarification of the provision for exemption from audit by the Auditor-General to enable an alternative auditor to be appointed for exempted bodies. (Clause 28).
- provision for the tabling of statutory body reports with the Speaker of the Legislative Assembly if Parliament is in recess or it not sitting. (Clause 26).
- replacement of the term permanent head where it occurs by Chief Executive consistent with the Public Service Management and Employment Bill.
- the requirement for separate departmental accounts for the Executive Council and for the Clerk of the Executive Council to be an accountable officer are to be deleted. In view of the small amount of funds involved this will now come within the scope of the Premier's Department. (Clauses 7 and 16 (4)).

— clarification of other definitional and technical drafting matters associated with the above amendments.

The provisions of the Bill are to apply upon proclamation (Clause 2). It is intended that this take effect from 1st July, 1988 at which time, as outlined above, Public Finance Standards will also be issued.

**Mr AUSTIN:** I commend the Bill to the House.

Debate, on motion of Mr De Lacy, adjourned.

## RETAIL SHOP LEASES ACT AMENDMENT BILL

### Second Reading

Debate resumed from 16 March (see p. 5242).

**Mr McELLIGOTT** (Thuringowa) (3.10 p.m.): In his second-reading speech the Minister went to considerable trouble to remind the House that Queensland was the first State to introduce legislation to deal with retail shop leases. In this regard he outlined the moves which have been taken in other States. I have not bothered to check the facts, but I have no reason to doubt the Minister's statement in this regard. I give credit to the Government for its initiative in seeking to come to grips with this ongoing problem of conflict between landlords and tenants, particularly in the major shopping centres.

I think everyone is aware of the potential conflict that exists whenever landlords seek to impose their requirements on tenants, and tenants, for their part, seek to get what they regard as a fair go from their landlord. However, there is no evidence of any measure in the legislation or in the Act to improve the lot of small-business operators in this State. The rate of change-over among tenants in major shopping centres continues to be extraordinarily high and the rate of bankruptcy continues to be among the highest in Australia.

I refer to the *Courier-Mail* of Saturday, 26 March in the Business Mail section which contains a fairly extensive article headed, "Queensland bankruptcies 'a major problem' ". The article reads as follows—

> "Personal bankruptcy and business liquidation has been rife in Queensland for the past two years and looks set to remain a major problem in 1988.
>
> Queensland continues to record a disproportionately high share of Australia's bankruptcies while many companies in the retail, tourism and manufacturing industries are going broke.
>
> The latest figures show 445 Queenslanders went bankrupt in the December quarter last year compared with 394 in the same quarter in 1986."

The article continues as follows—

> "Major Brisbane accountants said that they were currently handling record numbers of company liquidations, receiverships and Part 10 arrangements whereby businesses pay off part of their debts."

At a later stage, the article refers to a report on the Bankruptcy Act tabled in the Federal Parliament that showed that in 1985-86 Queensland accounted for almost 23 per cent of all Australian bankruptcies. The article continues as follows—

> "Queensland Labor Senator John Black said that bankruptcies grew 26.6% in Queensland in that year compared with the national average of 20%."

The point that I want to make at this early stage in my contribution to the debate is that small business in Queensland is still experiencing very difficult times. That article certainly confirms my belief.

I want to say that although I strongly support Expo and believe that it has potential long-term benefits for Queensland and for Australia generally, I make the point that

small-business people—particularly in the rural and provincial areas of Queensland—will certainly not derive that benefit. I believe that, in the short term, Expo will constitute a very real threat to the existence of small-business operators in provincial areas. I suppose that what I am about to say goes to the credit of the people who have organised and marketed Expo.

From my observations and inquiries, I understand that an extraordinary number of people from country areas in Queensland plan to visit Expo during the year. Of course, that means that those people will not be holidaying in their immediate region. Many people who live in north Queensland also have their holidays in north Queensland; similarly, people from the south-east corner of the State and from interstate, who might usually consider travelling to northern or central Queensland or other provincial areas of Queensland, will obviously not be doing that this year, but will prefer instead to holiday in close proximity to the Expo site. The same argument must apply also to international visitors. It will be obvious to honourable members that overseas visitors who are coming to Australia to visit Expo will tend to book their accommodation in the vicinity of the Expo site and will not take the opportunity to visit other centres in this State.

The people who will suffer as a result of crowds being attracted to Expo will obviously be the small-business operators throughout the State. I believe that the suffering will not only hit hardest at hotels and accommodation venues but also right across the spread of small-business operators generally.

As I said, I am not knocking Expo. I merely sound a warning to the already beleaguered small-business operators in this State, for whom 1988 will be a very difficult year. Hopefully, in the longer term Queensland will benefit. Perhaps some of those benefits will flow to country areas of Queensland. Many small-business operators, however, may not still be in business to enjoy it.

The same article to which I referred earlier says much the same thing as I have been saying. It quotes people who refer to the fact that some hotels in Queensland are already experiencing major financial difficulties. Minor retailers in larger shopping centres were especially hard hit by the deregulation trial whereas the big department stores gained the most benefit. That argument was countenanced previously. An Ernst and Whinney insolvency partner made this comment—

> "The latter part of 1988 will be a bad period again according to the financiers.
>
> Tourism will cause problems in the long run while there could be some trouble in Brisbane after Expo."

That is the opposite point to the one that I am making. Whilst Brisbane and the south-east corner of the State will obviously benefit from Expo, Mr Summerson is saying that he believes there will be problems in Brisbane after Expo. He made the statement that I have just referred to that—

> ". . . more than 100 Queensland hotels were currently in receivership while caravan parks and small manufacturers were also suffering."

Another point I wish to make in this general introduction is that, whilst everyone acknowledges the value of tourism to this State, my observations in provincial Queensland are that the development of major tourist complexes has not really contributed to the advantage of small business. Most tourist complexes that are developed normally include a whole range of retail shops which automatically bring increased competition to existing small businesses in the community. These retail shops tend to confine the tourists who are visiting that complex to the complex itself, rather than encourage them to go out into the general community and thereby add to the profitability of local small-business operators. Although tourism is attractive and has excited everyone, I do not believe that it has been as rewarding to the small-business sector as one would imagine.

There is nothing contained in the principal Act or this amending legislation that will materially assist small businesses. I am talking about the battlers; the people who decide they want to have a go on their own in a little shop in the hope of making a

few dollars to improve their lives and the lives of their families. Invariably they go in with not enough money but plenty of energy and enthusiasm. As soon as they decide on the business that they wish to pursue, the big blokes take over and they are immediately swamped by Government red tape, legal jargon and rich and powerful landlords, who have no interest whatsoever in seeing a small business succeed and are only interested in getting as much rent as possible from the shop space. The landlord well knows that for every small-business person who falls by the wayside there is another waiting to take his or her place.

A number of things about small-business people never cease to amaze me. Firstly, they invariably think that once they go into business they become minicapitalists and that conservative Governments are their natural friends. Nothing could be further from the truth. It is the National Party State Government that has permitted and even encouraged the proliferation of shopping complexes all over Queensland which have been so obviously detrimental to small-business operators both inside and outside those complexes. It was this National Party Government that introduced the disastrous extended trading hours trial that sent people to the wall all over the State. Secondly, I am amazed at the way in which small-business people go down with barely a whimper. They open their business with a bang, with usually an official opening by the local Mayor with champagne and so on, but when the end comes they simply disappear without trace. Many times their demise is not caused by any lack of effort or ability on their part, but by outside forces which they should have spoken out about. By speaking out they could certainly benefit others, if not themselves. Thirdly, I am amazed at the way in which small-business people bow to pressure from professional people. They are the captives of lawyers and accountants who are, in many cases, ripping them off.

I wish to return to each of the three points that I have made and talk about them in reverse order. In regard to the professions, I wish to broaden this debate by saying that out there in the real world there is an increasing disenchantment with politicians and the political system. One of the reasons for this disenchantment is the widening gap between the haves and the have-nots. In 1988 the haves are accountants, lawyers, doctors, dentists, etc. No-one begrudges people some reward for their effort, if they have studied hard to obtain qualifications, but some of the fees and charges levied by professional people are simply ridiculous. After all, they are only tradesmen in their professions and yet their income exceeds by many times the tradesmen who built the premises that the professional person operates from, such as electricians, plumbers, cleaners, etc., and the professionals are in the best position to avoid paying their fair share of taxation.

The ordinary working people, including the little bloke and his wife trying to make a go of it in the corner store or the fish shop down the road, have had enough. Of course, Governments protect professionals. Because of the need to deal with complex taxation laws and myriad local and State laws and regulations, no-one can exist in business today without employing accountants and lawyers. No-one begrudges professional people their fair due, but I for one resent the way they charge for their services when the little people of this world, including the corner store operator, the local butcher and so on, are struggling to exist.

**Mr Yewdale:** They charge like scrub bulls.

**Mr McELLIGOTT:** They certainly do.

So it came as somewhat of a surprise to me that, prior to the last State election, the Townsville branch of the Australian Small Business Association organised a forum to interview the candidates. Along with my opponents, I fronted up and was amazed to find that the president and secretary of that association were, respectively, an accountant and a lawyer. At that stage the people at the forum were very concerned about the fringe benefits tax, which was the subject of a big debate in the community. As honourable members would be aware, that tax impacted on very few small-business people. The people on whom it had the greatest impact were the very people who were sitting on the dais in front, lawyers and accountants. Yet those people were trying to talk to the candidates about trying to keep down costs of operations.

The second point I made was that small business seems often to give up almost without a fight. I appreciate that small-businessmen feel that they cannot win against big-business interests and big Governments. A good example of the point that I am making can be found in the immediate vicinity of my electorate office, which is located in an area of Thuringowa City that was zoned commercial by the council. It was designated as the future commercial centre of Thuringowa.

In good faith and with the blessing of the council, which was delighted to have the development occur, a number of people established businesses in that area. In fact, the council welcomed these new retail developments in its newly established city. However, no sooner had they opened their doors than the council started to rezone other land in other areas as commercial. Naturally, the business in my area has suffered enormously. The building in which my office is located has eight shops or offices all owned by separate owners under a strata title. Of those eight, only two, including mine, are currently occupied. Two were occupied but are now deserted. The other four have not been occupied since the day they were built over two years ago.

Probably another 40 shops or offices in this area are now deserted, but there has been no massive outcry. The businessmen have simply folded their tents and disappeared into the night. The lack of a coherent planning policy from the council has destroyed this area that it originally established for commercial purposes. The small-business people who tried to operate from there have simply not been given a fair go.

In my opinion, they need to be much more militant. They should have stood up to the council when they first realised what was happening. I went to the media about it. It was well reported, but not one person from the small-business sector contacted me to join with me in the issue. Since then, many more businesses have simply closed.

The first point I made was that people who go into business seem to embrace the Natoinal Party as their natural friends, yet nothing could be further from the truth. Compared with the position in other States, the performance of the Queensland Government in creating an environment where small business might prosper has been very poor. The figures speak for themselves. Sure, the Government may have given a lead in introducing legislation to help resolve disputes; but where is the practical assistance to small business?

Of course, small business will always struggle in Queensland while the State's economy struggles. The ordinary working class people provide the bulk of the custom and money to spend. With Queensland's high level of unemployment and while Queensland workers receive lower real wage rates than workers in other States, money will always be tight. I am sure that we can all work out for ourselves the impact that the Liberal Party's consumption tax will have on small business, not only in Queensland but all around the country—that is, if we are unfortunate enough to have a Federal Liberal/National Party Government elected. Whatever economic strategy the Government has had has been based very heavily on tourism, but I submit to honourable members that the boom that has been evident in some tourist areas has not materially assisted existing small businesses in those areas.

Most of the new tourist developments that have taken place included a whole range of shops, thus adding to the competition for existing businesses. The resorts are largely self-contained, with no appreciable spin-off to the community in which they are located. It has been said many times that Queensland's economic base is too narrow. While that situation prevails, small business in this State will have a battle to survive.

At the moment, in Townsville, a very interesting struggle is going on with the Great Barrier Reef Wonderland project. It will be interesting to see how that develops. I will talk further about that later on.

I mentioned earlier that the policies of local government have a great impact on whether small business survives. The Local Government Association could well conduct a study into what councils can do to assist small business to survive. I understand that councils were invited through the Queensland Local Government Association to carry

out a similar study in relation to industrial development. Bearing in mind the points that I am about to make about the role of local councils in that area, I believe that the Local Government Association could well be the source of a study on the subject.

Proper planning is important. Proper planning in consultation with the small-business community would be an excellent start. Too many councils see their role in terms of telling people—including business—what they cannot do, instead of adopting a positive approach to achieve a positive result for their town and for their commercial operations.

The Savage committee referred to that in its second report. There is no consistency in the attitudes of local authorities throughout the State on the matter of encouraging the development of small-business operations in their communities.

I would like to take a few moments to acquaint members with the experience of one of my constituents. Mr Guiseppe Turrisi is a small developer in Townsville. Early in 1987, he applied to the Townsville City Council and had approved an application for a commercial development of 520 square metres in North Ward comprising shops, offices and caretaker facilities. The proposed development was in accord with the Townsville City Council's development control plan for the area; so the approval seemed virtually automatic. However, the approval was overturned by the Local Government Court on the objection of an existing shop-owner.

In his decision, the judge said—

> "There is in the North Ward shopping centre and in North Ward generally . . . an adequate supply of shopping facilities to serve the needs of the community. Further provision is not called for and may prejudice existing retail uses in the locality."

In line with my earlier comments about local authorities protecting existing businesses, I would agree with the court's opinion, except that it varies from the opinion of the council expressed through its development control plan. Also of relevance is the fact that the objector who took the case to court, and won, is the long-time owner of a small shopping centre in the area. He has a proposed project of 6 000 square metres in the planning stages adjoining this existing complex.

There is much that could be done to bring some consistency in the approach of councils and the Local Government Court in this matter of rezonings and how they impact upon existing and proposed businesses.

The Opposition supports the Bill as a genuine attempt to clear up some of the anomalies that existed in the Act and were being taken advantage of by a few—I am relieved to know that it is only a few—unscrupulous landlords. It is pleasing that the Bill provides for tenants to join or form associations other than those approved or even insisted upon by the landlord.

The Bill provides for periodic rent reviews to be carried out by a specialist retail valuer if agreement cannot be reached between the landlord and the tenant. I will be interested to hear from the Minister in his reply how that will work in practice in provincial and country areas. Are specialist retail valuers readily available in country areas?

I note that a register is to be kept. What incentive will there be to valuers to have their names placed on that register? What is the likely level of fees that will be charged by those valuers? How will the hearings be conducted? What legal representation, if any, will be permitted?

Of course, the Retail Shop Leases Act still does not come to grips with the greatest single disincentive to tenants—the use of turn-over to calculate rentals. That is unlawful, unless the tenant elects in writing to agree to such a method of calculating rent.

Unfortunately, there are many tenants who are agreeing to such an arrangement still. In that regard, starry-eyed people seeking to go into a small business are very likely to agree to such a clause in their lease because they are so anxious to get started. It

places the tenant in a no-win situation. The harder he or she works to increase turn-over, the higher goes the rent.

I fail to see why the practice cannot be outlawed altogether. Now that the procedures for determining market rent are being streamlined, surely market rent should be the only basis on which rent is charged. Tenants are entitled to know what their rent will be, subject, of course, to annual review. Such a review should take account of CPI increases and changes in the market environment.

The Cooper report tabled in 1981 stated that the true market rent is the base rent and that any rent charged above that is totally iniquitous, totally immoral and should be prohibited. The Cooper committee found that any percentage that is sought over and above the base rent is not in essence a rent at all but a clever ploy under which the owner of the retail centre has an inbuilt share of the profitability of each tenant's business. I think that that sums it up very well.

When a new centre is completed, there is usually no shortage of mini-entrepreneurs wanting to have a go. It is not very difficult to imagine the pressure placed on prospective tenants to sign a clause providing for a percentage of turn-over. It should not be allowed.

I hate to say it, but the landlord copping the most flack around the State at the moment over the treatment of tenants is Kern Corporation. The reason I hate to mention it is because Kern was founded in Townsville, and I am sure that everyone admires its results. However, it has earned a very poor reputation over its treatment of tenants. Kern works on the theory that for every tenant that falls by the wayside there will always be a queue of others waiting to take his place.

I mentioned earlier what had occurred in relation to the Barrier Reef Wonderland in Townsville. The operator of that centre is, of course, Kern Corporation. Wide disputation is taking place amongst tenants of that centre, mainly on the basis that the number of people actually visiting the centre is considerably less—and they say it is about 50 per cent—than the estimates that were provided to them by Kern Corporation.

I have some sympathy with the small-business operators who find themselves in that position. However, that sort of estimate is not a condition of the lease that those people signed. The fact that they chose to accept the estimates provided by Kern Corporation indicates some shortcomings on their own part. However, shops are being closed, and the people who are being closed down are objecting very strongly indeed.

On the other hand, I have been approached by tenants in that centre who tell me that, although they are not doing particularly well, they are prepared to battle on. They make the point that they knew what they were getting into. They recall the estimates that were provided by Kern, but they understand that there is no way that Kern can be bound by those estimates. Those tenants are very concerned that the centre as a whole is earning something of a reputation as being of doubtful quality and doubtful interest. Of course, that concerns me greatly.

The Barrier Reef Wonderland contains an aquarium, which includes a live coral exhibition. It really is a focal point for tourism in Townsville. Unlike some other areas, Townsville is not flush with natural attractions, so that to some extent it does depend on man-made attractions. For that reason, the Barrier Reef Wonderland is Townsville's pride and joy.

I believe that it has a harmful impact on tourism to have the tenants in that centre closing their doors and being in general disputation with the landlord. Unfortunately, Kern Corporation is one of those landlords continuing to charge according to turn-over——

**Mr Palaszczuk:** Where is the copper refinery situated?

**Mr McELLIGOTT:** In Townsville, of course! It is a very interesting spot. If honourable members want me to list the scenic attractions of Townsville——

**Mr Sherrin:** Don't bother.

**Mr McELLIGOTT:** No, I will not bother. I will stick to the Barrier Reef Wonderland.

As I was saying, Kern Corporation is unfortunately one of those landlords charging according to turn-over. I understand that it is writing into its leases a charge of 8 per cent of gross profit. Fortunately or unfortunately, depending on how one looks at it, no-one presently leasing accommodation in the Barrier Reef Wonderland centre has yet reached the stage of having to worry about that percentage of gross profit.

I have said that Kern Corporation has, unfortunately, earned a very poor reputation among tenants around the State. They are the people whom I spoke about earlier who are struggling to survive and who need the protection of this sort of legislation.

The Opposition is concerned about the amendment that frees the landlord from any responsibility for the actions of an agent who accepts prohibited payments. That is fine for the protection of the landlord, but where is the protection for the tenant except by his later attempting recovery? At times, it is very difficult, of course, for a prospective tenant to know who the landlord is, let alone know who is or is not acting under his authority.

The other amendments are supported. It is good sense to require a landlord to respond within 30 days to a request to assign a lease. A further amendment provides that the landlord be provided with adequate particulars relating to the assignment, so 30 days should certainly give ample time for a response. I also support the amendment that requires a landlord to detail in a prescribed form those operating expenses that are to be shared. I understand that some landlords have provided those estimates on scraps of paper. That is obviously not good enough.

I am less happy about the provision that makes it possible for tenants to be required to contribute to the cost of operating a retail shopping centre. It must be stated very clearly that in this context the word "operating" refers to the structures themselves and cannot include the costs of promotions, etc., otherwise operators of the small shops within the centre would be contributing to costs from which they obtain little or no benefit.

The whole matter of the sharing of operating expenses occupied a good deal of time during the debate on the original Bill when it was introduced in 1984. I will be interested to hear from the Minister in his reply whether there have been any problems apart from the one that honourable members are addressing today, that is, the need for the landlord to provide proper estimates.

I conclude my contribution by referring quickly to three amendments for which the Minister can be commended. Firstly, it is most desirable that landlords be required to make available to prospective tenants copies of lease documents and other information prior to the prospective tenant's executing a lease. It is amazing that such a provision did not exist previously. Secondly, the amendment to render ineffective provisions that are being inserted into some leases to circumvent the low cost of dispute resolution is welcomed, as is the amendment to give legal protection to the mediator. I will raise some other matters at the Committee stage.

**Mr SHERRIN** (Mansfield) (3.38 p.m.): It gives me a great deal of pleasure to participate in this debate. Firstly, I am privileged to have a number of very large shopping centres located in my electorate of Mansfield.

**Mr Palaszczuk:** Too many.

**Mr SHERRIN:** Not too many; they provide a tremendous service for my constituents. Among them is the Garden City shopping centre, which is one of the largest regional shopping centres in Australia. Five other regional shopping centres of varying size also provide a great service to the community.

The second reason I am privileged to participate in the debate is that the legislation is one of the success stories of legislation that has been introduced into this Chamber in the last few years. It has brought great credit to the Government and is a continuing

source of development. It is landmark legislation in an area in which all the other States in the Commonwealth are continually active.

One interesting aspect about the legislation is that it is not very often that Parliament has the opportunity to debate truly pioneering legislation. Queensland is obviously a pace-setter in that area. In his second-reading speech the Minister referred to instances in which representatives of other Parliaments throughout the nation have made it their business to come to Queensland to examine the operation of this legislation.

Since 1984, when the original Bill was introduced into this Chamber, one feature of the development of the legislation has been the wide degree of community involvement and interaction that has occurred. In 1984, the Minister for Industry and Technology, who is now the Premier, Mike Ahern, gave an undertaking that the legislation would be evolutionary. He said that the legislation would be amended further by the Government in the light of experience in the market-place. Subsequent to the introduction of the original Bill, based on the experience that has been gained, a number of amending Bills have been introduced. It is a great credit to the three Ministers involved, including the present Minister, that they saw fit to talk to all of the participants, such as BOMA, tenant organisations and the general community. In the light of the contribution that those groups have been able to make, the Government has had an opportunity to introduce further amendments that I believe have been received very favourably by all of the participants.

One aspect that brings credit to the legislation is that it reflects the reality of the market-place and the commercial and legal practices that are in operation.

In relation to the historical development of this legislation—it goes back to the early 1980s. I was interested to hear an Opposition member speak about the Cooper report. One of the interesting flaws that were highlighted in the recommendations in that report concerned the lack of legal perception. That has certainly been remedied in the development of the legislation to date.

It is an exciting challenge for a Government to legislate in this field. One has a dichotomy of views. There are two particular perceptions of how this legislation should be developed. Because of the inherent difficulty that is involved in reconciling the often quite separate interests of tenants and landlords, while at the same time keeping Government intervention to a bare minimum—which is the philosophy of this conservative Government in Queensland—it is a challenge to legislate in this field.

This legislation will improve the lot of tenants in retail shops and maintain the rights of owners, while keeping the degree of Government intervention to the bare minimum that is required.

In 1984, the original Retail Shop Leases Act was introduced into this House by Mike Ahern. At that time it was landmark legislation. It was certainly very pioneering legislation. It was introduced and assented to on 12 March 1984. Parts IV and V of the Act dealing with the Retail Shop Lease Mediation Panel and the Retail Shop Lease Tribunal came into force on 1 July 1984.

In his second-reading speech at that time, the then Minister pointed out that the Act was the first of its kind in Australia, that it was breaking new ground, and that he would be prepared to amend the Act at any early stage if any problems become apparent. That has certainly been the case.

There is no doubt in my mind—and I am sure that there is no doubt in the minds of members on this side of the House—that one of the successes of the legislation——

**Mr Davis:** Don't take so much time.

**Mr SHERRIN:** I ask the honourable member to listen to what I have to say. It could be a very valuable learning experience for the Opposition.

As I was saying, one of the successes of this legislation has been the skill of the mediator who was involved, namely, Mr Bill Lamond. Because of the skill that he has brought to his position to date, this legislation has been highly successful.

Before his appointment, Mr Lamond had a great deal of experience in the retail industry both as a tenant of shops and as a lessor of shops. He had a wide experience of leases and leasing practices.

The success of the Act to date—from the original Act to the amendments that have been passed over the years—has been due in no small part to Mr Lamond's great skill and patience in explaining the provisions of the Act, not only in mediating disputes but also in providing a very valuable educational program to tenants and landlords in the general community and in informing them of their rights under the legislation.

During the past 18 months since I became the member for Mansfield, I have been privileged to have Bill visit my electorate, where he undertook a very valuable educational program with tenants and explained their obligations under the Act.

**Mr Davis:** Wind it up.

**Mr SHERRIN:** I ask the honourable member to wait. I have got a long way to go. He will have plenty of time.

The background to the Retail Shop Leases Act is very interesting. A seminar paper that was prepared by Professor Tarlo, who was the professor of law at the University of Queensland at that time, and which was published in the University of Queensland *Law Reform Journal* in 1983 provides a valuable insight into the forces and events that led to this pioneering legislation.

Everyone is well aware that cities have grown and have areas of high population in far-away suburbs, some distance from the central business districts. The difficulty of finding parking spaces in the inner-city area, the pressure of rushing from shop to shop throughout the city area, the problems of inclement weather and the inconvenience of carrying purchases sometimes long distances back to a car or having to rely upon poor public transport systems have combined to encourage the spread of the large regional shopping centres, a number of which already exist in my area.

**Mr Davis:** Every time you get up you've got a comprehensive list. We don't want a history lesson.

**Mr SHERRIN:** The reason I am giving a history lesson is that members on the other side of the House such as the honourable member for Brisbane Central come into this place with a glaring lack of knowledge of the background of legislation. It is important that they have an opportunity to understand the origins and the genesis of legislation that comes into this House. I want the honourable member to take it as a valuable learning experience.

Those shopping centres have large car parks. Usually under one roof they contain a wide variety of air-conditioned stores, large, medium and small, and often offices that provide professional services. The trend to the large regional shopping centres has resulted in a change of life-style for consumers, a change that I would very strongly argue has improved the quality of life for the consumers who use those facilities.

They have also caused considerable changes in retailing as we have known it over the past 20 years in this State and the arrangements under which those retailers operate. Considerable change has also occurred in retailing practice throughout the State with consequences that were probably not envisaged at the time that these centres first made their appearance. One result—and a result that will certainly be very clear in the minds of honourable members—has been the controversy that raged during the late 1970s and early 1980s about retail shop leases. If one goes through the newspaper clippings for that period one sees that rarely a day went by without heated arguments occurring between tenant organisations and organisations representing the owners and managers of shopping centres. Over that period the issue basically condensed into a clash of

philosophies: Government regulation, which was encouraged very strongly by the small tenants, versus the market-place or freedom from controls, that is, the goal of the owners and managers who talked of industry-led self-regulation.

At this stage it is appropriate to deal with the issue of what makes a shopping centre lease so special. At the heart of the matter is the phenomenon of the shopping revolution that has occurred over the last 20 years. Shopping centre leases differ from ordinary commercial leases. They are in a class all of their own and contain novel and sometimes quite sophisticated concepts largely stemming from the special features of the centres themselves, which I outlined briefly earlier, such as the use of common areas, common facilities, car parks and so on. The differentiation between shopping centre leases and other commercial leases has been identified as being mainly in provisions which relate to such things as percentage rent, the use of common areas and facilities and the payment for that, and the relationship of the various parties—not only the relationship between the landlord and the tenant but also the relationships that exist between various tenants and whether they have permission to form tenants' associations and so forth.

Around these features there revolves a whole set of complex clauses which give shopping centre leases their own unique and particular flavour. At this stage it is important to distinguish between major tenants and other tenants, because the success of a shopping centre depends in no small part upon the location of major tenants in certain key areas of the shopping centre complex, and it is the major tenants that bring in the customers—attract large numbers of customers—with the resulting flow-on benefit to many of the smaller tenants. Therefore, it is very common for the large tenants to have a great deal of clout when they are negotiating for the lease conditions in their contract. For that reason, attention is generally focused on the inferior position of small traders when they negotiate with management and landlords in a contract for rent or lease.

It is the difficulties experienced by small tenants in larger shopping centres that have been brought to notice much more recently. Their point of view has been expressed in the article that I have already mentioned. I would like to incorporate the article as part of my speech that will appear in *Hansard*. The article reads as follows—

> "Without legislation, the small tenant will always be at a tremendous disadvantage in dealing with big corporations."

**Mr Wells:** Have you shown this to Mr Deputy Speaker?

**Mr SHERRIN:** I am not seeking permission to incorporate it; I am just reading the article into the record. The report continues—

> "Read any of their leases and see how many of the 50 to 70 pages go to safeguarding the interests of the tenant.
>
> By and large, it is a landlord's document that has evolved over a period of time to reduce the standing of tenants to that of a vassal or serf who is dependent on his master's goodwill."

As I stated earlier, the contract is extensive and contains 50 to 70 pages. It is really designed to protect the landlord rather than the tenant.

It is interesting to reflect on the length of that lease document. In a normal commercial lease, quite often the documents will contain 10 to 20 pages of printed foolscap paper. Resident tenancy leases are enshrined in no more than four pages. I think that that is the standard format.

**Mr Simpson:** Or one page.

**Mr SHERRIN:** As the honourable member for Cooroora says, or one page. It is interesting to examine the special retail shop leases, especially in large shopping centres. On average, they contain approximately 70 pages. It is interesting to note the background

to the situation. I will not go into it, because the Opposition spokesman has already referred to the Cooper report and I will not traverse that ground again.

It is interesting to note the justification argument for this legislation. The argument has already been very clearly outlined in the Queensland Institute of Technology's *Law Journal.* The journal contains an article that examined the original legislation that was introduced into the Parliament. My personal belief is that fewer laws make freer men. Accordingly, I always ask when new legislation is being considered what the justification is for bringing the legislation into the House.

Although many people would argue that a free-enterprise philosophy demands that Government intervention in the market-place be kept to an absolute minimum, legislation to regulate the relationships that exist between landlords and business tenants on the original grant of leases can be justified on two main grounds.

The first ground is that the existence of a true free market has been destroyed by the existence of stringent zoning—the Opposition spokesman referred to this matter earlier—and town-planning requirements. Further legislation is needed to correct market distortions that have arisen as a consequence of town-zoning requirements that have been imposed on the free market.

The second justification for introducing legislation to regulate this type of activity is that a distinction must be drawn between Government intervention in the market, through detailed regulatory legislation, and the mere setting-up of a legal framework which must be carried out as a matter of necessity if the free-market system is to be allowed to operate to advantage. In circumstances in which such legislation assists, rather than hinders, the operation of the free market—for example, the Property Law Act—it certainly can be justified.

The legislation is certainly landmark legislation in Australia. There is no doubt that Queensland is leading the other Australian States once again by the preparation of this pioneering legislation. Of course, once again, Queensland is at the forefront of this type of legislation.

I commend the Minister and his two predecessors for their willingness to consult widely with all sectors of the industry, prior to the introduction of this legislation. I believe that this Bill, which is a further step in the natural evolution of the Retail Shop Leases Act, will further improve the lot of tenants in retail shops, while still maintaining the rights of the owners. I strongly commend the Bill to the House.

**Mr CAMPBELL** (Bundaberg) (3.55 p.m.): Unlike the previous speaker, who went into the history of the legislation, I inform the House that I spoke to legislation affecting the Retail Shop Leases Act both in 1984 and 1985. At that time, I expressed concern for tenants in shopping centres and for the disadvantaged negotiating position of tenants compared with that of shopping centre owners and managers. The Government is now trying to provide some extra help to those small tenants, but they are still in a disadvantaged negotiating position. At that time I questioned the fact that Suncorp, the old SGIO, at the time of the renewal of some leases in Bundaberg was increasing its rents by 76 per cent. It was improper for a Government body to do such a thing.

In Queensland during the December quarter last year there was a record number of bankruptcies. The figure was 445, which was the highest in Australia. In some ways this is due to excessive overheads that many small-business people in the large shopping centres have to pay. The large turnover in the number of small businesses can be attributed to those high costs.

I wish to bring to the attention of the Minister the case of Jeff Oswell, the proprietor of Tiffin's Coffee Lounge in the Bundaberg Plaza shopping centre. The Bundaberg Plaza is a major shopping centre in Bundaberg, with Franklins Supermarket as the main tenant. It is important to draw this matter to the attention of the Minister because it is a good

example of what is happening. During the Minister's second-reading speech, when he referred to the success of the Queensland legislation, he stated—

> ". . . between 70 per cent and 80 per cent of all disputes brought before the mediator have reached a level of conciliation acceptable to both the landlord and the tenant."

In this particular case there has been no acceptable conciliation, and that is where it stands at the present time. I will give the Minister this example and then tell this House how I think the matter should proceed. There has been no resolution of the matter.

I commend the Minister for allowing the determination of market rent to be included in this Bill and also the provision that tenants in shopping centres will not be called upon to contribute to sinking-funds for the amortisation of the cost of the centre, extensions to the centre or for the construction of major improvements to existing centres. I believe that the case I have highlighted will show that small tenants do not actually get a chance to learn the real position.

Another issue that has arisen in Bundaberg concerns the periodic review of rental. Another of the implied provisions of the Bill concerns compensation in a case in which, if a shopping centre is to be renovated or refurbished, small tenants can be compensated for any losses incurred as a result. This other case that occurred in Bundaberg was reported on the front page of the *News-Mail* of Wednesday, 6 April 1988. These kinds of things are happening all the time. The article states—

> "A tenant who was given notice to quit his take-away shop in the new K-Mart complex, Hinkler Place, believes he has been treated unfairly.
>
> . . .
>
> He said the developer, Dunsford Investments Pty Ltd, had used a loophole in his lease renewal agreement to refuse the lease renewal in June, 1987.
>
> The three-year lease renewal documents had been cancelled for nine of the centre's 10 tenants last year when they were sent to Coles' former Brisbane address instead of Coles' current address at Mount Gravatt . . ."

That is the reason why they were not renewed. The article went on to state—

> "Dunsford's principal director, Mr Terry Ell, said that as the lessor he had no obligation to advise of any change of address. 'It is quite clearly spelt out what the lessor and the lessee do in the document.'
>
> It was the tenant's responsibility to lodge the lease documents at the company's registered office. Since this had not been done by the due dates, the tenants had lost their rights to three-year lease renewals . . ."

The second last paragraph of that article states—

> "A spokesman for Coles-Myer said yesterday the company had moved to its new premises three years ago. 'We still have all mail re-directed there,'. . ."

If there is a nit-picking attitude on one side, or if goodwill does not exist, there will still be problems.

I return to the case of Jeff Oswell. He is having problems regarding matters in the category of shared operating costs. This matter is included in the Bill in which the Minister clarifies the responsibility of landlords to advise tenants in a prescribed form in relation to certain defined operating expenses. Either blatantly or through negligence, very poor estimates of the operating costs were given to tenants. They were so poor that, on an original budget of $70,000, they were out by $30,000. What happens is that the tenants get in there and they are caught.

Mr Oswell's solicitors sent a letter to Janango Pty Ltd, which is the owner of the Bundaberg Plaza shopping centre and the family trust company of Sir Arthur George. The letter voices the concerns of the small tenants in that shopping centre. They had

11 problems, the first of which concerned the operating expenses themselves. The letter states—

> "Their concerns fall into two categories, firstly details of estimated and audited outgoing figures and secondly the charges made for most items of operating expenses. On the first issue, the estimates for operating expenses for the years commencing April, 1986 and 1987 were delivered months after commencement of the period (contrary to your obligations under the Retail Shop Leases Act) . . . and in similar fashion estimates for the year from April, 1988 have also not been received."

Audited figures were not received by the given date, either.

Because those figures were not received on time and because of the overlapping manner in which they were provided it was difficult for both the landlord and the tenant to make a proper assessment of estimates against actual operating expenses. That happened because the shopping centre started in April but no time for an operating period was clearly specified. The tenants did not know whether it went from April to the following March or from July to the following June.

The second problem is the difficulty in interpreting the figures provided to tenants. The lack of detail leaves them uncertain of operating expenses and unsure whether they have been properly or improperly incurred and whether some capital items are not included. How do the tenants check on the figures? If they say that the figures are not correct, where do they go to? The answer tenants are given is that the figures have been audited, so they are right. If the tenants want to go to the auditor to check the accounts, they are charged a fee—a fee to protect their rights.

I will now relate to the House a practice that I believe should be outlawed. The operating costs for outgoings are charged on what is known as the net lettable area. In this case the major supermarket, Franklins, is excluded from that lettable area. Under this legislation the lettable area has to be set out in the lease. The lease states—

> "LETTABLE AREAS—those parts of the Centre leased or licensed or intended to be leased or licensed to tenants at a commercial rent excluding the supermarket premises within the Centre and not including any parts leased or licensed or intended to be leased or licensed for a nominal rent or as a temporary or casual letting."

In other words, the major occupier of the Bundaberg Plaza shopping centre does not provide one dollar towards the operating expenses of that centre. That should be outlawed. I tell the House that the tenants of the Bundaberg Plaza are actually paying the rates for the toilet pedestals that are used by the staff of Franklins. I ask the House: where is the justice in making all the small shopping centre tenants pay for the toilet facilities for the staff of Franklins? That is going on not only in Bundaberg but also in all other shopping centres in which Franklins have a store. That is morally wrong.

If shopping centre owners want to get the K marts, the Franklins and the Big Ws, there is one easy way to do it, that is, to offer special allowances in the rental paid. That is how it should be done. It should not be done through the operating costs of the centre. The Government should ensure that the operating costs are shared by all the tenants of any shopping centre. I ask the Minister to take those comments on board and see if something can be done so that this erroneous and immoral aspect of leases for shopping centres can be overcome. The tenants were actually contributing all the rates and costs for Franklins.

The second aspect concerns building repairs and maintenance. An amount of $5,210.98 was claimed in the auditor's figures. The tenants asked for details of that figure to establish that those expenses were incurred for repairs and were not of a capital nature. They believed that they had been charged for repairs to the roof. However, they were given no help by the auditors in that regard.

The third aspect relates to gold phone rentals. Annual rental and maintenance charges had been included in one of the outgoings and the tenants believed that they should not have been included because they had received no profits from calls. It seems

that they paid the rent for the gold phones, but none of the income from the phones was taken into account in the budget. They are the three areas that are totally unfair.

Because Franklins was left out of the budget for meeting the outgoing costs, Tiffin's Coffee Lounge's proportion of the budget is 7.13 per cent of the total cost. If Franklins was included, the proportion would drop to 4 per cent. That cost is being met by small business in Bundaberg, and it is helping Franklins.

How can small tenants possibly compete with large chains when they are picking up all the costs? The small tenants pay higher rents, but they are also paying all the operating costs of the centre. The large supermarket does not have to make any contribution.

The centre was opened in April 1986. However, prior to December 1984, a letter which indicated that rent would cost $25 per square metre was forwarded to some proposed tenants. When the plan was given to them in December 1984, it revealed that rent would cost $27 per square metre. When the centre opened in July 1986, the tenants received their first budget of outgoings. Rent was calculated at $21 per square metre, which was less than what they had expected. However, even the manager of the centre miscalculated. He divided the total area by the total cost of $74,000 and got the figure of $21.43. He did not know what was going on, because he should have excluded Franklins. If he had calculated correctly, the rent would have been $36 per square metre.

At the end of the second year, the same thing occurred. Estimates were not given, nor were audited figures provided by the required time. There is more incompetence to come. The budget was for $74,000 and the tenants agreed that that was about what the cost should be. However, the audited figures revealed that rates were not included, which amounted to only $17,500! Also, land tax of $5,845, insurance of $5,690, indoor plant hire of $360 and audit fees of $750 were not included. Twelve months later, the tenants were expected to cough up.

**Mr Borbidge:** That has been addressed.

**Mr CAMPBELL:** Yes, hopefully. But does the Bill provide that it has to be 10 per cent or 15 per cent? Which percentage is correct?

**Mr Borbidge:** They have to supply accurate details of operating expenses on a prescribed form.

**Mr CAMPBELL:** I see. Well, I hope that it is right. I am concerned that the tenants could still fill out the form as a budget proposal and that the amount could be out by thousands of dollars. That happened with the estimated budget from April 1987 to March 1988. The first budget that was given by the manager amounted to $128,861. The tenants then had to go and fight. They said, "That is not good enough." They fought and argued and they got it down to $100,000. Where is the responsibility for what happened there? That is the major problem.

Another case concerning Janango has gone to the Retail Shop Leases Tribunal. I believe that a satisfactory outcome has not yet been forthcoming. I want to know whether in this case it is true that the landlord, Janango, has not accepted the ruling of the tribunal and has said, "If you want to, you can take me to court, get an order and have it enforced." I understand that, to date, the tribunal has not been prepared to make an order. The tenants believe that if that was done, they could reach some agreement.

I conclude by saying that I hope that the Minister takes on board the very real concern of small tenants and ensures that all tenants are made to contribute to the outgoings and running costs of a centre and that major tenants are not excluded.

**Mr SIMPSON** (Cooroora) (4.12 p.m.): I support the Retail Shop Leases Act Amendment Bill.

Little has been said about the lead-up to the introduction of this pioneering legislation. It really goes back to some eight years before the legislation was introduced, when the

National Party Government perceived the concern about the rapid growth of large shopping centres in Queensland.

Enterprising business people started building large shopping centres that had large car-parking areas and common-use facilities that were attractive to shoppers. In turn, the owners of these shopping centres were laying down terms and conditions that were beyond fair and reasonable business practice.

The National Party small-business committee that toured all of Queensland heard submissions from shop-keepers and other people who found themselves in that position. Mr I. J. Gibbs, Mr Lamond, Mr Bertoni, I and a couple of others were members of that committee. We were all practical business people. We interviewed those people and quickly found that there was a need to draw some parameters in relation to what was outside fair business practice and to lay down a set of guide-lines regarding agreements between owners and tenants.

It will always be found that private enterprise will seek to make larger profits. Thank goodness for that, because, without profits, the country cannot be run properly and welfare cannot be provided for those in need in this democracy of Australia.

The findings of that committee led to the pioneering legislation of 1984. The guide-lines laid down by Parliament would not have been as successful as they have been if it were not for people such as Mr Bill Lamond, who was a practical mediator and had a sense of fair play. These people have been able to achieve more through conciliation than could be achieved by legislation. It is from that position that the legislation has been able to be refined. The Queensland legislation is an example for the other States to follow, and the other States still follow the Queensland guide-lines in relation to these agreements.

The member for Thuringowa emphasised the number of bankruptcies in Queensland. It must be realised that Queensland is the fastest growing State in Australia. It is the State in which new businesses commence their operations. It is a known fact that a large percentage of the people entering a business in Australia will be without experience. It is the people without experience who learn by bitter experience whether they are good managers and whether they are going to be successful. That is a fact of life.

The percentage of small businesses in Queensland is far higher than the Australian average. Therefore, Queensland is obviously going to have a larger number of bankruptcies. They are a couple of points that it is necessary to note.

Queensland is the leader in the number of large shopping centres in Australia. Queensland is also the leader with legislation of this type. Other States are building more and more larger shopping centres, creating more instances in which owners of shopping centres are in a position in which they can adversely affect lease conditions.

Further refinements can be made to what has already proved to be very worthwhile and very workable legislation that lays down the guide-lines. Those refinements have resulted from the distribution of a Green Paper. For the interest of those people who get carried away with Green Papers, I point out that the Green Paper on retail shop leases was developed from lengthy discussions with industry representatives. Following discussions with the industry, so that the information that was obtained was mostly right, a Green Paper was distributed. It was then further refined until the present legislation was drafted.

Undoubtedly, with the ingenuity of people to find ways around legislation and new ways of making profits, some of which may not be fair, the Government will perhaps find it necessary to amend the legislation further.

More emphasis should be given to educating our schoolchildren on the basics of buyer beware. Before a person enters into a shop lease, a tenancy agreement or a contract for the purchase of a motor car, a house or whatever, he should read the small print, obtain advice and not always look to the Government to bail him out. The legislation does not tie up all the ends; it allows some basic guide-lines within which business can

operate. That is the rightful responsibility of the Government. It should not get any more involved than that.

The legislation has been developed from input from both landlords and tenants. According to the terms of an agreement, rent can be assessed in various ways. It can be adjusted according to the CPI; it can be based on market rents or it can be based on a percentage of turn-over. All those details will be available for people to peruse before they enter into a lease. They should be aware of that.

The previous speaker referred to the amounts paid and not paid by Franklins. Whether the figures presented to a person by a landlord are accurate or not, it must be remembered that with a new undertaking or shopping centre no-one knows for sure what the final figures will be. A person should do his own sums and assess the situation himself. He should not be gullible and accept someone else's assessment of the position.

Not all valuers are experts in the field of market rents. The advice of persons experienced in that area is needed. The legislation provides a framework in which a person with those particular interest skills and experience can be registered as a specialist retail valuer under the rules of the Valuers Registration Board, with the proviso that a person can appeal if he believes that there are no grounds for refusal of his application for registration.

Clause 5, which amends section 8—Certain payments to landlord prohibited—ensures that a landlord is not held responsible for the actions of an agent who has no authority from him to accept prohibited payments as set out in the section. The amendment ensures that the tenants in shopping centres are not called upon to contribute to sinking-funds for the amortisation of the costs of the centre, extensions or the contruction of major improvements. A grey area still exists in that regard. I am sure that sensible people will be able to assess what is included in that category. All honourable members would be aware that alterations become necessary and beneficial to both landlords and tenants. Continual assessment of that aspect by fair and practical people should be undertaken to ensure that the landlord, not the tenant is carrying capital costs.

In relation to rent review where leases provide for a periodic review on the basis of market rent during the currency of a lease—because most leases apply for a three or four-year term, there is always a market review at the end of that term. When rents are market-value reviewed during the currency of a lease, a qualified valuer is needed to review them. That is generally agreed to by both parties. If they cannot agree, the Act provides the mechanism by which an arbitrator is appointed. The cost of that is borne by both the tenant and the landlord.

In relation to requests for assignment of lease—the amendment reduces the period of 42 days to 30 days in which a landlord is required to respond to a tenant who requests his consent to the assignment of a lease.

The sharing of operating expenses, the option to renew a lease and the giving of documents and information to tenants are all refinements of what was occurring. A whole host of aspects are involved in the refining process. It is an example of the practical application of practical people in the field.

The honourable member for Thuringowa spoke about the damage that Expo 88 is doing to small business. The number of small businesses in my electorate that have been involved in Expo and its construction demonstrates that his remarks were rubbish. Expo will continue to involve small businesses. I do not agree with his remarks at all.

Claims have been made that tenants on the Sunshine Coast have been evicted from their accommodation. Four people telephoned me on Monday in relation to that aspect. However, when I asked them who were their landlords who had evicted them from their tenancies because of Expo, they would not supply me with their names. That would suggest to me that their complaints were bogus. But how does one know?

People talk about big chain stores and other tourist operations. However, in the end, most of the people on the ground are involved in small business.

In relation to the Great Barrier Reef Wonderland—people wishing to become involved in that operation should consider its turn-over, assess its merits, and beware.

I commend the Minister for introducing this legislation. It will be a further refinement of the good government and practical application of laws in this State.

Debate, on motion of Mr Austin, adjourned.

The House adjourned at 4.25 p.m.