Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 19 APRIL 1988

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

ASSENT TO BILL

Assent to the Commissions of Inquiry Act Amendment Bill reported by Mr Speaker.

PETITIONS

The Clerk announced the receipt of the following petitions—

Provision of Sufficient Funds for Police

From **Mr Goss** (514 signatories) praying that the Parliament of Queensland will provide sufficient funds for police to enable them to carry out their full duties.

Increased Funding for Education

From **Mr McLean** (326 signatories) praying that the Parliament of Queensland will increase funding for education in a mini-Budget and reduce unnecessary expenditure.

Petitions received.

PAPERS

The following papers were laid on the table—

Proclamation under the Public Service Act 1922-1978

Orders in Council under—

- Urban Public Passenger Transport Act 1984 and the Statutory Bodies Financial Arrangements Act 1982-1984
- Fauna Conservation Act 1974-1985
- National Parks and Wildlife Act 1975-1984
- Irrigation Act 1922-1986 and Water Act 1926-1987 and the Statutory Bodies Financial Arrangements Act 1982-1984
- Water Act 1926-1987 and the Statutory Bodies Financial Arrangements Act 1982-1984
- Water Act 1926-1987
- River Improvement Trust Act 1940-1985 and the Statutory Bodies Financial Arrangements Act 1982-1984
- Brisbane and Area Water Board Act 1979-1984 and the Statutory Bodies Financial Arrangements Act 1982-1984
- Canals Act 1958-1987

Regulations under—

- Mining Titles Freeholding Act 1980-1986
- Miners' Homestead Leases Act 1913-1986
- Public Service Act 1922-1978 and the Public Service (Board's Powers and Functions) Act 1987
- Sewerage and Water Supply Act 1949-1985

By-laws under the Queensland Art Gallery Act 1987

Reports—

- Reports and Audited Financial Statements of the Lang Park Trust for the years ended 31 December 1986 and 1987

Queensland Industry Development Corporation for the year ended 30 June 1987 on—

Government Schemes Division and Audited Financial Statements

Trustees of the Agricultural Bank Debt Redemption Fund Audited Financial Statements

Queensland Industry Development Corporation for the year ended 30 June 1987.

FEES PAID BY CROWN TO BARRISTERS AND SOLICITORS

Return to Order; Erratum Sheet

The following paper was laid on the table—

An erratum sheet in respect of the Return to an Order made by the House, showing all payments by the Government to barristers and solicitors as at 30 June 1987 stating the names of the recipients and the amounts received separately, which was laid upon the table of the House on 10 March 1988.

MINISTERIAL STATEMENT

Retirement and Superannuation Entitlements, Corrupt Public Officers

Hon. M. J. AHERN (Landsborough—Premier and Treasurer and Minister for the Arts) (10.06 a.m.), by leave: The Government proposes to take two initiatives to address the matter of superannuation payments to public officers who may have corruptly used their positions of trust and responsibility.

Firstly, legislation will be brought down in the current session to defer the retirement of such police officers and public servants. The legislation will provide that a notice of retirement from an office held by an officer furnished by the officer at any time subsequent to 19 April 1988 shall not take effect as a retirement of its own force or be deemed to have so taken effect and the retirement thereby notified shall not be effective until it has been approved by the Governor in Council.

Where an officer of the police or public service is suspended from duty because of conduct that suggests that he has been corrupt in his discharge of duties of any office held by him, or he has abused any office held by him, or he has knowingly neglected to discharge the duties of any office held by him, then it is not competent to the officer to retire from the office held by him. Any Act or law that may require an officer to retire because he has attained a particular age or otherwise does not apply to the officer.

Secondly, the Government proposes to enact a Public Officials Abuse of Office (Disentitlement of Superannuation and Pension Benefits) Bill. The provisions are—

- This scheme is designed for all—all—who hold an office of profit under the Crown or who receive superannuation funds or benefits from the public purse.
- Upon a conviction, the prosecutor will seek an order of the court against the public official who, having retired from public office, is convicted of an indictable offence under Chapters 8, 13 or 16 of the Criminal Code which was committed whilst a holder of public office (some parts of Chapters 8, 13 or 16 are irrelevant and will not be included in the provisions of the Bill).
- The court may order that the sum of money which represents the difference between the amount received by the public official and the amount he would have received had he resigned his office at the date of the commission of an offence be refunded to the Crown and enforceable as a debt due and owing to the Crown.
- To overcome the problem of adversely affecting the rights of a spouse of such an official, the forfeiture should be discretionary, the court being able to hear

third parties who may be affected by a forfeiture order and take into account in a similar manner to the Family Court the contribution made by that spouse to the accumulation of superannuation.

- In order to avoid the criticism that payments may be made to a retiree and concealed or gifted, the provisions of the Commonwealth Proceeds of Crime Act as they relate to tracing and securing "tainted property" should apply; that is, unless the transfer of money/property takes place on a bona fide basis and for valuable consideration, then the property may be obtained from the hands of third parties. Provisions to lift the corporate veil may also be necessary.

It has always been my view that a person is innocent until proven guilty. With this in mind, this seems to be the most fair and equitable method of dealing with this complex issue. In effect, it means that a person who conceals his crime until after resignation does not gain an advantage by so doing. Any unfairness could be overcome by the discretion of the court and the discretion of the Attorney to protect the interests of third parties such as spouses and family.

MINISTERIAL STATEMENT

Fitzgerald Commission of Inquiry; Alleged Interference by Former Premier and Treasurer, Sir Joh Bjelke-Petersen

Hon. W. A. M. GUNN (Somerset—Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police) (10.11 a.m.), by leave: Following a statement made by the Premier, Mr Ahern, to this House last Thursday concerning an attempt by the former Premier and Treasurer, Sir Joh Bjelke-Petersen, to interfere with the Fitzgerald commission of inquiry, I tender the following information for honourable members. The basis of this information has already been made known to the Fitzgerald commission of inquiry by me.

To my knowledge, there were two occasions last year when the former Premier and Treasurer, Sir Joh Bjelke-Petersen, attempted to interfere with the commission of inquiry. It must be pointed out, for the record, that in initial discussions following the ABC *Four Corners* program when I put it to Sir Joh that there should be an inquiry, he was supportive of it.

The first occasion on which his reservations concerning it came to my attention was on the evening of 17 May 1987 at Roma when Cabinet was there for a country Cabinet meeting. At that stage, it had been decided in principle to hold an independent inquiry headed by a senior legal practitioner.

On the evening in question, after the barbecue function, Sir Joh indicated to the Minister for Justice and Attorney-General, Mr Clauson, and myself that he would like to discuss the matter with us. He invited us to have a late dinner with him at the Overlander Motel.

On our arrival at the motel's dining room, Sir Joh indicated to us to sit either side of him. Some of his staff were also at the table. He said words like, "I'm greatly concerned about this inquiry. I don't think it's a good idea at all."

I explained that the allegations that had been made had been around for a long time, hanging over the heads of several Police Ministers. He said words like, "Well, you've got a tiger by the tail and it'll end up biting you." I said my view was that it would bite us if we did not do anything about it.

Sir Joh then said words to the effect that if he had had his way, it would not have begun. I replied to the effect that if he wanted to interfere with it at that point, I would resign the Police portfolio and he could find another Police Minister. I noticed that during this rather strained conversation, at least some of the staff members had left the table. Mr Clauson and I had some discussions in my room following this dinner, after which he returned to his motel.

At that stage, there was speculation about who Cabinet would appoint to head the inquiry, and we were mindful of advice that preferably it should not be a serving judge. Subsequently, in a submission dated 25 May 1987, which was considered by Cabinet on 26 May, I, as Acting Premier and Treasurer, and Mr Clauson announced that Mr G. E. Fitzgerald, QC, would head the inquiry. We also released the inquiry's terms of reference.

I found out about the second occasion that I refer to in late August. I was on my way to Badu Island in Torres Strait when a prominent member of the National Party contacted me in Cairns, expressed concern at my absence from Brisbane and told me I should return. I later telephoned a senior public servant in an attempt to test the veracity of what I had been told. The information that had been given to me by the first caller was that Sir Joh had summoned a senior Queen's Counsel to inquire of ways in which the Fitzgerald inquiry may be shortened or expedited in some way. I made arrangements for the Minister acting for me, Mr Ivan Gibbs, to ensure that Sir Joh did not attempt to influence Cabinet to make any decision in my absence.

I later met with the senior QC in Brisbane and he told me what had transpired. He indicated that there was a request for an Executive Council minute. He had advised against such a move. He indicated that he had also advised the then Premier against taking any action which shortened or in any way interfered with the inquiry. I subsequently passed this information on to the senior counsel assisting the inquiry, and I believe that this information is now before the commission.

I have made this statement to ensure that honourable members as well as the public are informed of the true position.

Mr INNES: In view of the extraordinary statement, I move—

"That the Minister's statement be noted and debated forthwith."

Mr SPEAKER: Order! Does the member for Sherwood seek leave to move a motion without notice?

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr INNES (Sherwood—Leader of the Liberal Party) (10.16 a.m.): I seek leave to move a motion without notice.

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

AYES, 37		NOES, 44	
Ardill	Scott	Ahern	Lester
Beanland	Shaw	Alison	Lingard
Beard	Sherlock	Austin	Littleproud
Braddy	Smith	Berghofer	McCauley
Burns	Smyth	Booth	McKechnie
Casey	Underwood	Borbidge	McPhie
Comben	Vaughan	Burreket	Menzel
D'Arcy	Warburton	Chapman	Muntz
De Lacy	Warner	Clauson	Neal
Eaton	Wells	Cooper	Nelson
Gibbs, R. J.	White	Elliott	Newton
Goss	Yewdale	Fraser	Randell
Gygar		Gately	Row
Hamill		Gibbs, I. J.	Sherrin
Hayward		Gilmore	Simpson
Innes		Glasson	Slack
Knox		Gunn	Stoneman
Lee		Harvey	Tenni
Lickiss		Henderson	Veivers
Mackenroth		Hinton	
Milliner	*Tellers:*	Hinze	*Tellers:*
Palaszczuk	Davis	Katter	FitzGerald
Schuntner	McElligott	Lane	Stephan
	PAIR:		
	McLean		Hynd

Resolved in the negative.

MINISTERIAL STATEMENT

Article by Mr D. Kirp in *San Francisco Examiner*

Hon. W. A. M. GUNN (Somerset—Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police) (10.25 a.m.), by leave: Honourable members may be aware of an article which was published on 13 April 1988 in the *San Francisco Examiner* under the headline "Aussie bigotry". The article written by the paper's visiting journalist David Kirp, is an ill-conceived, ill-informed and poorly researched attack on Queensland following a brief visit to Brisbane.

It is yet another example of this State's being unfairly and unjustly ridiculed by a visiting nobody apparently out to make a name for himself at Queensland's and Australia's expense. He has obviously seized on current rumour and a selection of media reports to blame Queensland and Queensland police for a litany of social ills. To the best of my knowledge, whilst on his brief visit to Queensland, Mr Kirp made no attempt to verify any of his allegations or seek an authoritative comment from any official source.

Mr Kirp referred in his column to the Muirhead inquiry on black deaths in custody and laid responsibility for events which had occured in New South Wales at the feet of the Queensland police force. If he had taken the trouble to acquaint himself with basic geographical facts on Australia, he would not have written such obviously ludicrous statements. He could quite easily have approached authorities and have found out how much work has been, and is being done by senior police and representatives of Aboriginal and Islander communities to redress problem areas and improve relationships.

Mr Kirp's further remarks on Queensland police and homosexuals certainly did not lend weight to his supposed reputation as a senior journalist with the *San Francisco Examiner*. His remarks are highly emotive and tragically incorrect. He has obviously shown little concern for accuracy in these ramblings, nor has he considered the damage that such one-sided reports would do to this country's reputation overseas.

For the record, I would point out that Queensland police have only taken action against homosexuals following complaints from the management of one of Queensland's largest rail/coach terminals which homosexuals in Brisbane had made their headquarters. Homosexuals virtually had taken over the male toilets, punched holes in the walls of cubicles and were not only engaging in sexual activitity among themselves, but also preying on young innocents using these facilities. The court case to which he refers, where two adult males were charged with indecent acts committed in their own bedroom, is not so simple.

The charges arose out of allegations of child molestation made to a SCAN (suspected child abuse and neglect) team. This team comprises representatives from the State Health Department, the Family Services Department and the Police Department.

All of Mr Kirp's other allegations on the homosexual issues are unsourced and unsubstantiated. Little credence can be given to their veracity.

I understand that Mr Kirp is visiting other parts of Australia over the next few weeks to file other stories for his newspaper. I would hope that these show more responsibility and greater accuracy than his Brisbane offering. But I am not so optimistic.

COMMITTEE OF SUBORDINATE LEGISLATION

Sixteenth Report

Mr STEPHAN (Gympie) (10.27 a.m.): As Chairman of the Committee of Subordinate Legislation, I lay on the table of the House the sixteenth report of the Committee of Subordinate Legislation, and I move that it be printed.

Whereupon the document was laid on the table, and ordered to be printed.

Mr STEPHAN: I wish to bring to the attention of the House three matters for concern in relation to this report. The first is the number of regulations that have not been tabled in the House within the time provided for by legislation. The second is the fact that regulations have remained on sale after they have been made void. The third relates to the practice of loan borrowings being made prior to the day of gazettal and those loans being applied towards the redemption of various loans, the maturity dates of which precede the gazettal dates of Orders in Council.

I draw the attention of the House to those three matters, which are causing the committee concern.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mr SPEAKER having called Notice of Motion No. 3—

Mr INNES (Sherwood—Leader of the Liberal Party) (10.29 a.m.): Not formal, Mr Speaker, and——

Mr SPEAKER: Order!

Mr INNES: I wish to move for a suspension of Standing Orders.

Mr SPEAKER: Order!

Mr INNES: I wish to move a motion without notice.

Mr SPEAKER: Order! Does the honourable member seek leave to move a motion without notice?

Mr INNES: I do, to allow the debate of that motion forthwith.

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

AYES, 38		NOES, 44	
Ardill	Schuntner	Ahern	Lester
Beanland	Scott	Alison	Lingard
Beard	Shaw	Austin	Littleproud
Braddy	Sherlock	Berghofer	McCauley
Burns	Smith	Booth	McKechnie
Casey	Smyth	Borbidge	McPhie
Comben	Underwood	Burreket	Menzel
D'Arcy	Vaughan	Chapman	Muntz
De Lacy	Warburton	Clauson	Neal
Eaton	Warner	Cooper	Nelson
Gibbs, R. J.	Wells	Elliott	Newton
Goss	White	Fraser	Randell
Gygar	Yewdale	Gately	Row
Hamill		Gibbs, I. J.	Sherrin
Hayward		Gilmore	Simpson
Innes		Glasson	Slack
Knox		Gunn	Stoneman
Lee		Harvey	Tenni
Lickiss		Henderson	Veivers
McElligott		Hinton	
Mackenroth	*Tellers:*	Hinze	*Tellers:*
Milliner	Davis	Katter	FitzGerald
Palaszczuk	Campbell	Lane	Stephan
PAIR:			
	McLean		Hynd

Resolved in the negative.

QUESTIONS UPON NOTICE

1. Airstrip Lease, Orchid Beach

Mr INNES asked the Minister for Land Management—

"With reference 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—

(1) As that clearly involves the Government in the consequential rezoning and re-leasing, has his department been involved in negotiations on the matter?

(2) In 1984, were the existing airstrip lease and the associated existing resort lease bought by the existing owners, had all requirements for redevelopment of those leases been carried out at that time by previous owners, is the annual rental for both pieces less than $1,500 and was the parcel bought for $145,000?

(3) In the same year, from the same receiver of the previous owner, did people buy, for $1m, freehold land adjacent to it zoned and intended for the future resort?"

Mr GLASSON: (1) The Land Administration Commission received an application from Firt Pty Ltd, as trustee for the Orchid Beach Fraser Island Unit Trust for two separate leases over land comprised in such company's special lease No. 31/30836 over lot 12 on plan FS18 parish of Wathumba.

One of such proposed special leases was to be for airstrip purposes (continuation of existing purpose) and the other was to be for tourist-related purposes.

Such application was fully investigated, with field inspections and reports being obtained and the views of interested departments and authorities also being obtained.

Subsequently, an offer of two priority special leases was made to the company. Normal procedures were followed. The Land Administration Commission was not involved in any detailed negotiations in relation to rezoning.

It did, however, receive a letter from Hervey Bay City Council to the developer in relation to rezoning. At the request of the company, such letter was forwarded to the Department of Local Government with a request that the Department of Local Government take action for ministerial rezoning and for advice as to when such rezoning had taken place.

I believe that the rezoning matters were dealt with subsequent to the offer of new leases being made. Besides, rezoning is a matter for the local council or the Department of Local Government.

There would have been discussions with the applicant in relation to the application for the two leases and in respect of the applicant's proposed development of the tourist facility.

(2) The transfer (executed in August 1984) of perpetual country lease No. 31/2435 (NCL) shows a consideration of $325,000 in respect of the transfer from Orchid Beach (Fraser Island) Pty Ltd, the original holder of such lease, to Firt Pty Ltd as trustee for the Orchid Beach Fraser Island Unit Trust.

The transfer (executed in October 1984) of special lease No. 31/30836 shows a consideration of $30,000 in respect of the transfer from Island Air Pty Ltd (in liquidation) to Orchid Beach (Fraser Island) Pty. Ltd.

The subsequent transfer (originally executed in August 1984, but later transfer dated in July 1986 following requisition) of special lease No. 31/30836 from Orchid Beach (Fraser Island) Pty Ltd to Firt Pty Ltd as trustee for the Orchid Beach Fraser Island Unit Trust shows a consideration of $50,000 in respect of such transfer.

Total price for both perpetual country lease No. 31/2435 (NCL) and special lease No. 31/30836 under contract dated 8 September 1983 between Orchid Beach (Fraser Island) Pty Ltd and Firt Pty Ltd as trustee for the Orchid Beach Fraser Island Unit Trust was $375,000.

As far as I know, all requirements for redevelopment in respect of both leases has been carried out at the time of transfer. This matter was not canvassed at the time of ministerial approval to transfer being given or at the time of registration of the tranfers and, in the present case, would not have been relevant in such context to registration of transfers.

The annual rent in respect of perpetual country lease No. 31/2435 (NCL) for the second rental period of 10 years commencing on 1 January 1979 is $1,350.

The annual rent in respect of special lease No. 31/30836 for the third rental period of 10 years commencing on 1 January 1986 is $500.

(3) My inquiries reveal that in May 1986, Island Air Pty Ltd (in liquidation) sold freehold portion 19, parish of Wathumba and containing 69.89 hectares (the adjacent land) to Avoncastle Unit Trust for $850,000 cash. This information has been extracted from the form VG1 lodged with the Valuer-General.

As far as I can ascertain, perpetual country lease No. 31/2435 (NCL) was not sold by a receiver. As I have already stated, special lease No. 31/30836 was sold, by transfer executed in October 1984, by Island Air Pty Ltd (in liquidation) to Orchid Beach (Fraser Island) Pty Ltd and was subsequently transferred by Orchid Beach (Fraser Island) Pty Ltd to Firt Pty Ltd as trustee for the Orchid Beach Fraser Island Unit Trust. I am not aware of the relationship, if any, between Island Air Pty Ltd and Orchid Beach (Fraser Island) Pty Ltd. The lease document reveals dealings between them. The vendors in the sale to Firt Pty Ltd as trustee for the Orchid Beach Fraser Island Unit Trust and in the sale to Avoncastle Pty Ltd as trustee for the Avoncastle Unit Trust do not appear to be the same person.

I do not know what the zoning of adjoining freehold portion 19, parish of Wathumba was at the time of sale by the receiver. However, my inquiries reveal that there was a ministerial rezoning of such land in May 1983.

2. Eight Mile Plains Technology Park

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

"With reference to developments at the Eight Mile Plains Technology Park—

Have any recent agreements been reached with companies associated with new technologies to construct new facilities on the technology park?"

Mr BORBIDGE: As part of its ongoing program to attract and promote advanced technology industries in Queensland, the Department of Industry Development has established technology parks at Eight Mile Plains and Labrador and a research park at Mount Gravatt.

The Brisbane technology park at Eight Mile Plains consists of 35.4 hectares of top-quality industrial land. It is being developed as a first-class industrial estate to cater for manufacturers in the advanced technology clean industries, such as electronics, medical supplies and computers. At present, one factory is established on the site. This is the Unisys facility, which leases a departmental building constructed for Sperry, the Unisys predecessor. The importance of having such a facility operated by one of the world's major computer manufacturers in Queensland cannot be underestimated.

More recently, agreements have been reached with two companies to establish on the site—

- Mass Electronics, a rapidly expanding successful Queensland manufacturer of building electronic environmental controllers, has commenced construction of

its factory and expects to begin production from it in mid-1988. This company has already made inroads into the market which has been dominated by imports. The new facility will offer the capability for considerable import replacement initially throughout Queensland but eventually throughout Australia.

- The second company with which an agreement has been reached to locate on the technology park at Eight Mile Plains is William Cook (Australia) Pty Ltd. This company is a subsidiary of an American group specialising in the manufacture of medical supplies, particularly radiological, cardiovascular and interventional radiological devices. It supplies these products to all Australian States and is developing an export market in the South Pacific and south-east Asia regions. The company has been manufacturing its products in Melbourne for a number of years but, attracted by such benefits as the availability of a world-class technology park conveniently located to local and international markets, it has decided to invest $4m in Queensland. Up to 60 jobs could be created when the project is complete. Final plans for the factory building are expected to be submitted to the Brisbane City Council within a month.

In addition to these two companies, a number of others have applied for sites on the park and negotiations are at an advanced stage—

- One company is a successful Queensland operation specialising in telemetry. It appears to be winning an increasing market share in the field throughout Australia.
- Another company is part of a multinational group specialising in electronic control systems for major installations such as power stations. Should present negotiations reach the expected successful conclusion, the company will locate the majority of its Australian operation on the park.

The interest shown in the technology park at Eight Mile Plains is very encouraging and has proved that the concept is worth while. This Government initiative will continue to assist in the industrial development of the State.

3. South Brisbane Hospitals Board, Dealings with Mr W. Job's Architectural Firm, VRC Printing Pty Ltd and Supacorp Pty Ltd; Employment of Miss S. A. Job

Mr COMBEN asked the Minister for Health—

"With reference to her stated support on 13 April for Mr Bill Job, Chairman of the South Brisbane Hospitals Board, and his actions concerning loss of nurse accommodation at the Princess Alexandra Hospital—

(1) Has Mr Job's architectural firm any interest in the extensive building program about to be commenced at the Princess Alexandra Hospital?

(2) 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 is Chairman of the Board?

(3) Why did the board not adopt the lowest quote for the printing of its annual report but accept instead the quote from VRC of $8,000 for 300 copies of the report?

(4) Why is Supacorp Pty Ltd allowed to canvass nurses and other female staff at the P.A. Hospital when no other canvassers are allowed in the hospital?

(5) Is the Miss Job employed in the Public Relations section of the P.A. Hospital the daughter of the Chairman of the Board?"

Mrs HARVEY: (1) Information furnished to me indicates that Mr Job is not connected with any architectural firm at present, being at this time an individual person, practising consultant architect and planner, and does not employ any staff. He has stated

quite categorically that he has relinquished any association with architectural organisations and operates only as a private consultant.

(2 and 3) I am further informed that, although Mr Job is the Chairman of Directors of VRC Printing Pty Ltd—a company which he formed in 1972—he sold the company to the senior staff in 1983 and retains as a gift from the company a nominal one share and, at their request, remains as chairman of directors. That company quotes to the Princess Alexandra Hospital and the South Brisbane Hospitals Board, as do many other printing companies, for various printing jobs. I am again informed that, in respect of the printing of the annual report for 1986-87, four tenders were received, of which VRC Printing's was the lowest by $450, and the acceptance of same was by the full board. This was but a small component of the job, as the artwork and editorial work were carried out by another firm, namely, Concept Communications. I am aware that VRC Printing has tendered for other work and has been unsuccessful.

(4) It is understood that Supacorp Pty Ltd made application to the board to canvass nurses and other female staff at the Princess Alexandra Hospital and was refused permission to do so in the hospital proper, as have other similar firms been refused. At present, however, consideration is being given to a request by Supacorp Pty Ltd and others to place notices on staff notice boards within the nurses' quarters.

(5) Miss Sally Ann Job, the daughter of Mr William Job, chairman of the board, is currently employed as assistant public relations officer at a relatively lowly classified level of administration assistant, Grade I. Prior to joining the staff of the Princess Alexandra Hospital, she held the position of journalist, Grade 3—press photographer with the Grafton *Daily Examiner* and is currently studying at the Queensland College of Art to achieve her associate diploma in communication/photography. She is thus appropriately qualified for the position that she holds.

4. Queensland Railways Contract with Walkers Ltd for Supply of Electric Trains and Diesel-hydraulic Locomotives

Mr ALISON asked the Minister for Transport—

"(1) What is the value of the Queensland Railway contracts with which Walkers Ltd of Maryborough has been associated for electric trains and diesel hydraulic locomotives and how many locomotives were involved for each of the respective years?

(2) Have these locomotives performed up to expectations?

(3) How many locomotives are still to be delivered by Walkers?

(4) Have these locomotives helped to improve the efficiency of the Railway Department and the service to the people, business and mines of Queensland?"

Mr I. J. GIBBS: (1) Current contracts comprise one contract for the delivery of 80 main line electric locomotives with an estimated final value of $140m and another for 20 interurban electric multiple unit—EMU—passenger cars with an estimated final value of $35m.

Past contracts include—

88 three-car sets of EMU passenger cars for the Brisbane suburban electrification were manufactured between 1978 and 1987 at a total cost of approximately $200m; and

73 diesel-hydraulic locomotives were manufactured between 1966 and 1973, and 12 1 170-class diesel-electric locomotives were built in the mid-1950s.

(2) The diesel-hydraulic locomotives have given satisfactory service. The Brisbane suburban EMU passenger vehicles have, following initial difficulties, performed satisfactorily.

The main line electric locomotives that are currently being manufactured are not performing satisfactorily at this stage, but it is expected that the problems being experienced will be overcome by the contractor in due course.

(3) Of the total order of 80 locomotives, 33 have been commissioned to date—about half of these are in service—with the balance at various stages in the manufacturing process prior to delivery and commissioning.

(4) At present, because of design and teething problems, the locomotives are not performing satisfactorily. Once these initial problems are overcome, however, it is expected that the locomotives will contribute significantly to the efficiency of Queensland Railways' operations.

5. Route 20, Social and Environmental Impact Study

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

"With reference to his public statement that the upgrading of Route 20 through Bardon and Ashgrove was on hold until a social and environmental impact study had been completed and its status as an arterial road had been reviewed—

(1) Who is conducting the social and environmental impact study?

(2) To whom do local residents and groups send their submissions?

(3) Has a closing date been determined for receipt of submissions and, if so, what is the date?

(4) Does the review of the status of Route 20 as an arterial road refer to the section from Frederick Street to Fraser's Bridge and, if not, what section is under review?

(5) Who is conducting the review and when will the outcome be announced?

(6) What is the current situation regarding planning of the "missing link" between Kennedy Terrace and Baroona Road?"

Mr GUNN: (1 to 3) As I advised the honourable member in my letter of 11 April, the review will be conducted by an independent consultant who will be seeking submissions from local residents and groups. The consultant will, when commissioned, publicise the method and timing of such submissions.

(4) The review will refer to the section of Route 20 from Toowong to Everton Park.

(5) The review will be undertaken by independent consultants. A short list of consultants, both local and interstate, has been determined as a basis for an early decision in this regard. The review will of its nature take some time to complete and the timing of the publication of its findings is a matter for discussion with the successful consultant.

(6) The planning report for the missing link between Baroona Road and Kennedy Terrace will be completed by the end of this month. As the honourable member is aware, this report is also being prepared by private consultants.

6. Gold Coast College of Advanced Education

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

"With reference to the urgent capital funding needs of the Gold Coast College of Advanced Education and the college's submission for immediate assistance—

What action is being taken by the State Government through funding initiatives of its own and/or through specific representations to the Federal Government to ensure that the urgent and genuine needs of the college are effectively met?"

Mr LITTLEPROUD: Approval for the establishment of the new Gold Coast College of Advanced Education followed the publication in September 1984 of Volume 2 of the

Commonwealth Tertiary Education Commission's report for the 1985-87 triennium. That report recommended a commencement of the new college with an initial capital program of $4m of which $1m was to be provided in 1987 and the remainder in subsequent years. The acceptance of that report by the Commonwealth Government has led to the current situation where the balance of the capital funding is being provided this year and the project is currently under construction as, in fact, was envisaged in September 1984.

Under the normal triennial process, 1988-90 would have been the next period for which the Commonwealth would have determined funding late last year. The triennium has, however, been deferred for one year by the Commonwealth.

State Cabinet, at its meeting on 5 April 1988, gave approval for the forwarding of capital funding proposals for advanced education in Queensland for 1989-91 and 1992-94 to the Commonwealth funding authorities. Those proposals include Stage 2 teaching buildings for the Gold Coast, to commence next year, at a cost of $6.5m and for Stage 3 buildings to provide permanent resource centre and administrative accommodation at a cost of $8m.

I understand that both the director and the chairman of the council of the college have been apprised of Cabinet's decision and requested to arrange for the early preparation of the documentation required to support the proposals approved by Cabinet.

In fact, just yesterday I spoke with Mr Hobart, the chairman of the Gold Coast CAE council, and he expressed to me his personal appreciation of this Cabinet decision. This morning the Honourable Rob Borbidge advised me that he received a similar expression of gratitude from Mr Graham Jones, the director of the college.

QUESTIONS WITHOUT NOTICE

Fitzgerald Commission of Inquiry; Alleged Interference by Former Premier and Treasurer, Sir Joh Bjelke-Petersen

Mr GOSS: In directing a question to the Minister for Police, I refer to the statement that he made to the House today that on two occasions the former Premier expressed reservations about the Fitzgerald inquiry, and I ask:

(1) When did he advise the commission of these two events?

(2) Did he regard these reservations or these events seriously enough to warn other Ministers and, if so, which ones?

(3) If he did not warn them, in view of the fact that he continued to serve in the Ministry for another three months after the incident in August and after the dismissal of the then Health Minister, can it be assumed that he was satisfied that such dismissal was not related to an attempt to abort the inquiry, because the incident had in fact occurred more than three months previously?

Mr GUNN: I have no intention of deviating from the statement that I have made in this House. The inquiry is familiar with it. Let it end there. That is it.

Mr Goss: What a cheap smear.

Mr GUNN: I would not have come to the honourable member; that's for sure.

Fitzgerald Commission of Inquiry; Alleged Interference by Former Premier and Treasurer, Sir Joh Bjelke-Petersen

Mr GOSS: I direct my second question to the Premier. In view of the refusal of his Police Minister to say whether or not he told any other Ministers about the events that he described in his statement, referring specifically to the statement made by the

now Premier at the time of his dismissal as Health Minister to the effect that such dismissal was related to an attempt to somehow block the inquiry, I ask:

(1) When did he become aware of the August incident?

(2) If he did not know of the August incident at the time of his dismissal, on what evidence did he make his claim against the former Premier?

(3) How does he reconcile the apparent discrepancy between his claim that senior counsel was instructed to draw documents to terminate the commission and that of his Minister that he was asked to advise and that no definite action was taken?

Mr AHERN: If the honourable member has a chance to read the Police Minister's statement, he will realise that there is no disagreement between us. I believe that the issues now ought be properly further canvassed before the commission of inquiry.

Victorian Workers Compensation Board and Scheme

Mr FITZGERALD: I ask the Minister for Employment, Training and Industrial Affairs: is he aware of the Victorian Workers Compensation Board losses in the October stock-market crash? How does the viability of the Queensland scheme compare with that in Victoria?

Mr LESTER: The position in the ALP-controlled Victorian Government is absolutely ludicrous. The Victorian Government authorities lost almost $1 billion in the recent share-market crash. I repeat—it lost $1 billion. This is in the Holmes a Court/Ariadne league. To be quite frank, the exact figure is $918m—which is $918m of taxpayers' money that the ALP Victorian Government has gambled away. It is as simple as that: it has gambled that money away.

The hardest hit is the Workers Compensation Board, which, in this gambling spree, lost $244m. The Queensland Workers Compensation Board has lost nothing, because it does not invest in the stock-market. Currently, the Victorian Workers Compensation Board's debt is of the order of $3 billion. The Queensland Workers Compensation Board has assets amounting to approximately $350m and liquid assets of $68m, providing liquidity of $418m.

Queensland's premium per $100 of wages paid is $1.42, compared with the Victorian rate of $2.60. In Queensland, claims for compensation are decreasing. In general, premiums are going down. Rehabilitation programs in Queensland are the best in Australia, if not the world.

Brisbane Broncos

Mr LANE: I ask the Minister for Education, Youth and Sport: is he aware of the outstanding success of the Brisbane Broncos Rugby League team in its first year of the Sydney Rugby League competition and that the Broncos have won six out of seven premiership games? Is the Minister also aware that the Broncos team has been established, funded and operated by a Brisbane consortium, including some of the city's leading and most respected businessmen, such as Barry Maranta, Paul Morgan and Gary Balkin? Does the Minister agree that the success of the Broncos is a tremendous advertisement for Queensland sport and an inspiration for young Queenslanders, no matter what sports they participate in? As the Minister for Sport, will he associate himself and the Government with the team and its outstanding coach, a former policeman, Wayne Bennett——

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

Mr LANE: Can I put it on notice for tomorrow?

Mr SPEAKER: Order! Yes.

EXPO BRIEFING FOR MEMBERS AND SPOUSES

Mr SPEAKER: Order! I draw the attention of honourable members to a circular that was sent out last week with regard to members having an Expo on-site briefing next Wednesday, 27 April. I would like to inform honourable members that that applies to members and their spouses, if they so desire. Would honourable members please ensure that my office knows today if they are interested in availing themselves of that offer?

MATTERS OF PUBLIC INTEREST

Ministerial Statement by Minister for Police on Alleged Interference with Fitzgerald Commission of Inquiry by Former Premier and Treasurer, Sir Joh Bjelke-Petersen

Mr GOSS (Logan—Leader of the Opposition) (11 a.m.): Today I had intended to use this 10 minutes to review the first five months of this Government and speak about the disintegration of community services. However, I believe that, instead, I should concentrate on the disgraceful abuse of parliamentary privilege and the disgraceful smear that has been perpetrated today by the Premier and his Police Minister; a disgraceful smear in which, it appears, the rest of the National Party members are prepared to join.

I will begin by referring to the disgraceful statement made today by the Minister for Police, and demonstrate to the public and to the members of this Parliament the fundamental differences between the statement that he made today and the previous statements made by the Premier. I will do that to expose the dishonesty of the Premier or, if not him, his Minister for Police.

I refer to the statement made by the Minister for Police when he referred to the incident in May. He said that Sir Joh spoke to him and the Minister for Justice. On the Minister for Police's own version, there was no attempt in May to terminate the Fitzgerald inquiry and, to use his words, there was an expression of some reservation. The former made the statement, "Well, you've got a tiger by the tail and it'll end up biting you." That prediction has certainly proved to be correct. There is no reference there to an attempt to terminate the Fitzgerald inquiry.

I turn now to the most serious allegation. On this Minister's version, in August, the former Premier inquired as to ways in which the inquiry may be shortened or expedited. No reference was made to terminating it, which is what the Premier said quite deliberately last Thursday during his smear in question-time. The Police Minister went on to say that he later met with a senior QC and told him what had transpired. The QC advised against such a move and advised the former Premier against taking any action which would shorten or in any way interfere with the inquiry. According to this Minister, the request from the former Premier——

Mr Gunn: Keep reading.

Mr GOSS: I will keep reading. I am happy to, because the Minister is in trouble here.

The request from the former Premier related to whether the inquiry could be expedited or shortened. That statement is in contrast to the clear statement from the Premier that the former Premier instructed senior counsel to draw the documents. It is not here. The House does not have a full explanation, because both of these men, in a cowardly fashion, refused to answer the questions that I put to them a few minutes ago. They have had all week-end to work out this smear. They have had all day yesterday to discuss it with Cabinet, and yet, when put on the spot and asked to explain the discrepancy between their statements, they have refused to do so. Now the coward is running out the back door. It is absolutely disgraceful. They will not debate the matter.

Mr AHERN: I rise to a point of order. I object to the honourable member's use of the word "coward". I ask that he withdraw that statement and apologise to the House.

Mr SPEAKER: Order!

Mr GOSS: I withdraw the statement, and I am happy to accept any noun that the Premier would like to substitute.

Mr SPEAKER: Order! The Leader of the Opposition will continue with his speech.

Mr GOSS: A quite disgraceful episode. Today this House has witnessed——

Mr SPEAKER: Order!

Mr GOSS: Perhaps I could change that previous statement and say that the Premier is now going out the back door. The effect is the same.

I return to the questions that I put to Mr Gunn, because these are the questions that the public are entitled to have answered. If he knew in August about this incident, who did he tell?

Mr Gunn: Not you.

Mr GOSS: The Minister did not tell me.

Mr Gunn: I went to the right sources.

Mr GOSS: Did the Minister tell him? Did he tell the former Health Minister?

Mr Gunn: I went to the Fitzgerald inquiry.

Mr GOSS: No, the Minister did not, and that is why he will not answer the question.

Secondly, did the Police Minister regard these reservations—as he called them—as sufficiently serious to tell any other Minister, or did he continue quietly in Cabinet? He has two choices: either he continued in Cabinet because he was satisfied that the inquiry was safe; or he continued in Cabinet knowing that the inquiry was at risk but he was prepared to put up with it because of his own ambitions and his wish to stay in Cabinet. In either case, what a disgraceful attitude for a Minister of the Crown to take.

Everyone knows that for three months after the incident in August when reservations were expressed, this Minister continued in Cabinet and, after his own dismissal, when he was able to negotiate his return to Cabinet, he continued in Cabinet as Minister for Police. Are these the actions of a man who is so concerned about the Fitzgerald inquiry?

Mr GUNN: I rise to a point of order. I was never dismissed from Cabinet.

Mr SPEAKER: Order!

Mr GOSS: According to the media, there was at least an attempted dismissal. I am sure that the Deputy Premier will not dispute the fact that there was an attempted dismissal of five Ministers and that he was one of them.

Let me look at the questions that the Premier is not prepared to answer. One of them is when he became aware of the August incident. The reason I ask that is quite specific: it is my suspicion, and my information, that at the time the present Premier made the smear last November and made his challenge he was not aware of this incident and that, in effect, he made the assumption and made the smear in a cynical attempt to give his own campaign a boost and to erode the position of the former Premier. Is that the sort of conduct that the National Party members in this House are prepared to accept from a Premier?

I will look at the second question that he was not prepared to answer: if he did not know at the time of his dismissal, on what evidence did he base his claim? Both last November and last week in the lead-up to the Barambah by-election he has consistently used this smear to destroy the former Premier, but then he runs and hides behind the Fitzgerald inquiry and says "I can't say anything more, because I have given my evidence to counsel assisting."

We in the Opposition ask, "What evidence?" because we suspect there is no evidence. By this tactic, quite clearly the Premier is using the Fitzgerald inquiry for political

purposes. He is dragging it fairly and squarely into the political arena because he knows that Mr Fitzgerald and Mr Crooke would be reluctant to come out and adjudicate in a contest between the former Premier and the present Premier. That is why he can go and hide behind the inquiry.

We keep hearing rumours about the former Premier being called to give evidence, about what will occur then and about Sir Edward Lyons and other associates of the former Premier. When do we hear about the present Premier going along to give his evidence? When will he stand up either in this House or in the inquiry and give details of his evidence so the public know what happened? Furthermore, he should do that so that the former Premier can be in the position of knowing what the accusations are against him. It is obvious that he is not prepared to do so. He is also not prepared to explain the discrepancy between his quite specific statement about terminating the inquiry and that of his Minister for Police, which is quite a lot weaker and quite a lot less substantial.

Part of the reason why the people of Barambah rejected this Government so overwhelmingly on Saturday is this smear. They reacted against this smear. That is one of the reasons why the smell of death is across these people.

Government members: What about the Labor Party?

Mr GOSS: I am quite happy about the Labor Party's performance, because, after the preferences are examined, it is obvious that, of those 35 per cent of people who deserted the National Party, a very substantial proportion—up to a third in some booths—gave their number "2" to the Labor Party. It was not just a protest vote. Look at the preferences. The Opposition has. The people did not just register a protest vote against the National Party; they deserted it absolutely for three reasons: firstly, because of the smear; secondly, because it is a wishy-washy Government that cannot make decisions except on condoms; and thirdly, because in Barambah, as across Queensland, basic community services, whether they be health, police, transport or education, are disintegrating. Because of the smear, the wishy-washy Government and the disintegration of services, the smell of death is about the Government.

Time expired.

Balanced Electoral Representation in Queensland

Mr STONEMAN (Burdekin) (11.10 a.m.): Today I wish to address balanced electoral representation in this State and the proposals put forward by other parties.

The vexed and emotional arguments that are currently revolving around the suggestion that there needs to be a constitutional addressing of the problem of the Queensland four zonal system so that democracy prevails requires not only much study by the individual, but similar study by those who espouse the concept of one vote, one value—the Labor Party; or, as the Queensland Liberal Party would have it, "... equal representation based on the Federal concept of redistribution." I table four maps numbered 1, 2, 3 and 4 referring to the zonal system.

Whereupon the honourable member laid the documents on the table.

Mr STONEMAN: There can be no doubt in the mind of those who follow such party-line politics that it is in the best interests of their party that such propositions be not only supported, but promoted as a means of ending the much touted and evil Queensland gerrymander. The fact is that in both party instances the overriding factor is to support the argument against the present system for purely selfish reasons that have nothing whatsoever to do with fair or democratic processes!

The removal of seven seats from northern and western Queensland might add marginally to the political numbers of the Labor and Liberal Parties in what has become their base—the south-eastern corner of the State—but for the average man in the street, any change in terms of access to members or better or fairer representation will be impossible to perceive. For the people who do derive a real benefit—those who continue

to live in rural and regional areas—the change would be catastrophic. The average number of voters per electorate across the State at the end of 1987 was 19 028, and that is the average or quota that proponents of change wish to see applied.

For the south-east corner of the State, the average electorate size is currently 21 815 voters, but the seats vary in size—because of growth and other factors—between 19 072 in Mount Coot-tha and 25 398 in Logan. Many seats both within and outside the south-east corner have grown by over 10 per cent in the 13 months following the 1986 general election—some by more than 20 per cent, so equal representation is never possible in pure terms.

I seek to incorporate in *Hansard* tables 1, 2, 3 and 4 to which I will refer.

Leave granted.

TABLE (1)

NON STH EAST Z

SEAT	ENROL 86	DEC' 87	% INCR	SEAT ANALYSIS NATIONAL AREA KL2	LABOR	LIBERAL		% STATE
COOK	10 716	12 143	13.32		350 750			20.31
FLINDERS	10 286	10 937	6.33	199 000				11.52
MT ISA	11 830	13 194	11.53			41 300		2.39
TABLELANDS	13 952	14 752	5.73	10 970				0.64
MULGRAVE	13 640	14 975	9.79	2 490				0.14
MOURILYAN	13 031	13 805	5.94		11 820			0.68
HINCHINBROOK	13 173	13 531	2.72	13 250				0.77
BURDEKIN	13 607	14 069	3.40	16 410				0.95
BOWEN	12 164	12 743	4.76		26 200			1.52
MIRANI	12 795	13 531	5.75	17 810				1.03
BARRON RIVER	17 096	19 937	16.62	142				0.01
CAIRNS	17 512	19 414	10.86		370			0.02
THURINGOWA	21 569	25 097	16.36		1 235			0.07
TOWNSVILLE	20 625	22 453	8.86	170				0.01
T'VILLE EAST	19 341	21 069	8.93		75			0.00
WHITSUNDAY	17 767	19 802	11.45	4 830				0.28
MACKAY	16 961	18 575	9.52		65			0.00
	15 063	16 472	8.93	265 072	390 515	41 300	696 887	
						AREA %	40.35	
	256 065	280 027				VTR/K2	0.40	
						% VTRS	16.54	
						% SEATS	19.10	
GREGORY	7 999	8 397	4.98	443 250				25.67
PEAK DOWNS	8 648	9 227	6.70	45 800				2.65
WARREGO	8 665	9 079	4.78	222 500				12.88
ROMA	7 909	8 256	4.39	44 900				2.60
BALONNE	8 105	8 638	6.58	61 300				3.55
BROADSOUND	13 179	14 436	9.54	27 300				1.58
CALLIDE	13 214	14 375	8.79	17 700				1.02
AUBURN	14 181	15 044	6.09	59 800				3.46
BURNETT	13 770	14 585	5.92	10 750				0.62
GYMPIE	14 908	15 848	6.31	2 610				0.15
BARAMBAH	12 931	13 578	5.00	9 770				0.57
CONDAMINE	13 145	13 472	2.49	14 470				0.84
CUNNINGHAM	14 296	15 015	5.03	10 040				0.58
CARNARVON	11 996	12 576	4.83	12 160				0.70
WARWICK	12 314	12 892	4.69	3 610				0.21
R'HAMPTON NTH	20 500	21 932	6.99		115			0.01
ROCKHAMPTON	17 171	17 897	4.23		720			0.04
PORT CURTIS	14 675	15 868	8.13		4 200			0.24
BUNDABERG	18 732	19 243	2.73		30			0.00
ISIS	19 528	21 521	10.21	4 375				0.25
MARYBOROUGH	18 554	19 024	2.53	5 590				0.32
								TOTALS
	13 544	14 329	5.76	995 925	5 065		1 000 990	1 697 877
						AREA %	57.96	98.31
	284 420	300 903				VTR/K2	0.30	0.34
						% VTRS	17.77	33.95
	256 065	274 105				% SEATS	23.60	41.57
GRAND TOTALS	540 485	575 008		1 260 997	395 580	41 300		

TABLE (2)

FEDERAL SEAT	PARTY 2.11.84	SEAT ANALYSIS 2.11.84	+/- QTA	11.7.87	% INCR	+/- QTA	PARTY	TABLE AREA	VTR/K2	% QLD
GRIFFITH	ALP	70 042	5 224	72 083	2.91	951	ALP	41	1 708.34	0.00
LILLEY	ALP	69 631	4 813	71 322	2.43	190	ALP	150	464.21	0.01
BRISBANE	ALP	68 624	3 806	70 080	2.12	−1 052	ALP	50	1 372.48	0.00
PETRIE	LIB	68 342	3 524	72 824	6.56	1 692	ALP	135	506.24	0.01
MARANA	NPA	68 101	3 283	71 814	5.45	682	NPA	625 200	0.11	36.20
KENNEDY	NPA	67 997	3 179	71 340	4.92	208	NPA	772 000	0.09	44.70
RYAN	LIB	67 454	2 636	73 496	8.96	2 364	LIB	445	151.58	0.03
MORETON	LIB	67 438	2 620	68 544	1.64	−2 588	LIB	50	1 348.76	0.00
HERBERT	ALP	67 385	2 567	75 268	11.70	4 136	ALP	6 600	10.21	0.38
DAWSON	NPA	67 231	2 413	72 172	7.35	1 040	NPA	30 240	2.22	1.75
GROOM	NPA	66 930	2 112	72 279	7.99	1 147	NPA	3 600	18.59	0.21
HINKLER	NPA	65 665	847	70 223	6.94	−909	ALP	45 360	1.45	2.63
McPHERSON	LIB	65 064	246	80 774	24.15	9 642	LIB	750	86.75	0.04
CAPRICORNIA	ALP	64 775	−43	69 386	7.12	−1 746	ALP	53 240	1.22	3.08
LEICHHARDT	ALP	63 890	−928	72 066	12.80	934	ALP	141 300	0.45	8.18
BOWMAN	ALP	63 577	−1 241	71 816	12.96	684	ALP	739	86.03	0.04
OXLEY	ALP	61 863	−2 955	67 971	9.87	−3 161	ALP	2 280	27.13	0.13
FISHER	NPA	61 772	−3 046	74 672	20.88	3 540	ALP	8 800	7.02	0.51
WIDE BAY	NPA	61 599	−3 219	67 170	9.04	−3 962	NPA	22 550	2.73	1.31
MONCRIEFF	LIB	60 595	−4 223	72 653	19.90	1 521	LIB	3 100	19.55	0.18
FORDE	LIB	60 253	−4 565	66 208	9.88	−4 924	ALP	150	401.69	0.01
FAIRFAX	NPA	59 407	−5 411	69 941	17.73	−1 191	NPA	1 370	43.36	0.08
FADDEN	LIB	59 006	−5 812	65 983	11.82	−5 149	LIB	210	280.98	0.01
RANKIN	ALP	58 979	−5 839	67 076	13.73	−4 056	ALP	8 640	6.83	0.50
TOTAL		1 555 620	151 541	1 707 161	9.74	64 818		1 727 000	0.90	100.00
QUOTA (Avg)		64 818	6 314	71 132						
N QLD SEATS										
LEICHHARDT	ALP	63 890	−928	72 066	12.80	934	ALP	141 300	0.45	8.18
KENNEDY	NPA	67 997	3 179	71 340	4.92	208	NPA	772 000	0.09	44.70
HERBERT	ALP	67 385	2 567	75 268	11.70	4 136	ALP	6 600	10.21	0.38
DAWSON	NPA	67 231	2 413	72 172	7.35	1 040	NPA	30 240	2.22	1.75
		266 503	24 343	290 846	9.13	6 318		950 140	0.31	55.02

TABLE (3)

Party	No. Seats	Voters enrolled 31/12/87	% seats	% voters
NPA	49	883,273	55	52
ALP	30	613,189	34	36
LIB	10	197,068	11	11

	Party	avg. seat enrol	No. seats
Sth East Zone	NPA	22,318	23
	ALP	21,863	19
	LIB	20,430	9
		22,318	51

State as whole:

NPA	18,026	49
ALP	20,439	30
LIB	19,707	10
Average (or State quota)	19,028	89

TABLE (4)

SEAT ANALYSIS

STH EAST	'86 ELEC	DEC '87	% INC		'86 ELEC	DEC '87	% INC
COOROORA	21 061	23 858	13.28				
NICKLIN	22 832	24 705	8.20	SANDGATE	19 778	20 976	6.06
LANDSBOROUGH	21 736	24 875	14.44	NUDGEE	18 406	19 105	3.80
GLASSHOUSE	20 558	23 434	13.99	ASPLEY	20 430	21 299	4.25
CABOOLTURE	21 089	23 422	11.06	EVERTON	19 278	20 436	6.01
	107 276	120 294	12.14	STAFFORD	19 216	20 024	4.20
SOMERSET	20 438	21 815.49	6.74	NUNDAH	19 369	20 279	4.70
LOCKYER	19 459	20 436	5.02	MERTHYR	19 592	21 070	7.54
TWMBA NORTH	19 958	21 311	6.78	WINDSOR	19 857	20 654	4.01
TWMBA SOUTH	19 439	20 504	5.48	ASHGROVE	18 961	19 849	4.68
	79 294	84 066.49	6.02	MOUNT COOT-THA	18 209	19 072	4.74
FASSIFERN	21 067	23 339	10.78	BRIS CENTRAL	19 212	21 256	10.64
CURRUMBIN	20 035	23 585	17.72	TOOWONG	19 741	21 255	7.67
SOUTH COAST	19 774	23 962	21.18		232 049	245 275	5.70
SURFERS P'DISE	18 264	20 458	12.01				
SOUTHPORT	18 717	21 529	15.02	LYTTON	20 073	21 322	5.17
ALBERT	19 216	23 090	20.16	MANLY	22 982	25 163	9.49
NERANG	19 962	23 946	19.96	CHATSWORTH	20 710	22 042	6.43
	137 035	159 909	16.69	BULIMBA	20 197	21 279	5.36
REDLANDS	20 282	22 581	11.34	GREENSLOPES	20 429	21 145	3.50
SPRINGWOOD	20 708	23 622	14.07	MT. GRAVATT	20 369	21 242	4.29
WOODRIDGE	20 066	22 584	12.55	MANSFIELD	20 009	20 849	4.20
LOGAN	21 743	25 398	16.81	SOUTH BRISBANE	20 063	21 489	7.11
WOLSTON	20 807	22 906	10.09	YERONGA	20 417	21 088	3.29
IPSWICH	20 088	21 045	4.76	SHERWOOD	20 501	21 528	5.01
IPSWICH WEST	20 723	22 038	6.35	ARCHERFIELD	18 870	19 901	5.46
MOGGILL	18 438	19 546	6.01	SALISBURY	21 657	23 834	10.05
PINE RIVERS	19 265	20 895	3.46		246 477	260 882	5.84
MURRUMBA	19 068	20 553	7.79				
REDCLIFFE	19 517	21 223	8.74	TOTALS	1 022 836	1 112 817	8.80
	220 705	242 391	9.83	AVERAGES	20 056	21 820	8.80

Mr STONEMAN: At the same time, it is interesting to study where we are now in terms of representation within the structure given the growth patterns from November 1986 to 31 December 1987 against the 1986 result. To gain a further perspective, one must also balance average seat size for the south-east zone as well as for the whole of the State. Table 3 demonstrates that.

Suggestions that the National Party only represents small seats or does not represent the majority of people in the majority of seats are firmly laid to rest by a study of these figures.

The Federal system attempts to address growth by accommodating a 10 per cent variation in the size of electorates so that under section 66 (3) (a) of the Commonwealth Electoral Act 1918, the redistribution committee—

> "... shall as far as practicable, endeavour to ensure that, 3 years and 6 months after the State or Territory has been redistributed, the number of electors enrolled in each proposed Electoral Division in the State or Territory will be equal."

The Liberal Party in Queensland and, most recently, the Leader and Deputy Leader have confirmed their support for the introduction of such a system. During an interview shortly after his election, the Liberal Deputy Leader said, "I would be quite happy to have 19 000 people in my electorate of Mount Isa." Map 2 clearly indicates that the State seat of Mount Isa would therefore grow from one based on one local authority area with 13 194 voters as of 31 December 1987 and encompassing 41 225 square kilometres, to an area 12 times greater covering 508 196 square kilometres and at least 19 353 voters to accommodate the Liberal deputy. At the same time community of interest is thrown out the door.

At the Federal election immediately following the last redistribution, the seats of Kennedy and Maranoa were allocated enrolments 5 per cent higher than the quota for the State of 64 818. The figures for north and inland Queensland are particularly interesting. Table 4 illustrates this graphically.

The Liberal Party is selectively deceiving the people of northern and western Queensland by suggesting that the 10 per cent variation would apply to the benefit of

rural and regional electorates, when exactly the opposite is a part of the system that it seeks to impose as being fair and equitable, as map (3) shows.

Much is made by both the ALP and the Liberals of the need to achieve national equality of voter representation, but no reference is made to the constitutional structure that allows tiny Tasmania to have 12 senators, while huge New South Wales also has 12. The fact is that the Founding Fathers of the Constitution recognised the need to provide for the growth and support of smaller population areas by balancing the system.

Similarly, it will be interesting the see what these parties, which are so interested in achieving democracy via constitutional imposition, have to say in respect of the various representative systems used by local government throughout this State and, indeed, the nation.

Queensland has 134 local authorities. At least 100 of these shires or cities have a form of zonal system within their structure to accommodate the various representative difficulties within their areas.

Of particular interest to me—and, I am sure, of the Liberal member for Mount Isa—is the structure of the Mount Isa city area. Division 1 of that city had, as of 31 December 1987, 12 893 enrolled voters, while division 2 has a mere 211 voters; but no doubt Division 2 covers the vast majority of the 41 225 square kilometres of the Mount Isa city area.

It is my contention that the entrenchment of any system that has equal representation as its sole base must threaten the very fabric of democracy across this nation and in particular the sparsely populated areas that owe their very existence as well as future prosperity and growth to representation that recognises a range of factors and not just the number of persons who, on a given day, happen to reside in that area.

To suggest that all electorates, all divisions and all communities should be, or are, equal in political, geographic, social and commercial terms is patently ridiculous. To draw a parallel, it should therefore be a requirement that all grazing land is equal on a per hectare basis and can thus carry an equal number of stock. Even the least-informed person in terms of pastoral knowledge would agree that this is not the case, and yet for pure political expediency the Liberal/Labor alliance in this State seeks to impose just such a principle by suggesting that we are all sheep in paddocks with access to lush feed, water and shelter of equal proportions.

There is a moral obligation on the people of this country to recognise and maintain processes that provide for the continuing development and decentralisation of the whole nation, not just the fringes.

With one or two exceptions, proponents of change all have daily access, should they require it, to the full range of Government services. They have the full range of medical services within a few minutes of their door. They have daily papers thrown onto their lawns before they get out of bed, together with multichoice radio, television and other entertainment services. They have immediate access to events such as World Expo, major sporting events and a huge range of cultural facilities. They do not know the meaning of the term "unsealed road". They do not know the meaning of the word "isolation" in the geographic sense. They send their children to boarding-school by choice if they can afford it—not because of necessity, whether they can afford it or not.

And yet the people who seek to impose either one vote, one value or the Federal system on the people of this State claim that to do so is to entrench democracy into the system so that their narrow vision of fairness will prevail within the system.

The fact is that northern and inland Queensland, as well as northern and inland Australia, is at risk in future terms with the imposition of such processes, and to suggest otherwise is to run against the historic representation and development of this nation. Map (4) shows the Queensland Electoral Districts Act of 1887, illustrates just how regressive proposed changes are, and how representation has diminished over 100 years for those areas of less geographic advantage.

Perhaps the *Sunday Mail* of 28 February 1988 best says it all in the column headed "Humbug and the gerrymander". I will read the opening and closing comments in that article. The article begins—

> "One vote, one value, the shout goes up. Labor and Liberal politicians elbow one another to be seen occupying that fabled political territory, the moral high ground. But only because they think there are votes in it."

The article concludes—

> "Certainly tolerances within zones should be reduced from 20%. But one vote, one value is a noble illusion; to adopt it as things stand"——

Time expired.

Sale and Transfer of Milk Entitlements

Mr De LACY (Cairns) (11.20 a.m.): I wish to raise an issue that puts into context Queensland's future under Mr Ahern's vision of excellence. Mr Ahern has adopted a political strategy that blames Bjelke-Petersen for all the ills in Queensland today. It is the previous Government's fault. His is a new, clean, open and accountable Government. What a nonsense!

One of the enduring legacies of the Bjelke-Petersen Government was cronyism. However, it is vital to understand that one of the worst and most sordid examples of cronyism occurred within the Primary Industries portfolio when Mr Ahern was the Minister. I refer to what is now commonly called the shonky deals in the dairy industry—the manipulation or the stripping of milk entitlements. It created outrage in the industry, and one industry-leader, Bill Hoiberg, manager of the Warwick Dairy Co-operative, even called for a royal commission. The reason this was the worst kind of cronyism was that the most notorious beneficiaries were prominent and wealthy members of the National Party, for example, Russ Hinze and Charlie Holm.

The 1977 Milk Supply Act was introduced to bring about a more equitable distribution of market milk throughout the industry, by providing for growth and drop-out milk to go into a pool for re-allocation by the Milk Entitlements Committee to disadvantaged areas.

The system began to be rorted in 1981 when some producers purchased farms as going concerns, amalgamated the entitlements onto their own farm and then sold the purchased land minus the entitlement. This was in direct contravention of the 1977 Act, which stated that the entitlement shall attach to the land, that is, the milk had to be produced on the land to which the quota was attached.

In July 1982, Gold Coast farmers Mr and Mrs Whyte sold their property Bonnie Doone and their milk entitlement for $75,000 to Drynan and others. This sale added a new dimension to the shonkies. The so-called property had no stock and no diary; it was just two hectares in area and obviously could not support the entitlement. After the sale, the entitlement was shifted 50 miles away and split into four. It was a sale of milk entitlement pure and simple, and was designed to circumvent the drop-out provisions of the 1977 Act. In fact, it was so blatant that even the Milk Entitlements Committee refused to approve the transfer.

After representations by Charlie Holm on behalf of the parties, on 8 October the Minister, Mr Ahern, overrode the MEC and approved the transfer. This was obviously against the spirit of the Act, which aimed to redistribute drop-out milk to disadvantaged areas. It was also quite specifically contrary to the provisions of section 87 (1) of the Milk Supply Act 1977, which stated—

> "A producer's entitlement shall attach to the person to whom it is allocated and the land and premises specified in the allocation."

I table a copy of the section of the 1977 Act that details that matter.

Whereupon the honourable member laid the document on the table.

Mr De LACY: This opinion was confirmed by the Acting Director, Division of Dairying and Fisheries, Mr Crittall, on 3 September 1983 when he advised the Minister not to approve the transfer because it was "not allowed under current Government policy". Mr Crittall went on to detail five reasons why the transfer was illegal.

I table a copy of the letter from Mr Crittall to the Acting Director, Division of Dairying and Fisheries.

Whereupon the honourable member laid the document on the table.

Mr De LACY: Mr Ahern compounded the felony when, on 30 March 1983, he knowingly misled Parliament by saying—

> "All of the issues that relate to the Holm case, the Hinze case, the Rowley case and the Falkenhagen case were legitimate transfers within the guidelines laid down at the time."

That referred to other notorious cases, similar to the Whyte case, for which the Minister was coming under fire at the time. Mr Ahern knew that he had misled Parliament, because he had already written to the chairman of the Milk Entitlements Committee on 25 October 1982 and said, in justification of his decision to approve the transfer of Whyte's entitlement—

> "Finally, I would reiterate that I wish this case to be the last of its kind as a proliferation of such cases will lead to a complete subversion of the intentions of the Milk Supply Act and of the role of the Milk Entitlements Committee."

I table that letter.

Whereupon the honourable member laid the document on the table.

Mr De LACY: On the standards that were enumerated by Mr Ahern when he assumed the Premiership of Queensland, he should resign. We have it on good authority that the Premier at that time, Sir Joh Bjelke-Petersen, also believes that Mr Ahern misled Parliament on this issue.

On the *Carroll at Seven* program on 18 January of this year, Andrew Carroll pointed out that John Brown had to resign from Federal Parliament because of his misleading statements. Mr Carroll asked—

> "Do those sort of criteria work here in Queensland?"

Mr Ahern replied—

> "Yes, they do."

He set those standards.

That is not all. On the very same program, Mr Ahern again misled the public by saying that he had overruled departmental advice because he had different advice from the dairy-farmers' organisation and the Milk Entitlements Committee. On that program, he said on a number of occasions that Pat Rowley, the president of the QDO, would support him. If that is so, Mr Ahern should produce the advice, because it is not consistent with the facts.

Firstly, the only reason that Mr Ahern was required to make a decision on the transfer was that it had not been approved by the Milk Entitlements Committee, which would hardly advise the Minister to overturn its own decision.

Secondly, Mr Rowley, has refused to come forward to defend Mr Ahern, despite an invitation from Channel 7 to do so. I understand that he has had a solicitor's letter sent to Channel 7 specifically refusing the request to appear to defend the present Premier. That comes as no surprise.

Mr Rowley was a member of the Milk Entitlements Committee, whose decision Mr Ahern overturned. He was also the president of the Queensland Dairymen's Organisation, which was opposed to the way in which the system was being manipulated, and the author of a letter that was sent on behalf of the QDO to Mr Ahern on 27 September

1982, which set out suggested procedures for the transfer of milk entitlements that would overcome the kind of abuse that was represented by the Whyte sale. It is easy to see why Mr Rowley would be unprepared to come forward to support the call—the plaintive cry—by Mr Ahern for support. Mr Ahern has been left high and dry—hoist with his own petard.

There is one more damaging revelation. In a court action that was initiated by him against the Deputy Leader of the Opposition, Mr Ahern has sworn in an affidavit that he has never had any documents in his power or possession relating to the milk entitlements controversy. Because failure to discover a relevant document represents contempt, Mr Ahern has a clear duty to reconcile his affidavit with the existence of Mr Crittall's memo, to which I referred earlier, and a number of other communications, including Mr Rowley's.

It gives me no great pleasure to raise these issues. However, they were raised independently of the Opposition in the Channel 7 interview, to which I have referred. We have waited patiently for Mr Rowley to substantiate the Premier's defence. That has not happened. Therefore, Mr Ahern stands condemned.

In 1983, Mr Ahern knowingly misled Parliament. By his own standards, he should resign. As a Minister, he was also involved in activities that cast grave doubts on his ability as Premier to deliver a cleaner kind of government.

Finally, it must be remembered that Mr Ahern intervened in that case at the behest of National Party senior vice-president, Sir Charlie Holm. In Federal Parliament on 14 May 1985, Mr Beddall said that Mr Ahern "favoured a manipulation of the quota in possible return for a favour at a later date". He said that Mr Ahern—a Minister of the Crown—had been "compromised by Mr Holm".

Of course, since that date Mr Ahern has become Premier with the active support of the National Party organisation, including vice-president Sir Charlie Holm. The investment has reaped dividends. However, it makes a mockery of Mr Ahern's commitment to clean, open and accountable government.

Sand-mining in Bayfield Area; Proposed World Heritage Listing of North Queensland Rainforest Areas

Mr HINTON (Broadsound) (11.30 a.m.): I rise to inform the House about something that is unique, that is, a field inspection by Government, industry and the conservation movement acting in co-operation. I advise this House of the spirit of co-operation between the proposed sand-mining operators in the Bayfield area north of Yeppoon—RZ Mines (Newcastle) Pty Ltd, a company jointly owned by Peko-Wallsend Ltd and Pioneer Concrete—the Queensland Government and the conservation movement. This spirit of co-operation is being manifested by myself as the member for Broadsound, in whose electorate this huge sand-mining proposal exists, the Minister for Environment, Conservation and Tourism, Mr Geoff Muntz, and the management of the company RZ Mines particularly the managing director, Mr Bob Kelly, of Newcastle.

RZ Mines has authority to prospect over a large area of the Bayfield district. Last month State Cabinet announced that the Bayfield area would be developed jointly for mining and national parks, with some 8 800 hectares being set aside for the Bayfield national park, now being prepared for gazettal, and some 7 500 hectares to be further examined for its mining potential, with the company completing its feasibility on a massive proposal to develop and exploit an estimated $6 billion worth of minerals in the ground, including rutile, zircon, ilmenite and iron. It is proposed that, if the project goes ahead, $600m will be spent in Gladstone on a major refining works employing 350 to 400 people, and 120 people will be employed in Yeppoon on a permanent basis with the ore being transported as slurry to Gladstone for processing, with an estimated export value of $200m per annum.

These facts have been well canvassed, though I might add that they have not been welcomed by ALP members in central Queensland. But what I am pleased to be able to inform the House is that the company, in co-operation with myself, has taken the

conservation movement very closely into its confidence at both a State level and a local level to ensure that what is happening is fully understood and that the conservation movement and the Government fully appreciate the company's good intentions in the revegetation of the sand dunes that will be mined.

At my invitation, Mr Bob Kelly has visited Yeppoon and addressed three groups, being the Chamber of Commerce at the Capricorn Coast on 3 March to explain the commercial benefits to the area, land-holders at Stockyard Point and the Capricorn Coast branch of the Wildlife Preservation Society. The visit was a great success and it is now being followed by a tour of revegetation programs around Australia in the first week in May at which the company will demonstrate to the conservation movement and the Government that its revegetation programs are efficient, do restore the land to very close to the original topography, and that original vegetation and wildlife can be restored.

The group, whose tour is being paid for and organised by RZ Mines, will include the Minister for Conservation, Geoff Muntz; myself; the acting director of the National Parks and Wildlife Service; Mr Don Henry, the State director of the Wildlife Preservation Society; Dr Errol Scott of Griffith University, who I might say is an acknowledged expert on mining revegetation; three members of the Capricorn Coast branch of the Wildlife Preservation Society, namely, its president, Mr Pat O'Brien, the secretary, Mrs Molly Crawford, and Mrs Rosemary Burgess; and two representatives of RZ Mines, including the managing director, Mr Kelly, and a scientific expert in botanical matters.

The group will visit Tomago, north of Newcastle, to observe active sand-mining on sand dunes similar to those in the Bayfield area as well as the New South Wales national park at Crowdy Bay, where revegetated areas are now incorporated in New South Wales national parks. From this point, the party will fly to Darwin and then south to Kakadu National Park, where the Ranger uranium project of Peko-Wallsend has been active in similar revegetation programs.

I am very pleased to report to this House that there is great enthusiasm and co-operation within the Wildlife Preservation Society, from Don Henry at State level to the local level, with the local participants also anxious to see the reality of sand-mining projects now incorporated in New South Wales national parks.

I am assured—and I believe—that all tour participants will observe with an open mind, and obviously the company is very confident that it will be able to produce the goods and satisfy both the Government and the conservation movement that the sand-mining operations are of international standard and of a calibre to cause no long-term detrimental effect to the environment at Bayfield.

I point out to the House, however, that such observations and assurances by the company are not enough in themselves. I will personally be examining sand-mining-recovery legislation to ensure that adequate standards of recovery are enforceable should the company, in the future, not live up to the standards that it now claims are applied to its operations. At this stage, I am pleased to report a program of dialogue, co-operation and constructive endeavour among the Government, the mining company and the conservation movement that is probably previously unequalled in the history of this country. I am proud to be a part of it.

I turn now to a conservation issue that I believe is a far less happy situation in this State. World Heritage listing has been well canvassed in this House, but I believe that it cannot be canvassed enough. When reference is made to World Heritage listing, the point that needs to be made is that World Heritage listing is about politics rather than conservation. Quite frankly, the jackboots of Canberra are being put fairly and squarely into north Queensland.

I have no doubt that people will talk about Commonwealth Government compensation to north Queensland. However, what I am saying to this House is that the compensation is little more than gumnuts compared with what north Queensland has lost. I believe that the political wrangle will destroy the whole credibility of World Heritage nominations in this part of the world.

"Uncertainty" and "confusion" are the two words used by north Queenslanders to summarise the position existing in the north as a result of the proposed nomination of the tropical rainforests for inclusion on the World Heritage List. People are uncertain about their futures. For how long will they continue to have a job?

Mr McElligott: Have you read the NORMA report?

Mr HINTON: Will family units have to be broken up, as bread-winners are forced to leave the districts in which they were born and bred in order to earn a living to support their families? These are some of the many questions that are being asked by the people of north Queensland. I hear that I am starting to upset some of the Labor members from north Queensland, but these are some of the many questions that are being asked by the people of north Queensland.

No wonder social workers in the north are already expressing serious concern at the emotional state of a large section of their communities. The personal trauma faced by the people of north Queensland is the saddest facet of the whole sorry mess resulting from the decision by the Commonwealth Government to take unilaterial action to nominate the north Queensland rainforests for inclusion on the World Heritage List. The residents of the north Queensland timber towns are confused about why more than 2 000 of their number are to be thrown onto the unemployment scrap-heap when unemployment is already of such serious concern throughout the nation.

The social impact of World Heritage listing is only starting to be fully realised. It will not be something of a transitory nature. The emotional impact on children, on marital relations and on parent/child relations will continue for years. The effect will be felt not only by the people directly concerned but also by the rest of the community, which will have to bear the cost of rehabilitating the people so badly affected by the Hawke Government's thoughtless actions—or, rather, vindictive actions, as far as the people of north Queensland are concerned.

I note that in the press last month the member for Mourilyan was quoted as having written to Senator Richardson expressing concern at the listing proposal—as well he might—and pointing out the ill-feeling that has been generated as a result of the Commonwealth Government's actions.

Mr De Lacy interjected.

Mr HINTON: I trust that Mr Eaton and Mr De Lacy, who is making a lot of noise at the moment, and their north Queensland colleagues will fight for the rights of their constituents and put people before politics.

Mr De Lacy interjected.

Mr HINTON: I note also that people such as the honourable member for Cairns turn green around the gills when this issue is mentioned because they know what will happen to them at the next election.

Senator Richardson is alleged to be the number-cruncher in the ALP. This reputation is totally undeserved if he cannot understand that the numbers are stacked against him in relation to World Heritage listing. The people of New South Wales made their views known in no uncertain terms at the State election last month. In 22 New South Wales electorates covering the timber industry, the ALP suffered swings of up to 20 per cent against it.

Queensland Law Society; Legal Practitioners' Fidelity Guarantee Fund

Mr R. J. GIBBS (Wolston) (11.40 a.m.): Today I wish to reveal to the public of Queensland how untold millions of dollars that should have been used to provide legal aid assistance for needy Queenslanders has been squandered, misused and tampered with by that professional group of blood-suckers known as the Queensland Law Society. This practice has been taking place for years and continues to take place, in spite of a legal opinion given by none other than Mr Tony Fitzgerald, QC.

The use to which the legal assistance fund surplus can be put is laid down in section 10 (5) of the Legal Assistance Act, which states—

"(5) Amounts of interest accruing at any time and from time to time in respect of moneys so invested shall be apportioned and paid as follows:—

(a) to the Society—so much of those amounts as will reimburse the Society for its costs and expenses incurred (and not previously reimbursed) in administering this section;

(b) the balance of those amounts—

(i) to and into the Legal Aid Fund—fifty per centum thereof;

(ii) to and into the Guarantee Fund—the remainder or so much thereof as will raise and keep that fund credited to the prescribed amount;".

The prescribed or minimum amount of the fund is $3m. All amounts of interest that accrue above $3m are supposed to be paid into legal aid. At the present time only three people are required to administer this fund.

The Queensland Law Society is now ensconced in a palatial building at 179 Ann Street and employs a staff in excess of 50, whose job it is to sell public relations on behalf of the Law Society and to continually tell the public how honest lawyers are. It is here that the smell begins.

I will cite figures from the last four years' reports of the Queensland Law Society. For example, during the financial year ended 30 April 1984, the society took the sum of $552,798 out of the Legal Practitioners' Fidelity Guarantee Fund and used the money for such items as salaries, rent, lighting and postage. In the following year ending 30 April 1985, the society took the sum of $759,109 out of the fund for salaries, etc. During the financial year ended 30 April 1986, the society removed the amount of $950,492 from the fund, and the latest report that I was able to obtain, which is a statement for the year ended 30 April 1987, shows that the society took the princely sum of $1,151,989 out of the fund for salaries, etc.

All this boils down to the fact that in 1984-85 the fidelity fund was paying three times as much in salaries and two and a half times as much in rent as was paid by the society itself. In 1985-86 the fund paid two and a half times the amount in salaries and double the amount in rent as was paid by the Law Society. In the latest year, 1986-87, the fund paid 1.3 times the amount in salaries and 1.5 times the amount in rent that was paid by the Queensland Law Society by way of wages, etc.

It is a fact that in approximately November 1986, Mr Tony Fitzgerald, QC—the same Mr Tony Fitzgerald, QC, who is now the commissioner of the Fitzgerald inquiry—looked at whether money was entitled to be drawn from the fidelity fund under the Queensland Law Society rule No. 101 (3), which states—

"(c) such other sums properly payable for the purpose of giving effect to the Act as the Council may by resolution from time to time determine."

The Queensland Law Society Act, which is legislation passed in this House, states—

"Any other moneys payable out of the Fund in accordance with this Act or with rules made under the authority of this Act."

In effect, what the Queensland Law Society has done under its own Act of Parliament is bring down a rule that allows it to take moneys out of the fidelity fund to be used for wages, office expenses, superannuation, telephone and telex, printing and stationery, rental office equipment, rent and lighting, pay-roll tax, general expenses, insurance, postage, etc. Money for all those items has been taken out of a fund that was supposedly initially established to protect the people of Queensland against shonky operators within the legal profession so that, if there was a legitimate claim against the Queensland Law Society, that money could be paid. However, that amount of money constitutes only the interest accrued up to $3m. The legislation states quite clearly that the interest accrued on those moneys shall be used for legal aid purposes.

What this pack of professional thieves has done is milk the fund to pay their own office staff, rent, etc. They are using it to maintain a standard that they themselves set whereas that money should be available to earn interest to provide legal aid for thousands of Queenslanders. People in my electorate come to me and ask for legal aid but, because of the very strict qualifications and guide-lines, they cannot receive it and, as a consequence, are unable to defend themselves sufficiently in the courts.

The interesting thing is that in his 10-page opinion Mr Fitzgerald said that this was not the correct way in which the money should be used. An interesting fact is that the Queensland Law Society has membership of approximately 4 000 who, on average, pay a membership fee of $100 per year. Over the last four years the society's total profitability—honourable members will love this—has been $1,101,000. That is an impossibility! To make a profit of that nature on that number of members each paying $100 is impossible. The simple fact is that the society's profitability has resulted from its blood-sucking the money that should have gone to Queenslanders in genuine need of legal aid.

In the House today I am making a call on the Attorney-General for a thorough investigation of the affairs of the Queensland Law Society as they relate to the administration of this fund. This morning I issue a challenge to the Queensland Law Society and to the Legal Aid Office of Queensland to provide as a matter of priority a copy of the Fitzgerald opinion, which runs to 10 pages, and, to be fair, a copy of the 1½-page opinion given by another barrister, which claims that the society's actions are correct.

I believe that, if the Attorney-General responds to my request and follows it through, this Parliament and the people of Queensland will find there has been a gross misuse of moneys by the Queensland Law Society. For a long, long time the people of Queensland have not been happy with the service that they have received from the Queensland Law Society. That is contrary to some of the amendments passed by this House. The fact is that to a large degree a smell surrounds the legal profession in this State. Too many operators are not professional in their work and give bad advice to the public. Far too often those complaints made to the Queensland Law Society are not acted on. I demand that the Attorney-General take immediate action in this matter.

Noise from Aircraft using New Brisbane Airport

Mr SHERRIN (Mansfield) (11.50 a.m.): I rise to bring to the notice of honourable members the disruptive influence on the lives of many thousands of residents living on Brisbane's south side that the new $500m Brisbane airport is having. Honourable members will be well aware that, since the new airport opened on 20 March, noise from aircraft taking off has resulted in literally hundreds of complaints from residents of Mansfield, Mount Gravatt, Eight Mile Plains, Cannon Hill, Carindale, Morningside and Murarrie. Those complaints are associated with the excessive noise levels associated with the operation of jet aircraft from that airport and interference with television reception associated with aircraft in the vicinity. I am told, from a number of research papers that have been undertaken throughout the world, that low-flying aircraft can also give rise to a number of nervous complaints by some members of the public.

The new airport operates on a 24-hour-a-day basis, unlike the old airport, which was closed to jets from 11 p.m. to 6 a.m. With Expo opening on 30 April, the frequency of international and domestic flights will increase and further aggravate a very unpleasant situation for south-side residents.

It is interesting to note the many assurances that were given by Commonwealth authorities during the six-year planning and construction phase of the new airport. I wish to bring to the attention of honourable members an article published in the *Daily Sun* of Wednesday, 20 May 1987, in which another typical example of the many assurances was given. Part of that article states—

> "One of the biggest problems with airports, new or old, is the noise made by giant jet aircraft landing and taking off.
>
> The new airport will bring relief from noise problems for many neighboring suburbs."

What a joke! The article continues—

"The closest residential areas under the aircraft flight paths will be more than 6km from a runway compared with 200m at the existing airport.

Jet aircraft introduced on international and domestic routes in the early 1960's used existing runways. Many of these were originally constructed in the pioneering days of aviation when cities were a fraction of their present size.

In Brisbane the growth of jet aircraft traffic has created serious noise exposure levels for residents of about 3500 houses near the airport. A night curfew and other noise abatement measures have been imposed on jet craft.

At the new airport, take-offs and landings will normally be conducted over Moreton Bay. . ."

What a lie! The article continues—

"Those aircraft which eventually have to pass over residential areas will be high enough not to cause a noise nuisance.

This will mean the facility will be able to operate 24 hours a day."

The conflict between the promises that were made by Commonwealth authorities and the reality of everyday events in the southern suburbs once again raises two questions. Firstly, were the residents of the southside deliberately misled by Commonwealth authorities during that time? Secondly, is the Commonwealth Government guilty of incompetence in the planning and construction of the new airport?

I have been informed by sources at the Air Traffic Control Association that the planning for the airport runway orientation assumed that the prevailing winds at the new airport site, which is some 6 kilometres from the old airport site, would be the same strength and direction as they were at the old airport site. Upon moving to the new airport site, they subsequently found out that that was not to be the case, because the new airport, as honourable members well know, borders on Moreton Bay. There is a different microclimate there, so that the wind strength and direction are somewhat different from that which was experienced at the old airport site.

Mr Burns interjected.

Mr SHERRIN: Another explanation is that Commonwealth authorities have reacted to political pressure brought to bear by the ALP member for Lilley, Mrs Darling, who has campained strongly over the last four to five years for the residents in Sandgate—

Mr BURNS: I rise to a point of order. It was the Fraser Liberal Government and the Bjelke-Petersen Government that supported this project at the time, and Mr Austin was one of the keenest proponents of it.

Mr DEPUTY SPEAKER (Mr Row): Order! I suggest that the honourable member for Lytton might wish to make a speech about this at some later stage. I will not allow him to make long interjections and then rise to a point of order.

Mr SHERRIN: Thank you for your protection, Mr Deputy Speaker. It is interesting to note that members of the Opposition are reacting very strongly to my comments. Obviously, they have something to hide. I will return to the point that I was trying to make.

Over the last four or five years, Mrs Darling has campaigned strongly for the residents of Sandgate and other areas adjoining the airport. I am concerned that the Commonwealth authorities may have deliberately altered the flight paths away from these areas, and, as a consequence, noise levels in adjacent areas of Brisbane's south side have increased.

The point I make is that when people buy land very close to airports, they do so at a lower cost than people who buy land further away. If one purchases a home and land near the airport, one gets it cheaply.

Residents in my electorate have paid considerable sums of money for their houses and land in the expectation that they would be able to enjoy a good quality of life, without interference from low-flying aircraft.

Unfortunately, their quality of life has suffered quite drastically and the value of their homes has been downgraded as a consequence of the incompetence of the Commonwealth Government.

I have initiated a number of procedures to try to bring the Commonwealth Government to task in relation to this matter.

Mr BURNS: I rise to a point of order. I again draw your attention, Mr Deputy Speaker, to the fact that the honourable member is referring to the Commonwealth Government. He is trying to mislead the people of Mansfield. It was a Liberal Government that did it and the National Party in Queensland supported it at that time.

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

Mr SHERRIN: Thank you, Mr Deputy Speaker. Obviously, the member for Lytton has some worries. I heard that he was at the airport opening and that he was very happy with everything over there——

Mr BURNS: I rise to a point of order. I did not go to the airport opening. I went to the works committee hearing and opposed that particular airport. I was the only——

Mr DEPUTY SPEAKER: Order! I am not accepting the honourable member's point of order. I ask him to resume his seat.

Mr SHERRIN: I do not mind sticking up for the member for Lytton's constituents. If he will not stick up for them, I certainly will.

The point that I was making is that I have undertaken, through the Queensland Government's Noise Abatement Authority, to have noise levels in my electorate recorded. I will also have them recorded in the electorate of the member for Lytton, if he will not do so. I will look after his constituents. I will have the actual noise levels determined in the areas that the aircraft are flying over. I will compare those with the noise levels that the Commonwealth Government determined would occur during the planning stages of the airport.

I know what the answer will be. There has been a dramatic increase in the noise levels associated with the flight path. According to my calculations, the increased noise is now affecting not just the 8 000 or so homes that it affected originally but of the order of 200 000 residents on the south side.

I will strongly urge the Commonwealth Department of Aviation to consider as a matter of high priority the reintroduction of a curfew for jet aircraft using the new airport and also planning for a redefinition of the flight paths for those aircraft so that they do not fly over residential areas on the south side.

Mr DEPUTY SPEAKER: Order! Under the provisions of Standing Order No. 36A, the time allotted for the debate on Matters of Public Interest has now expired.

PUBLIC SERVICE MANAGEMENT AND EMPLOYMENT BILL

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (12 noon), by leave, without notice: I move—

> "That leave be granted to bring in a Bill to provide for the management of and employment in the public service of Queensland."

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) (12.01 p.m.): I move—

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

The Bill provides the most significant reform of the Queensland public service this century. It will usher in a new and exciting era in public service management.

Until now, the Queensland public service has worked under arrangements which were fashioned in, and were relevant to, a past age—an age when the public service was smaller and less complex and society was far less sophisticated and demanding than it is today. In the high technology, highly competitive and economically troubled world of the 1980s, Queensland needs and must have a public service which is structured to ensure its continued growth and success in the 1990s and beyond.

The public service must be efficient in its use of scarce resources, responsive to changing community needs, management oriented and accountable for its performance. This Government is committed to providing Queensland with a public service which meets these standards.

The underlying philosophy of these reforms and the Bill is to—

- give greater autonomy and responsibility to Ministers and chief executives in the administration of the departments of the public service;
- enhance the accountability of public servants for their performance;
- provide a greater emphasis on management and performance in all areas of the public service; and
- achieve a public service which is more flexible and more responsive to community demands.

The Bill repeals the Public Service Act 1922-1978 and the Public Service (Board's Powers and Functions) Act 1987. As I have already indicated, it establishes a new framework for management of the public service.

While the Bill rests on the several important principles that I have outlined, there are two in particular which I wish to emphasise. First—the increased responsibilities proposed for chief executives. The Bill provides for each Government department to be headed by a chief executive appointed by the Governor in Council. The Bill establishes the responsibility of chief executives for the efficient and proper management of their departments—subject to overall control by the Minister. It requires chief executives to observe sound principles of public administration and personnel management, including—

- maintaining excellence, objectivity, impartiality and integrity in the provision of policy advice;
- maintaining standards of excellence in service to the community;
- deploying and utilising resources with maximum effectiveness;
- ensuring that staff will be treated fairly;
- ensuring that all staff will have equal opportunities to secure promotion and advancement; and
- ensuring that all employees will be provided with safe and healthy working conditions.

Commensurate with their responsibilities, the Bill provides chief executives with substantially increased powers. Specifically, chief executives will be able to—

- recruit all their staff, except for unclassified clerical and adminstrative support staff; and
- select all their staff.

Chief executives will also have the power to terminate the services of staff on the grounds of misconduct or inefficiency. However, a streamlined appeals system will operate for officers aggrieved by disciplinary action, as well as promotion decisions.

Chief executives will also be responsible for deciding appropriate numbers of staff. Traditionally, departments have been subject to tight controls in this area. In future, chief executives will be able to determine staff numbers within overall budget allocations. They will be required to live within their budgets while exercising management responsibility for the appropriate number and mix of staff to achieve departmental objectives.

Devolving substantial powers to chief executives reflects a fundamental principle of modern management—that those closest to program delivery should be able to manage their resources without unnecessary interference from the centre. However, in the interests of consistency across the service, the Government will need a continuing capacity to establish broad servicewide management standards.

In this connection, the Bill establishes a new organisation—the Office of Public Service Personnel Management. The office, in consultation with chief executives, will assist the Government to establish broad standards for servicewide application and will help departments implement these standards. It will also exercise responsibility for recruitment of unclassified staff, and for arranging the retraining and redevelopment of staff affected by redundancy.

The second important principle in the Bill is the increased emphasis on performance within the public service. Most Queensland public servants are skilled, hard-working and conscientious. Overall, the public service has done Queensland proud over many years. Nevertheless, reduced resources, new priorities, and the Government's commitment to excellence, will require even higher standards of performance across the service.

To encourage top performance in the service, the Bill incorporates a number of new initiatives. First, the Bill establishes the principle that all appointments to or within the public service must be based on a proper assessment of merit.

Second, all chief executives will be appointed under contract, the conditions of which will be determined by the Governor in Council. Contracts will enhance accountability and encourage the highest standard of performance. The Bill also allows contracts to be established for other officers as designated by the Governor in Council. It is planned that contract provisions will be extended to senior management positions in the public service.

Third, all non-contract promotions within the public service will be subject to six months' probation. This is on top of the traditional probation requirement applying to initial entry to the service.

Fourth, the Government intends that all Queensland public servants will be subject to regular performance appraisal throughout their careers. Performance appraisal of staff is one of the specific responsibilities of chief executives defined in the Bill.

Broad guide-lines to assist department heads in appraising their staff are being developed by the Office of Public Service Personnel Management. Those guide-lines will give particular emphasis to measuring the achievement of key results that are expected of staff and work units.

Fifth, the Bill gives authority to chief executives to determine within budgetary parameters the salary levels of their staff. This provision will support a new salary administration system recommended by the Savage committee and being developed in association with private-sector consultants. The purpose of that new salary administration system is to ensure flexibility and broad comparability across the service.

Sixth, the Bill provides for the interchange of officers between Queensland Government departments, other Australian Governments and the private sector. That is a potentially important mechanism to enhance managerial experience, knowledge of private-sector needs and technology transfer in the interests of good management, and initiatives such as the economic development strategy.

Seventh, the Bill gives chief executives the power to discipline staff as necessary. Penalties provided in the Bill range from a reprimand through to dismissal. However, I again stress that all disciplinary decisions will be subject to a proper, fair and reasonable appeals system.

Finally, I want to say something about the redundancy provisions of the Bill. In today's society, in which community demands for services can and do frequently change, in order to provide new programs and services which are in demand, Governments must be responsive and be prepared to cut out programs which have lost their usefulness. That requires the flexibility to redeploy resources in a manner which is both responsive to the changing circumstances and does not impose a greater burden on tax-payers. That has been recognised by Governments in other States and the Commonwealth and, in fact, the redundancy package proposed by this Government compares very favourably with those offered by other Governments in Australia. It is also recognised by the State Service Union.

The Bill gives the Governor in Council authority to terminate the services of officers who are unable to be gainfully employed, after adequate opportunity has been given for retraining and relocation. However, any retrenchment must be on the basis of approved redundancy arrangements and provisions of the new Act. The Bill specifically provides that all reasonable and practicable measures are to be taken to utilise the services of officers before consideration is given to retrenchment.

It is the Government's intention that the Office of Public Service Personnel Management will work closely with chief executives to assist redeployment of staff wherever possible. Retrenchment will be considered only where no fair and reasonable alternative exists.

Let me conclude by saying that this Bill will enable the Government to ensure that the Queensland public service is equipped to meet the needs of all Queenslanders. This public service reform is consistent with the Government's policy objectives of encouraging private-sector growth as the only sound basis for expansion in the future. A more businesslike, efficient and responsive public service complementing a strong private sector is essential if Queensland is to successfully respond to the challenges of the future.

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 14 April (see p. 5952).

Mr WHITE (Redcliffe) (12.09 p.m.): The Liberal Party is pleased to support the legislation. At the outset, I compliment the Minister on the way in which this Bill has been handled. The wide dissemination that the Green Paper initially received after the Government released it, followed by the Minister's introduction of this Bill into the House and its being allowed to lie on the table for a considerable period, gave the many people who are interested in this legislation the opportunity to express their points of view, to be consulted and to have an input into it. The end result is that this legislation will be far more satisfactory in practice than if it had been rushed through the House.

I mentioned particularly the role of Bill Lamond in the introduction of this legislation in its early stages many years ago and the work that he has undertaken over the years in bringing parties together to achieve a greater understanding from the point of view of both landlords and tenants. Over the years, other key players such as Doug Black and Trevor Davies have acted in an advisory capacity. On behalf of the members of the Liberal Party, I take this opportunity to pass on thanks to those many people.

Honourable members should be reminded of the important role that has been played over the years by the various trade organisations that have been involved in

many ways in the retail industry, not the least of which are the Retailers Association of Queensland Ltd, the Queensland Retail Traders and Shopkeepers Association, the Hardware Retailers Association of Queensland and other organisations on the landlords' side of things, such as BOMA.

Those of us who took an interest in this legislation in its early days took the view at the outset that these matters should be resolved in the market-place, that disputes between landlords and tenants should not be interfered with by Government and that there was no need to legislate. For many, many years that was the view.

My memory goes back to the late 1970s when disputes occurred at the Westfield Indooroopilly shopping centre. Pressure was put on the tenants. I can well remember when I was in the Ministry addressing BOMA meetings in 1980 and again in 1981. At those times I said to BOMA that unless the industry regulated itself, inevitably whatever Government might be in power, it would eventually introduce legislation.

Difficulties have arisen not only in respect to the relationship between landlord and tenant but also in relation to changes in the market-place. The most significant change, of course, has been the movement from strip shopping centres to the development of what are commonly known these days as regional shopping centres. In reality, the institution or the developer—whoever may be the proprietor of that centre—is really granted a monopoly by the council or the Government of the day. That is followed by widespread institutional ownership, the development of centre management and, of course, merchants' associations and conflicts about many things, not the least of which have been rent and outgoings.

To sum up, it has been necessary to legislate to give tenants a greater opportunity to redress the imbalances that have occurred over the years in respect to leases. I can remember when I signed my first lease in September 1958. That is a long time ago. At that time the lease comprised four or five sheets of paper.

Mr Newton: You must have been a very young bloke then.

Mr WHITE: Yes, very young. At the time I was aged 21.

The lease was only about four or five pages long. As a non-legal person I could comfortably read it and understand it. The rent was five quid a week. Every three years I had a yarn with the landlord and renegotiated the terms of the lease.

Unfortunately, what has occurred since then, particularly since the advent of computerisation and word-processors, is that leases have reached the stage at which they are very thick. I have seen some 2 inches thick. Those leases have introduced clauses that have been very much in favour of the landlord. The end result has been that not only tenants but also many lawyers have been placed in a situation in which they are unable to understand the lease. The stage has been reached when a person has to go to a firm of lawyers who specialise in the development of retail shop leases. This legislation is the end result of that activity. It has been brought about to redress some of the difficulties in which tenants are placed. I am pleased to see that the Government has not taken the step of regulating the price mechanism. However, that is a matter that I think the major institutions and particularly organisations such as BOMA are more conscious of these days. Frankly, they have been told that if the escalation in rentals and imposition of conditions continues the way it has in some centres in recent years, more and more pressure will be placed on whichever Government is in power.

Before dealing with the general substance of the Bill, I want to say something about the retail industry. It is an industry that in terms of its size and its contribution to the economy not many people appreciate. For example, the retail industry is the largest single employer in the State of Queensland.

The retail industry employs in excess of a quarter of a million people throughout the State. I base that statement on ABS figures for 1987. To give honourable members an idea of the size of the industry, it is a larger employer than the manufacturing industry, which employs approximately 140 000 people; it is a larger employer than the

Government; and it is a larger employer than the construction industry, which provides employment for 90 000 people. The retail industry is also certainly much larger than the other major sectors of the economy in Queensland. In that regard, I refer to agriculture, mining and tourism.

In 1987, according to the latest ABS figures, retail sales in Queensland alone amounted to $8,801m. December sales were of the order of $1,112m and it is interesting to note that retail sales in Queensland in the October quarter last year showed an increase of 9.3 per cent. Of course, last year was generally regarded as a very flat year for retailing.

Under the heading, "Gross Product by Industry", the ABS figures indicate that the only industry that is larger than the retail industry in terms of gross product is the manufacturing industry. The latest ABS figures also show that the manufacturing industry's productivity amounted to $40,063m compared to $30,475m for the retail industry on a national basis. I include those figures in my speech to highlight the size of the industry and the important role that it plays in the economy. Governments and local authorities should be aware of the great contribution made to the economy by that industry, particularly as regards employment. In which sector are most of the people employed in any country town or provincial city in this State? They are employed in the retail sector.

A number of matters were raised previously in the debate by members of the ALP. They made reference in particular to the large number of bankruptcies that have been occurring in businesses in Queensland. I do not think that honourable members ought to overreact to that state of affairs. All honourable members ought to remember that if a person goes into business, there is an inherent risk in doing so. I do not think that Governments should be propping up business people and subsidising them. Those who have been in business for a period of years know what the risks are. Unfortunately, many people who go into business should not be carrying on a business and, as a result, the business fails.

Mr Borbidge: Most of the increase has been in personal bankruptcy, as distinct from business bankruptcy.

Mr WHITE: As the Minister suggests, many of the bankruptcies in Queensland are not directly related to the operation of small business. Nevertheless, people should have the right to go broke if they want to. They should have the right to take a risk, and they should get up and have a go. It is fair to say that although Queensland shows a marginally higher rate of failure, there is also a higher percentage of movers and shakers and people who are prepared to get up and have a go in this State. I do not think that they ought to be knocked or discouraged.

In my view, small business needs to have better access to information. I understand that the availability of information has improved. There is also a great need for the development of managerial skills, which is being assisted to a large degree by trading organisations and the Government through the operation of the Small Business Development Corporation, and through the many private-enterprise management companies that operate in this State.

I would be remiss if I did not remind the Minister and the Government of the difficulties faced by many people in business in respect of red tape and unnecessary bureaucratic practices. I hope that something can be done about them. There has been talk about a one-shop depot to which people could go to obtain information about starting a business. I know that the current Minister is very keen on that idea.

At this stage of the debate it would be reasonable to remind the Government of the escalation in pay-roll tax. It is an iniquitous tax and any tax that discourages people to employ others is inherently bad. I raise those two issues to remind the Government that they are matters which are of concern to many people who are in business today.

When talking about shopping centres, one should be aware that the whole ethos of shopping and retailing has changed from the old days when people shopped at the corner

store or the strip shopping centres. Whilst there has been a great deal of criticism of developers and institutions over the escalation of regional shopping centres, there is no doubt that regional shopping centres not only provide a service to the community in terms of comparative shopping, convenience and ease of parking, etc., but also today they are becoming recreation and leisure centres. The new Myer centre in Queen Street is a classic example. These centres are becoming community centres with adjuncts such as council libraries, senior citizens' centres, child-minding centres, etc.

I wish to briefly mention the Shopping Centre Tenants' Association of Queensland and make the point at the outset that I am not a landlord-basher. There has to be equality and fairness in the relationship between landlord and tenant and there are signs that this relationship is improving dramatically. I am concerned about some of the figures put forward by this association, and in particular the comparison of percentage movements. During the four years from 1982 to 1985, retail sales rose at the rate of 45 per cent, the CPI rose 42 per cent and the increase in wages to shop assistants was only 35 per cent. However, rental escalations in major shopping centres were far higher than any of those increases and one has to ask the question: are those escalations in rent due to the exclusivity of the centres because of their zoning? In some shops at Indooroopilly the increases have been something in the order of 93 per cent, at Toombul it is 84 per cent, Chermside 100 per cent, Capalaba 82 per cent and Maroochydore 98 per cent. This escalation is far ahead of the increases in sales and the CPI.

As most people would know, I am a strong believer in letting the market alone and that is the reason why I strongly support this legislation. It provides the tenant with some muscle in negotiations with the landlord and gives some balance to the situation. It is a fact that rents in major shopping centres have escalated far and above the rate of inflation and increases in wages and salaries. In some cases good traders have been put into such a position that they have had to move out of shopping centres. One of the matters that is of concern to me is that the rents in some shopping centres have become so high that major traders, such as hardware operators, for argument's sake, cannot afford to pay the rent. Electrical suppliers are another example and organisations such as Chandlers, which, although it has a strong presence in many centres throughout Queensland and northern New South Wales, cannot afford to go into many of the centres because of the high rentals.

I wish to run briefly through the Bill and to make some further comment. Because the amendments are a move in the right direction, I again congratulate the Minister. Clause 4 deals with a tenant's right to join or form commercial associations. In some cases some tenants have had included in their leases a denial of the right to join an association. I am a strong believer that any tenant in a centre should be in the merchants' association and support it strongly, and that there should be compulsory contributions from the tenants to that merchants' association in order to promote that centre.

Clause 5 provides that a landlord shall not be held responsible for the actions of an agent. The Minister may enlighten me later on, but I think that probably refers to key money or something of that nature where an agent has acted on behalf of a landlord and has accepted prohibited payments without the authority of the landlord. Perhaps that may be explained. Also, tenants in shopping centres are not to be called upon to contribute to sinking funds for the amortisation of the cost of the centre. That has been a terribly onerous provision and I am pleased to see that that has been knocked out of court.

Clause 6 relates to——

Mr DEPUTY SPEAKER (Mr Row): Order! I remind the honourable member that he should not be referring specifically to the clauses, because that is a matter for the Committee stage.

Mr WHITE: As I said earlier in my address, a great deal of concern has been expressed about how disputes between a landlord and a tenant should be dealt with. In many cases it comes down to the relationship between those two people. Too often there

is an interposing force. It may be that a centre manager acts unilaterally without consultation with the institution or the person who owns the centre. I have come across cases where there have been difficulties, but when I have made a telephone call to the institution, whether it be Suncorp here in Brisbane or a major institution in Sydney or Melbourne, it has been very surprised to hear of the tenant's difficulty. What that gets down to is that the quality of centre managers needs to be raised. I know that BOMA is doing much work in this regard and that courses are being run by it and other organisations.

The thrust in this legislation to establish specialised retail shop lease valuers is a step in the right direction because it is a complex issue and, quite frankly, when in the past arguments have been sent to arbitration, there has been a shortage of people who really know much about the industry. The Minister's intent to introduce the concept of specialised valuers and, more particularly, to create an opportunity for the mediators to have more muscle in the system and to have the same privileges as the Crown, is a step in the right direction. I have often said in this place that there have been difficulties associated with the assigning of leases. It is not necessarily the landlord himself but often the centre manager who is responsible for delays when a tenant has sought to have his lease option renewed. The process can drag on until the option period has expired and all of a sudden the tenant finds himself sitting there on a weekly or monthly tenancy. The Bill will go a long way towards rectifying that grievance.

Last week a member of the ALP referred to operating and outgoing expenses of shopping centres. He has a strong point, particularly when the major tenant makes no contribution to outgoings. I understand this is the case with most of the centres that have Franklins stores. Franklins will pay X dollars per square metre and will not pay any outgoings. That means that the outgoings are amortised amongst all the small traders. It is very difficult to come to grips with that problem. Many peope have said to me, "If I don't get you that way, I'll get you another way." As a matter of principle all tenants should make a contribution to the running costs of the centre irrespective of whether they are a major trader, a semi-major trader or a small specialty trader.

Mr McPhie: Only running costs?

Mr WHITE: Exactly. As the honourable member said, I am referring to running costs and not costs associated with the amortisation of future construction costs of the centre, which have been included in some leases.

While I have the opportunity, I wish to raise the issue of trading hours, which has been a bone of contention for the Government. Over the years, most honourable members have been involved in industry. It is fair to say that there is more appreciation of the need to introduce greater flexibility in trading hours, particularly in a State such as Queensland, in which we are in the business of developing the tourist/recreational leisure industries. In recent times, I have noticed that the commission seems to be adopting a more flexible approach to that subject. I am pleased to see that.

One section of the Act that concerns me is the provision that a tenant cannot be forced to trade under the new trading hours legislation. A trader is either in a centre or out of it. If the majority of the tenants in a shopping centre decide to trade for longer hours, it is pretty rough on them when quite a number of other tenants in the centre do not do so. To some degree that is contrary to provisions of the Act. However, the time has come when tenants in shopping centres must realise that, if they are to service the public, extended trading hours are becoming more and more a part of people's lives.

With the introduction of shift work, the increasing number of families in which both husband and wife work and casual employment becoming an increasing percentage of the employment market, attitudes have changed. However, a further extension of trading hours is inevitable. If that is to occur, the Government should take the initiative to do something about the whole issue of penalty rates. Perhaps it is a matter that has to be resolved in the courts. The 17½ per cent annual leave loading case that has been put before the Industrial Court by the Queensland Confederation of Industry Limited

is a move in the right direction, because its removal will create new jobs and additional employment opportunities for people.

Mr Hamill: That is the New Right direction.

Mr Underwood: That is all right for the big businesses. What about the little people?

Mr WHITE: I know that the Labor Party always takes umbrage at this issue, but the reality today is that, when employers increase productivity in industry, their employees in the main receive increased remuneration. That is the way it should be. If the industry is being more productive, the employees should receive a share of the action, not the least of which are things such as superannuation and productivity bonuses. However, that is another issue.

I simply make the point that it is inevitable that more flexible trading hours will be introduced and that greater flexibility is needed in respect of penalty rates, which will create employment for many unskilled and semiskilled people. People in the Labor Party are always jumping up and down about the high unemployment figures. Nobody—particularly a member of Parliament—likes to see high unemployment, because of the social consequences and difficulties associated with it for so many people. However, in some industries there has to be greater flexibility in respect of trading hours. Concurrent with that, there has to be a change in the attitude to penalty rates.

Another matter that I want to raise—and I have had some informal discussions with the Minister about this—is in respect to the mortgaging of a business. A number of instances have been drawn to my attention in which a business which is expanding has had the need to increase its capital for expansion, whether that expansion be in terms of new outlets, an increased inventory or whatever.

It has been drawn to my attention that in some instances landlords have unreasonably withheld consent from a tenant to have his business mortgaged. By "mortgaged", I mean the financial institution taking a bill of sale over the lease, fixtures and fittings and stock-in-trade of a particular business.

Last Thursday I asked Mr Speaker whether I could have incorporated in *Hansard* some notes which comprise five paragraphs. I think it would be a waste of time to go through them. I seek leave to have those notes incorporated in *Hansard.*

Leave granted.

REQUESTS FOR CONSENT TO MORTGAGING OF LEASE AND FIXTURES AND FITTINGS

1. In every retail shop lease, whether made before or after the commencement of this Act, containing a covenant or condition which prohibits or limits the tenant charging, mortgaging or in any other way giving security over the retail shop lease or any stock-in-trade, furniture, fittings or any other property of the tenant situated within the retail shop at any time such covenant or condition shall notwithstanding any provisions in the retail shop lease to the contrary be subject to:—

1.1 A proviso to the effect that the landlord shall not unreasonably withhold its consent to such charge, mortgage or other security provided that the tenant pays to the landlord the landlord's reasonable legal costs and expenses of and incidental to the landlord's consent to such mortgage, charge or other security; and

1.2 A proviso to the effect that the landlord shall give an answer to a tenant's request made in writing for the landlord's consent to any such charge, mortgage or other security within thirty (30) days of the date upon which the request is received by the landlord.

2. If the landlord fails to respond to a request made by a tenant for the landlord's consent to a charge, mortgage or other security referred to in Clause 1 within thirty (30) days of the date upon which the request is received by the landlord, such failures shall be deemed to create a dispute under the retail shop lease for the purposes of this Act and may be referred to a mediator in accordance with the provisions of this Act.

3. A landlord who gives his consent to a charge, mortgage or other security over any stock-in-trade, furniture, fittings or other property of a tenant shall within a reasonable time

of receipt by him sign a reasonable form of right of entry or similar documentation in favour of the holder of such charge, mortgage or other security permitting the installation, inspection, maintenance, repair and removal by the holder of such charge, mortgage or other security of such stock-in-trade, furniture, fittings and other property and containing such other provisions as are reasonable under the circumstances.

Mr WHITE: I again indicate the support of the Liberal Party for the legislation. Members of the Liberal Party wish to express their appreciation to the Minister for the way in which he has handled this legislation. I have raised an issue that I hope the Minister will take on board.

The final matter that I wish to raise is my hobby-horse—flea markets. As I have said on many occasions, I have no objection to the operation of traditional flea markets. However, many flea markets are acting in a de facto retailing sense. I am aware that the Minister has this matter in his sights.

There is a degree of unfairness. I cite the example of a flea market that operated in a shopping centre for which we had a tenancy. It was a rather interesting situation. The tenants of that shopping centre were denied the opportunity to open legally, but when one went around and had a look at the merchandise on sale at the flea market, one discovered that a lot of it had been flogged from some of the retail outlets in the centre.

In all seriousness, some aspects of flea market operations are unfair. Some flea markets are acting in a de facto retailing sense. If the Government is going to allow flea markets to operate, it should impose upon flea market operators the same conditions as are imposed upon the retail industry as a whole.

Mr HAMILL (Ipswich) (12.39 p.m.): I have pleasure in speaking to the Retail Shop Leases Act Amendment Bill.

I well recall when the Retail Shop Leases Act was first debated in this place in 1984. It was a significant piece of legislation then. I recall that it was one of the few instances, in the time that I have been a member of this Parliament, in which honourable members have had an opportunity to consider in some detail the provisions of legislation that was to be introduced.

The present Minister's predecessor is now, of course, the Premier of this State. The proposals in relation to the original piece of legislation were tabled. Those proposals were then withdrawn and a consolidated Bill was introduced. The sad thing about it was that the consolidated Bill was introduced and passed through all stages in the same day. I remember being upset about that. However, I do recall fondly having the rare opportunity— certainly rare for members on the Opposition side—to propose a reasoned and responsible amendment to the Bill and have the Minister accept the amendment. I give him full marks for his common sense on that occasion.

The amendments in the Bill are significant. I believe that they enhance the legislation that this Parliament has seen fit to enact. In the context of the legislation, it is important that honourable members realise the disadvantage that many small retailers have faced in their dealings with the major landlords who own shopping centre complexes in this State.

This afternoon I wish to raise some matters that have concerned me about the plight of some small retailers in my electorate and the dealings that they have had with their landlords and the leasing agents. Sadly, the story I have to tell the House will concern Suncorp as the landlord and Jones Lang Wootton as the leasing agent. It is an interesting story. I am sure that the Minister will realise that similar events have occurred many times in this State and, as I said, they reflect the difficulties of many small retailers in endeavouring to deal with large corporate entities that have far more economic and political clout than small retailers have.

The shopping centre to which I wish to direct my attention this afternoon is Ipswich Centre Plaza, which is a development that arose out of a redevelopment of the old Ipswich railway station area. Suncorp, which is the landlord, operates its leasing

arrangements through Jones Lang Wootton. The particular enterprise that I am going to discuss is Underfashion World. It is fairly typical of the number of small retailers that occupy premises within that centre. Underfashion World has operated for nine years in the Ipswich Centre Plaza. In October 1986 it was confronted with a rise in the amount charged for its lease. The original rise proposed was 50 per cent, which, in anyone's book, is a significant rental increase. Not surprisingly, the proprietors objected most strenuously to that 50 per cent increase in their rent.

In the following March, the landlord, through the leasing agents, amended its claim upon the tenants and suggested that the increase could be brought down to 30 per cent. Again, in my book, a 30 per cent increase in rental is a very significant increase indeed. It is even more significant in this context because the traders in the shopping centre have really been up against it, and trying to keep their heads above water for a variety of reasons, but most particularly because of the downturn in trading in the central Ipswich area.

Honourable members must realise that the time-frame about which I am speaking was a very difficult one for retailers in central Ipswich. A major fire had engulfed the city's major department store. With that, the passing trade, which had been the life-blood of many small retailers, had disappeared. Similar sorts of problems were experienced in other areas in which suburban shopping centres attracted trade away from the older, established central city areas. That, of course, also had an impact in Ipswich. Therefore, it is not surprising that, confronted with a downturn in passing trade and a downturn in their economic viability, the tenants of Ipswich Centre Plaza were most distressed indeed when they were confronted with a 30 per cent rent increase. They further objected to it.

In a letter of 22 May 1987, the centre manager, on behalf of the leasing agents, informed the proprietor of Underfashion World that the leasing agents had referred the matter of rent determination, as provided in the terms of the lease governing the leasing of the premises, to an independent valuer.

The details of the lease were—

> "The fair market rent shall be agreed upon in writing between the Landlord and the Tenant, but if not so agreed upon by one month prior to the commencement of the rent period under review (as the case may require) shall be determined by a valuer (who shall be deemed to be acting as an expert and not as an arbitrator) appointed by the President or Acting President of the Queensland Division of the Australian Institute of Valuers . . ."

Furthermore, a term of the lease was that the fees paid to the valuer would be borne in equal shares by the centre management and the lessees. I note that that equitable sharing provision is contained in the legislation.

The outcome of that independent valuation through the good offices of the acting president of the Queensland Division of Australian Valuers was produced and dated 27 November 1986. At the time, that valuation was very much contested. The valuation certificate was made out by A-Marc Real Estate and Denman Macaulay Valuers and signed by Elwyn C. Denman, who was the valuer concerned and who has subsequently been elected to the Ipswich City Council. However, I dare say that that was not on the strength of his valuation.

I believe that the details of that valuation require airing in this place. The assessment involved shop 35 of the Ipswich Centre Plaza. The valuer's comments were as follows—

> "The shop, which is used for the sale of lingerie and swimwear is one of a number of similar sized shops situated on the ground floor of the Bell Street to East Street wing of the Ipswich Centre Plaza. The shop is situated adjacent the steps leading to the lower ground level and as shown on the attached plan is adjacent to entry to the arcade leading to the East Street entrance.

All shops surrounding the subject property are tenanted, the centre is neat and tidy, and an air of reasonable prosperity is generally shown considering problems which the inner city area of Ipswich has experienced over the past few years.

These difficulties commenced with "the Reids" fire of a few years ago followed by the Kern purchase of much of the city heart and its subsequent redevelopment which is now nearing completion.

Whilst it is anticipated that a tremendous influx of shopping personnel will be experienced when the total Kern complex is completed and it is anticipated that a spin off will be experienced by this shopping area it is difficult to gauge the level of that spin off. It is also known that a number of tenants presently within this centre will transfer to the new centre.

This would not be unexpected in that tenants such as Stefan tend towards the more expensive or more exclusive areas.

For the present it is difficult to assess the rental of anything other than a shop to shop comparison with surrounding rentals and the valuation has been assessed on that basis."

It goes on to assess the valuation as at 28 November 1986—which was the date for the renewal of the lease—at $99 per square metre per annum, which meant that the assessed market rental for that particular shop was $7,415.10 per annum.

Perhaps those leasing agents have a very keen capacity to assess rental value. It transpired that the assessment that was made by that particular valuer just happened to be exactly in line with the 30 per cent increase that the leasing agents had actually suggested to the lessees after the original objection had been made. Not surprisingly, the lessees were most concerned by that determination and they objected most strenuously to the findings of that valuer, particularly in relation to the claims about the shops being tenanted. Anybody familiar with that shopping centre would know only too well that one of its characteristics is the number of vacant premises. Despite the optimistic observations of that particular valuer and the claims that he made at the time about that shopping centre being fully tenanted, the fact is that many premises have remained vacant. In fact, recently, because of the continuing exodus of lessees from that centre, further complaints have been received from store-holders. Last week, the Health Insurance Commission moved its premises from the Ipswich Centre Plaza. As a result, people who would otherwise have gone to that shopping centre to do business with that commission will no longer go there.

The store-holders earnestly sought to obtain some more independent advice—a second opinion, if you like—from another valuer in the Ipswich area. Both of the valuers involved in the assessments were locals who should be aware of the prevailing circumstances in the retail industry in Ipswich. Another valuation was sought and obtained in August 1987, which was within the very same time-frame that I have already mentioned. That valuation was carried out by John L. Stockwell of F Goleby and Sons Pty Ltd of Ipswich. That gentleman also specialises in property appraisals and property consultancy work.

It is interesting to contrast his comments with those of the other valuer. He stated—

"The shop, which is used for the marketing of lingerie and swimwear is one of a number of similar sized shops situated on a level with access from Bell Street and East Street. The shop is located on the southern side of the centre.

All shops adjacent to shop 35"—

not "adjoining", but "adjacent"; it is a use of different language—

"are tenanted, but since the development of the City Square a marked absence of shopping personnel is in evidence, this situation has been experienced by most retailers in this area over the last 12 months."

That is in the same time-frame in which the other valuation was tendered. The valuer continued—

"It can be expected that now the City Square complex has opened it is a fact that the City Square will attract more shopping personnel away from the Centre

Plaza. It is in evidence that some of the tenants in the Centre Plaza have transferred their business to the City Square."

The valuer then assessed a fair rent and stated—

"In assessing a fair rent for this shop in the Ipswich Centre Plaza and taking all aspects into consideration, I estimate a fair rental for this shop would be $80.75c per square metre for the next period of the lease."

That amounts to an assessed fair rent of $6,040.17 per annum. Had that fair rent assessment been adopted, over the full year some $1,400 would have been saved by those tenants.

Although that may not mean much to some of the major retailers in the urban shopping centres, it certainly would mean a significant saving to the small retailers, who have high overheads and low returns. However, is it not interesting that two local valuers with local experience and local knowledge can arrive at such different assessments of what would constitute a fair market value? Is it not interesting that the first valuation which I have cited was totally in accord with the demands that were being placed by the landlords upon the tenants, whereas the other valuation, sought by the tenant, brought out quite a contrary assessment of the value of those premises as retail premises?

I suggest that such tenants do need more protection. I trust that the amendments which are contained in this legislation will afford tenants such as these the protection which they so justly deserve.

Mr Borbidge: We are seeking to address that.

Mr HAMILL: I realise that. I commend the Government for that initiative. It is sad, though, that it will be cold comfort to people such as these who in good faith have endeavoured to maintain their business as a viable commercial concern and are really feeling victimised because of the difference by independent valuers in the determination of what constitutes fair market rent.

The problems in that shopping centre have not gone away. As I said earlier, the trade in that area has not revived in accordance with the optimistic forecast made by Mr Denman; it has been more in line with the far more reserved commentaries contained in Mr Stockwell's valuation.

Earlier this year I received correspondence from quite a number of the store-holders in that shopping centre who were very concerned indeed as to their fate, because at the time it was being rumoured that the shopping complex called Ipswich Centre Plaza may well be purchased by the Kern Corporation and then in turn be incorporated into Kern's redevelopment of the central city area of Ipswich. I believe that the store-holders collectively deserve better treatment than they have received to date. They wrote to me in these terms—

"Dear Mr Hamill,

I am writing on behalf of the traders in the Ipswich Centre Plaza. We would like to know if you could tell us what is going on with the Centre?

We feel that it has taken far too long for Kern to take over the Plaza. When we set up a meeting with Kern to find out what was happening they told us they were unable to comment and should not be talking to us at all.

After that dead end we contacted SunCorp who referred us to Kern . . ."

Talk about chasing one's tail!

"All we want are some answers to very simple questions:

1) Are we going to be re-located,

or if not

2) Are the shops that are presently empty going to be filled—as there are now sixteen shops which are empty in the centre which makes trading for the remaining shops virtually impossible. We are paying high rent and in our opinion

are not getting value for our money. For example: the upkeep of the Centre has not been maintained. On a thursday night"—

that is, the night for late night trading in the city of Ipswich—

"the Eastern mall have no lights at the entrance to the plaza.

We can't sell our shops because we can't guarantee the buyers that the Centre will be here in the next 12 months.

Something has to be done and soon. Also we think we have the right to know what's going on!

Yours faithfully,
Anne Duncan
Duncan's Footwear."

That letter expresses a legitimate concern. Suncorp and Kern have given these traders the runaround. Perhaps the Minister can check the details of the prospective sale, if he does not already know them, because it may not have gone through. If that is the case, the matter comes back to Suncorp, which is the landlord, to ensure that those premises are in a fit state to attract traders and the buying public to the area. The reports I have received from traders indicate that the centre is not being properly maintained. Apparently it is dirty and not an attractive place to which people can come and spend their money. It is certainly not an attractive proposition for traders to remain in a shopping centre that has so many empty spaces in it.

I believe a great injustice has been done to the traders of that shopping centre. The injustice is a continuing one, because their concerns are not being adequately addressed by the landlord. If there is a way in which the legitimate concerns of traders such as Underfashion World can be addressed, I would be pleased to convey that type of information to them.

This is probably a situation in which the traders' problem arose a little too early. However, the amendments that are being brought forward now are certainly welcomed by the Opposition. It is a shame that no-one had enough foresight to put these amendments in place a little earlier on.

I trust that, by our airing these matters this afternoon, other people who find themselves in similar circumstances can at least take consolation from the fact that problems other traders have had to endure in the past may have an equitable solution in the future. As I said earlier, I commend the Minister for the amendments that have been put before the House.

Sitting suspended from 12.58 to 2.30 p.m.

Mr McPHIE (Toowoomba North) (2.30 p.m.): I wish to speak briefly in support of the Bill. It is good to see that both the previous speakers supported the Bill. It is indicative of the standard of these amendments.

One matter that I am especially pleased to see contained in this legislation—and I will refer to it later—is the protection that has been given to the mediator during a dispute. This is a matter that was probably overlooked earlier when the original legislation was prepared and it is timely for this protection to be included. The Retail Shop Leases Act was first introduced in March 1984. It was pioneering legislation, the first of its kind in Australia. It was both necessary and timely that the legislation was introduced at that time. This amendment Bill, which updates the original provisions, is also required. As has been indicated by the two previous speakers, this legislation should go straight through the House without any difficulty. This is rightly so.

For a brief time, after leaving the air force and before I was elected as a member of this Parliament, I operated in Toowoomba as an agent dealing in commercial and industrial property and later as an investment consultant. While I was in both of those occupations I saw instances of the same problems that are addressed by the Bill, where difficulties arose in regard to leases either from an owner's or tenant's point of view. Sometimes the difficulties would involve both parties, who would be arguing the case

from their different points of view. Frequently both parties wanted to interpret lease terms to their own advantage. Often this was done honestly, but occasionally—and that is what this legislation is aimed at—it was done with the deliberate intent of disadvantaging the other party. This often occurred at option time. Problems with leases arose where a sale of premises involved a lease option. Many possibilities could arise and anyone staying in the business for a while would see them, especially if one was operating in a large centre, as I was in Toowoomba at that time.

The problem occurs when the lease runs out and there is no renewal clause. The tenant is often left in the premises on a weekly or monthly tenancy basis and does not know what the future holds, to his disadvantage. I know that landlords argue that they have to try to get the best option for themselves, but surely it is a two-way street. Although the matter is not actually covered by the retail shop leases legislation, the best example of people on weekly and monthly tenancies ending up on a limb can be found in the disaster that occurred in the hotel business during the Bond and Elliott shake-out. One day many Queensland hoteliers who thought that they had a secure and continuing tenancy found that they had run out of time completely because their original lease with options had expired. They continued in a happy relationship with the original owners on a monthly basis and nothing happened; but, when the original owners sold out, the trouble began. This problem has occurred in shopping centres as well.

Not long after the Act came into effect, I found a good example in one of the shopping centres in Toowoomba, where tenants were served with notices to quit or move because the managing agents wished to restructure the whole of the shopping centre in order to enhance the earnings to the owner by making the centre more competitive. That is a valid move and any agent or owner should be able to do that. However, it should be done within reason and under certain controls. This amendment will put those controls in place. In the instance in Toowoomba there was an outcry from the tenants, because in their view they were being completely walked over. To a certain extent I agree with that assessment. The mediator was quickly involved and he used his best offices to resolve the matter to the reasonable satisfaction of all concerned. The owners of the shopping centre, the agents and the tenants had to be involved to get the full picture. The mediator arranged meetings between all concerned. If he had not been available, I wonder where we would have finished up. At the outset, the difficulties were immense.

The mediator, Mr Bill Lamond, who is in the lobby today advising the Minister, is to be heartily congratulated on his efforts in that case and overall. I believe that his success rate in handling disputes in which he had become involved is around 80 per cent. If what I saw of the mediator's expertise in Toowoomba is an example of his work, the industry is indeed fortunate to have this legislation and the Government is fortunate to have a man of his calibre to fill that post.

The provision in the Bill to provide legal liability protection for the mediator is the same as is provided to Crown employees anywhere. That protection is very, very necessary. He has a most difficult role to play. Under certain circumstances he is required to stick his neck out in negotiations. He has to be firm and strong in so many different ways. If the Government had not given him some protection, it would have been remiss, because he is filling an essential role and in this context he is a Crown employee doing a job under what are at times most difficult circumstances.

The Act, which was introduced in March 1984, was amended in April 1985 and is being amended again now as a result of a Green Paper that was released in October 1987. The responses to that Green Paper came both to the Minister's office and to the offices of back-bench members. I was very impressed with the positive thinking contained in the proposals that came from so many people. The former Minister gave a commitment, which has been taken up by the present Minister, to upgrade the Act progressively as the need arises. That, too, is a positive move. Further automatic revues of the Act are provided for in the amendments.

The provisions of the Bill will benefit both landlords and tenants. That is only right, because the industry has two sides who will become parties to any dispute. The only way that the Government could progressively and competently provide for the resolution of disputes, or to put in place regulations that may prevent disputes from occurring in the first place, was to consider both sides of the industry, that is, landlords and tenants. So the legislation clarifies the position of all parties involved and, therefore, is to their benefit.

The executive director of the Shopping Centre Tenants Association, Mr Phil Naylor, has commented very positively on the introduction of specialist retail valuers, which has been mentioned by earlier speakers to the debate. The renegotiation of leases can be very contentious. The provision for such valuers is a very good move forward and I am pleased to see that people such as Mr Naylor and those in BOMA have supported this. At lease-renewal time, when rentals are determined on the basis of market rent during the currency of the lease, negotiations can be quite difficult.

Mr Lingard: The ALP doesn't appreciate it, does it?

Mr McPHIE: I would not say that. The comments from the other side of the House have been supportive. When comments from that side of the House are supportive, we should recognise it.

The determination of the value of shop leases is a specialist field that is expanding very rapidly, particularly with the large number of shopping centres and the recent big developments in the middle of Brisbane. It will now be attended to by a specialist valuer who is accredited by the Valuers Registration Board, and so it should be. It is the best way to ensure an equitable position.

The member for Ipswich cited an example of two valuers who claimed two totally different valuations at Ipswich. If the honourable members examine the matter, they will find that one of them had far less experience in the field of retail shopping valuations than the other. An expert valuer from Charleville who values western properties should not be valuing properties in Queen Street. A specialist valuer who is up to date with values in the central business district should be obtained to value city properties; conversely, the western valuer should value properties in the western areas.

Mr Veivers: We have it covered, haven't we?

Mr McPHIE: We definitely have it well and truly covered. It is the best way to ensure an equitable basis for valuations. The registered specialist valuers perform the valuation, and suitable controls and provisions for appeal are built into the legislation.

Other contentious areas have been addressed in the legislation. When a lease is sold, the landlord must be provided with full details of the proposal. As things stand at the moment in the market-place, surprisingly that is often not done. Conversely, a prospective tenant must be given full details of any new lease. However, sometimes a lessee has the devil's own job to obtain details from the landlord when he is attempting to sell his lease to somebody else. Under the new legislation, the landlord must respond within 30 days, instead of the 42 days previously provided. The 30-day period for a response is more in line with the criticial period of the contract for sale and prevents unscrupulous landlords from stalling a sale to the detriment of a tenant. Often the tenant has been serving the landlord for some time in a very useful capacity, regularly paying rent and maintaining the property. The needs of both must be acknowledged, and neither should be disadvantaged one way or the other. I hope that the changes in the legislation will see those problems overcome to a certain extent. I expect that they will be.

The Bill also provides for payments in addition to rent. Controls have been placed on those payments in shopping centres. Usually, outgoings or operating expenses are shared by all tenants on an equitable basis. Usually, the landlords are happy to provide correct statements of account and an apportionment of the amounts owing. That is the way it should be. However, so often one finds one or two landlords who provide sparse information to the tenants. The tenants are told to pay a block amount forthwith and

are not provided with an itemised account. That is not the way to do business. In the past, unscrupulous landlords have been known to pad those areas deliberately. It is not on. I am pleased that the Minister has incorporated a provision to deal with that in the legislation. In future, the landlord must clarify to the satisfaction of the tenant the details of the lease by providing estimates and audited statements so that the tenant knows exactly what he is paying for and what costs he is sharing. Although we stamped it as pioneer legislation in 1984 when it was introduced, it surprises me that this type of legislation had not been in place for 20 or 30 years.

I turn to the provision prohibiting landlords or their agents from demanding contributions to sinking-funds for amortisation of the cost of the centre, for extensions to it or for major improvements. That is another area in which tenants are being exploited illegally.

Another area that I would like to see addressed in future, because I do not think it has been covered to date, is in cases in which the landlord touches the till electronically when the rental is fixed on a percentage of turn-over to the tenant. I do not believe that that is fair. I know the arguments on both sides. It is not fair that the landlord has a given right to have automatic adjustments made to the rent irrespective of what happens, whether the economy booms or slackens off. When the economy slackens off, tenants can be faced with many difficulties.

I have found that when a percentage of the turn-over system of paying rent is adopted, the base figure is usually a pretty high one, and in almost every case it is to the advantage of the landlord. That is not a fair system. A tenant should be able to negotiate his rental on an annual basis or a lease basis with the provision for renegotiation at option time. The poor tenant should know exactly what he is doing. If a businessman has fixed costs that he can meet, he does not have any incentive to work up his business if he then has to hand out an ever-increasing amount in rent and outgoings.

Another matter of perhaps lesser importance but of definite significance in the Bill is the provision for tenants to have the right to join commercial or traders' associations. Surprisingly, that has been blocked in the past by some landlords. I can only assume that that was blocked by them because of a fear of a group of tenants getting together and pressuring some of these big firms——

Mr Borbidge: Unbelievable!

Mr McPHIE: It is unbelievable. It should have been provided for years ago. The Bill corrects quite a number of anomalies.

It is great that the legislation was introduced when it was and it is terrific to know that other States have copied the Queensland legislation—one or two of them very, very closely. However, no-one will convince me that these baddies—landlords—have only operated in recent times. I think that there would probably be the odd ones here and there way back when leases first started. Perhaps the expansion of business in the retail area in the post-seventies boom, or from 1970 onwards, has meant that so many more tenants and so many more landlords are out in the field that abuses have become more significant. That is probably the reason why Queensland did not have this sort of legislation ages ago.

The question of trading hours is another matter that can be argued both ways. I can see both sides of the argument. I am a bit happier than one of the previous speakers with what is contained in the Bill whereby tenants do not have to open and close their shops at times different from those specified in the lease unless they want to. It gives them a choice. I believe that they should have the choice. I am aware that the very design of shopping centres and the security measures in some of them cause difficulties, but surely this is something that can be negotiated. There should not be an overall hard and fast rule. There should be an option. These people are business people who are trading in what at present are very difficult circumstances. They should be given a bit of flexibility to make their own decisions and to trade when they wish to trade——

Mr Hayward interjected.

Mr McPHIE: Some of them will come to grief as a result of their own decisions, but surely it is better that they come to grief as a result of their own decisions than to have the decisions of others inflicted on them——

Mr Hayward: Surely they should open during normal business hours, from 9 to 5?

Mr McPHIE: Yes, and I think that they all do. I do not think there is any argument about that, or even in relation to opening on Saturday mornings.

I think conflict arises when people are told to open after five and stay open when there are not necessarily regular shopping hours on a Thursday or Friday night. Some people are even being told that they have to open on Saturday afternoons. I do not believe that that is right. They should have the option——

Mr Campbell: What about banks; should they open on Saturday mornings?

Mr McPHIE: As I understand it, the hours are flexible right now.

Most people in Toowoomba trade on Saturday mornings. I do not know what the position is in Bundaberg. Surely the position would be the same there. Nearly all of them in Brisbane are open on Saturday mornings, from what I have seen——

Mr Milliner: Banks are trading seven days a week now with automatic tellers.

Mr McPHIE: Nobody is compelled to trade seven days a week. If they want to trade seven days a week, let them go. Why should they not be allowed to? They have to pay their staff and, if they are using extra electricity, meet increased overheads. They have to look after their staff, otherwise they will be in strife with one of the Queensland Government's Ministers. I do not see any problem at all in providing them with the option of flexible trading hours. After all, free enterprise is what the Government is espousing. I am pleased that the comments that have been made were not directed very much against the Government. In fact, I think that the Opposition is quite happy with the legislation, provided that the staff who work on those days are catered for adequately. The Government will uphold that proviso, too.

Mr McElligott: Penalty rates?

Mr McPHIE: I do not know about the rates; I am not an expert in that field. If penalty rates are not paid, there is provision for time off in lieu. A blanket ruling cannot be applied to everything.

At the moment, some employers have to pay penalty rates; others do not have to pay penalty rates because the employees receive time off in lieu. Difficult decisions must be made. It is not possible to make a blanket statement one way or the other. We are not talking about the rates; we are talking about the right of people to trade when they want to.

The compensation provision in the Bill that clarifies the landlords' and agents' liability is good and timely. More importantly, if a shopping centre is to be modified or extended, and if the tenant is disadvantaged in any way or has to vacate his premises, the legislation ensures that he is compensated for the remainder of his lease entitlement. That is really what the argument in Toowoomba was about. Some tenants had to relocate their businesses from one end of a shopping centre to the other or had to give up half their shops and accept other adjoining areas. The mediator, Bill Lamond, was at his absolute best there. That is also where the legislation was at its best.

Provisions in the Bill ensure that the Act cannot be circumvented by special lease clauses. Some cunning people do not use standard-type leases. The landlords weasel-word their leases to try to get round anything that they regard as a control that might restrict them from exploiting, to their own advantage, should they want to, their tenants or their lease options. That provision has been included in the Bill so that the Act cannot be circumvented by landlords weasel-wording their leases. I think that that is an excellent idea.

The Act provides for low-cost, speedy dispute resolution by the mediator or the retail shop leases tribunal. The legislation is timely, and it is good to see that the legislation is being updated. I hope that the Minister will continue with his commitment in that regard. I am quite sure that, if Queensland smartens up its legislation to meet current needs, other States will follow.

I whole-heartedly support the Bill.

Mr HAYWARD (Caboolture) (2.53 p.m.): I rise to continue the debate in support of the Retail Shop Leases Act Amendment Bill. My purpose is not to dwell on the points that have already been covered very well and adequately by Mr McElligott and continued last Thursday by Mr Campbell and, to be honest, developed by all members who have spoken in the debate.

Much has been said in this Parliament about the value of this particular piece of legislation for tenants who are lessees and how, as the Minister said in his second-reading speech, Queensland is the only State that has positively identified and successfully addressed this problem.

My fear is that the trumpeting of this legislation as a cure-all could have the effect of creating a false confidence in tenants' minds. Tenants could be led to believe that the legislation is a cure-all of all problems between landlords and tenants. The point that was alluded to by Mr McPhie and Mr White was that, despite our having what appears to be an all-party agreement on these matters, legislators have an almost insoluble problem. In the end, I believe that it comes down to a matter of goodwill between landlords and tenants.

In his second-reading speech the Minister referred to the pioneering nature of the legislation when it was introduced in 1984. He then proceeded to get stuck into various Labor Governments around Australia for their lack of activity in the retail shop leasing area. I think that in this instance the Minister is being very unfair. Despite all the claims by the Minister about the success of the legislation in Queensland, if the legislation has been so successful, why are we debating a Bill that amends the Retail Shop Leases Act 1984-1985?

Mr Borbidge interjected.

Mr HAYWARD: Yes, I understand that. However, as I have tried to point out to this House, it is an insoluble problem between landlords and tenants.

Probably in two years' time when the Labor Party is on the Government side of the House——

Mr Borbidge: You are very optimistic.

Mr HAYWARD: Yes, but we will be back here again debating further amendments to this Act.

I wish to examine a couple of specific sections of this Bill. The proposed new section 6A—Tenant's right to join or form commercial associations—is an excellent addition to the legislation. From my personal experience, my understanding is that tenants' leases almost always require them to join tenants' associations within the scope of those leases. Mr White alluded to the reason for that, namely, that tenants are usually jointly required to contribute to the advertising of a shopping centre as a whole.

The proposed amendment to section 12 was adequately covered last Thursday by Mr Campbell. That section will be expanded to include common areas such as malls in the concept of sharing operating expenses.

Honourable members are aware of what has been happening in many shopping centres. Tenants' leases require payments to landlords in the form of rent plus outlays such as land tax, rates and cleaning. The advantage to the landlord is considerable. It makes it easier for him to pass on any increases and creates a more saleable shopping centre. Because there is no risk of a possible massive increase in rates or any other

outgoings that affect the return on the investment for a new purchaser of a shopping centre, a certainty of return is created.

I turn now to a couple of aspects that this legislation does not cover. Mr McPhie and Mr McElligott mentioned a number of important points that they claimed the legislation did not cover. One of the important aspects that requires consideration is the situation that has developed in which a number of large chain stores are able to obtain much better conditions and rents than smaller shops in the very same shopping centre. It is usually referred to as a crowd-puller. The argument is that a very large tenant will attract smaller tenants into a particular shopping centre because people will visit that centre particularly to shop at that large store. I can understand how an argument could be advanced that that would advantage all tenants. However, as Mr Campbell and Mr White have said, that situation has certain disadvantages for tenants because of the overall costs that they may have to pay within their rent. Mr Campbell alluded to what is occurring in Bundaberg with the Franklins group of shops.

I am not sure how one would address this problem. No doubt this Government has spent a long time considering it. If this Government is concerned for small businesses, it should consider the fact that those arrangements place small businesses at a certain competitive disadvantage. All things being equal, as a percentage, their rents are greater than those that are paid by the larger tenants in shopping centres. From my experience in dealing with leases, that situation creates distrust and animosity amongst tenants and between tenants and landlords. That is a very serious problem.

One way of dealing with the problem would be to make all tenants aware of the rental arrangements to which they are subject. That would go a long way towards eliminating the problem. If the landlord in a particular shopping centre was required to make all tenants aware of those rental arrangements, that would be one way of solving a number of problems that can arise.

Another matter that this legislation does not cover, which I believe is very important, is the question of a renegotiation provision for leases when landlords' promises do not eventuate. Before being elected to this Parliament a number of honourable members would have conducted businesses in shopping centres, and Mr McPhie has probably had some experience in this area.

An honourable member interjected.

Mr HAYWARD: I was not looking at the landlord; I was looking at the lessees.

As I was saying, honourable members would have had the experience of people being promised, as part of a lease agreement, that a shopping centre would have a certain throughput of people or that certain things would happen. The landlord simply promises more through traffic than occurs or promises that a complementary business will be set up in a shopping centre. Under the present legislation, if those promises do not eventuate, the tenant has to sue the landlord. That is an expensive and, as anyone who has had anything to do with the law would know, an incredibly lengthy process. At present a common law solution has to be sought. That is not always an effective solution because, in many cases, once solicitors become involved, they seem to be the only beneficiaries of particular legal actions. I am concerned about that problem.

Mr McElligott: The lawyers are copping a belt today.

Mr HAYWARD: I think it is about time.

I will continue with that belt. The entire community is concerned about high legal charges, and the cost of leases is no exception. The cost of leases includes legal fees, which are charged by the solicitor, and stamp duty, which is very expensive. Prior to the introduction of the original Act, a lease was drawn up by the landlord's solicitor who charged the full scale. As all honourable members know, solicitors were the landlords' representatives. They charged the tenant the full scale because they knew, all things being equal, that they would never see that tenant again. So, when they had the chance, they really slogged it to the tenant. However, it was more sinister than that because

usually it was the result of a contra-deal between the landlord and his solicitor. That is what used to happen.

Consideration needs to be given to the development of a simple-English lease that is more understandable. A previous speaker—I think it was Mr White—alluded to this matter. He said that when he entered his first lease agreement in 1958 it comprised three pages, whereas now leases comprise 500 pages. It is a ridiculous situation and it becomes more and more complicated, maybe unnecessarily so.

I realise that the legislation that was introduced previously simply requires that the tenant has a choice of whether or not to use his or her own solicitor or the landlord's solicitor. In such circumstances we have to be realistic and accept the fact that things do not work that way and that the landlord's solicitor is used. My simple suggestion is that the costs of the lease could be apportioned between the landlord and the tenant. I think that would help contain the cost to the tenant. It would contain the cost of legal fees, because more pressure would be put on the particular solicitor to cut the charges involved in the preparation of the lease. As was said before, anyone who has had any involvement with a lease knows that, from a legal point of view, it is a very expensive process.

Another suggestion that I make to the Minister—and again I throw it into his hands—is that this legislation should implement a requirement that only one of each type of business be located in each shopping centre. A number of times it has been found that shopping centres have numerous businesses which are of exactly the same type. All things being equal, that places the tenants of those businesses in an absolutely ridiculous position. On many occasions, before those tenants came into the shopping centre they were promised that they would be the only tenant in the shopping centre retailing a particular item. I think all honourable members have seen that. That have seen it on the Gold Coast.

No doubt in every honourable member's electorate there are shopping centres in which those problems have arisen. It is obvious that good centre management requires that only one business selling a particular type of product is established in a shopping centre. A good centre manager looks for a spread of business within his particular shopping centre. It is to be hoped that the manager would want all businesses within his centre to be profitable. That obviously gives the centre manager a better chance of having his rents paid. Of course, the obvious reason why a shopping centre is established is to attract shoppers and to get them involved.

Despite all those reasons for good shopping centre management, problems are still faced in that tenants are virtually lied to or certainly are made unaware of the fact that businesses of a like nature are to be put into the shopping centre in which they operate. All honourable members would have been faced with that problem because of people who have come to see them in their electorates. I do not think there would be a member in this House who has not been confronted with a problem such as that.

The obvious time that stands out is the Christmas period when a proliferation of booths, etc., occurs in shopping centres. These booths compete with existing businesses for the Christmas market. It really concerns me that when trading is important for individual business people and when a chance presents itself to actually make some money at Christmas-time, in a number of shopping centres the booths are brought in and there is nothing that the existing tenant—who has been in the shopping centre all year and paying rent—seems to be able to do about it. It is a seasonal problem. Perhaps the problem occurs at other times besides Christmas, such as Easter. All honourable members would have noticed the booths that are set up in shopping centres. They place the permanent, paying tenants in shopping centres at an extreme disadvantage.

These booths take away the income from the existing tenants at a time when the tenant should be making a good profit. The simple suggestion I make is that landlords should clearly show in the lease whether competitors are to be allowed in shopping centres. If such an indication were included—and I am not sure whether that could be

a legislative requirement—many of the arguments that occur as a result of problems that arise would be eliminated.

The other matter that concerns me was referred to by the Minister in his second-reading speech. In this debate, everyone is being friendly, so I am not necessarily attacking the Minister in the comments I am about to make. The Minister ought to cosider the matter I am about to raise. My contention is that the much-touted awareness program has been a complete flop. The basis of my belief is that, while researching matters for this Billl, I spoke to a number of lessee business people, both in my electorate and in Brisbane. Frankly, a number of them were completely unaware of the Act. They did not know that the Act existed.

Mr Borbidge: Are you saying that we should have an advertising campaign?

Mr HAYWARD: No. In due course I will come to what I am saying should be done.

Mr McElligott: Probably with a nice glossy photograph of the Minister in it.

Mr HAYWARD: No, no.

My inquiries simply indicate that in many cases, lessee tenants were unaware that they could ask for a solicitor of their choice, for example, when their lease was being drawn up. As I said previously, in my opinion, that is a very significant level of unawareness. The way in which awareness of these matters could be created is simply to require that all leases and agreements contain a clause stating that recourse to the Act is available to a tenant should a grievance arise. If that were to occur, it would be pointed out clearly within the lease terms when the lease is being drawn up that recourse to the Act is available if a grievance arises. That would highlight once and for all the usefulness of this legislation.

During the debate, many speakers from both sides of the House, but particularly Government members, have spoken about how useful the legislation is. By our making that simple change, tenants or lessee tenants in Queensland will realise once and for all just how effective—or ineffective—the Act has been. For the life of me, I cannot see why that change cannot be made. The benefit to be derived would be that anyone who enters into a lease agreement would be immediately aware of the existence of the Act because its existence would be stated as a requirement of the lease.

As I said at the outset, the reason why the amendment is being debated is that the original Act has not worked. Quite simply, it has failed. However, the problem is deeper than that because the Act may have to deal with a insoluble problem. I say that because, in society, there will always be arguments between landlords and tenants and between tenants and landlords.

Mr McPhie: Not if they are all nice and straightforward, as the honourable member for Toowoomba South and I are.

Mr HAYWARD: Sure. The honourable member for Toowoomba North would be as aware as I am that not all landlords and tenants are as honest and straightforward as he is. The honourable member must be aware of that fact; otherwise, he would not have been putting forward his previous suggestions.

Mr McPhie: There are unscrupulous tenants—the same as there are unscrupulous landlords—but they are the minority.

Mr HAYWARD: Sure. But it is, as all honourable members would know, the minority that causes the drama for the majority in the end result.

The point I am trying to make is that despite the Minister's claim that Queensland has successfully addressed problems that arise with shop leases between tenants and landlords—the problems of tenants trying to get at landlords and vice versa—I am not sure that there is any evidence that these problems have been successfully addressed. If

they had been, the legislation would not require amendment and honourable members would not be addressing the contents of the Bill.

Mr Borbidge: Up to 80 per cent of disputes had been resolved at that stage, and that mechanism did not exist.

Mr HAYWARD: I appreciate that, but I believe that the Minister's research may show that people are unaware that the Act even exists or that the mechanism is available. There might be a success rate of 80 per cent among the people who are aware of this fact, but what about the people in the field who do not know that the Act exists? I hope that my original suggestion is given some thought.

In conclusion—a number of speakers have referred to the issues involved in retail shop leases and have spoken about this Bill. I hope that the amendments put foward by the Minister will go some way towards further solving the problems which have occurred. In some way, I am sure that they will.

I have attempted to highlight some of the suggestions and problems which I believe could be simply addressed in order for the Act to function more efficiently, even if we have to come back to the House in 1990—when the Labor Party will be on the other side of the House—and debate another Bill to amend the Retail Shop Leases Act Amendment Act.

Hon. R. E. BORBIDGE (Surfers Paradise—Minister for Industry, Small Business, Communications and Technology) (3.11 p.m.), in reply: I take this opportunity to thank honourable members on both sides of the House for their contributions to what has been a very positive and constructive debate.

To a very large extent, this legislation acknowleges the Government's view that small business is the engine room of the State economy. I wish to make the point—which has been acknowledged by honourable members on both sides of the House; and there has been tripartisan agreement today—that the legislation has basically worked well. Since certain matters were brought to the attention of the Government for the first time some 18 months ago, as to how there should be market-place involvement each step of the way, good progress on this legislation has been achieved. The Government issued a Green Paper and invited response to it. This played an important part in obtaining community input and participation in the drafting of the legislation that is before the House this afternoon.

This amending legislation has lain on the table of the House since 16 March, which is for 26 days. This has resulted in further fine tuning as a result of recommendations made from industry-related organisations and individuals. Throughout the preparation of the legislation, both I and my officers have maintained ongoing and meaningful communication with all sections of the market-place that are affected by the legislation. It is important to bring to the attention of this Parliament the fact that the Government has recieved many expressions of appreciation and compliments from major landlord and tenant groups about the close relationship and communication that have been established between my officers and these organisations. I thank those honourable members who this afternoon have mentioned this close communication.

For example, the Law Reform Commission has stated that the provisions of the legislation appear to be eminently sensible and appropriate to the problems that they address. The Real Estate Institute of Queensland, having examined the provisions, supports the proposals. The Building Owners and Managers Association expressed its appreciation at being given the opportunity to comment on the legislation and for the consideration that has been given to its submissions. The Retail Traders and Shopkeepers Association of Queensland, in commenting on the proposed changes, expressed its appreciation and remarked on the difficulty of tightening certain provisions whilst at the same time maintaining freedom of action for those in the market-place. That fact has also been acknowledged by people such as the honourable member for Caboolture and the honourable member for Redcliffe and others.

I turn now to the comments made by various honourable members during the debate. I welcome the very constructive comments about the legislation made by the honourable member for Thuringowa. He had some comments to make in respect to bankruptcies. This amendment does nothing in particular to address that problem, for obvious reasons.

I think the member for Redcliffe commented that we live in a society in which people are invited to give it a go and we cannot always have 100 per cent of winners. However, I would make the point that, to help the small-business community to take its place in the market, the Government does have various programs that are administered by the Small Business Development Corporation, NIES, which is funded by the Federal Government, and the Department of Industry Development.

If the number of bankruptcies is to be made an issue, I have figures with me that suggest that Queensland's growth in bankruptcies has been largely in the area of personal bankruptcies. From 1984-85 to 1985-86 there was a 4 per cent increase in business bankruptcies and a 37 per cent increase in personal bankruptcies; so the whole issue has to be put into context. Figures supplied by the Federal Attorney-General's Department show that in Queensland from 1985-86 to 1986-87 overall bankruptcies increased by 34 per cent, which compares with 43 per cent in Victoria, 47 per cent in South Australia, 36 per cent in Western Australia and a national average of 32.9 per cent. So I agree with the comments made by the honourable member for Redcliffe that that particular aspect of the debate needs to be kept in context.

The member for Thuringowa also raised the problem of the proliferation of shopping centres and how that is having some effect on small business throughout the State. Again, this issue does not come within the framework of the legislation, but I make the point that the matter of proliferation is not peculiar to Queensland and must be viewed in the field of town-planning at both local and State Government levels. I suggest to the House that there is no easy answer. No Government anywhere in Australia has so far been able to successfully tackle this problem. In 1980 the Government of Victoria established a moratorium on shopping centre development. Clearly, this was not the answer. It stopped investment; it stopped commercial growth; it stopped jobs. Proliferation and rezoning are matters that I am currently investigating in consultation with my colleague the Minister for Local Government and Racing, Mr Randell.

The honourable member for Thuringowa raised the matter of specialist retail valuers. The intention of the amendment is to ensure that the people appointed to carry out market rental valuations are adequately experienced and qualified. The fees charged will be normal valuation fees. It is not envisaged that legal representation will be required. In designating specialist retail valuers, the Valuers Registration Board will have regard to the experience of applicants both in the metropolitan areas and throughout the provincial areas of Queensland.

The honourable member also asked why the practice of charging rent as a percentage of turn-over cannot be outlawed altogether. Section 6 of the Act already prohibits the calculation of rent as a fraction of turn-over unless, as the honourable member notes, the tenant elects by notice in writing to accept this method. If a tenant does so elect, Governments really do not have the right to intervene in what amounts to private contractual arrangements.

The question was also raised as to what redress a tenant has in cases when estimates are provided by developers to which they cannot be bound or in cases of misrepresentation by a landlord in relation to estimates and, in particular, to customer traffic flows. The amendments cover this area of misrepresentation and provide that tenants can now file a dispute when false or misleading statements or misrepresentations have been made to them to induce them to enter into a lease. A tenant in these circumstances may file a reference of dispute for compensation.

The member raised another matter because he was under the impression that the amendment frees the landlord from any responsibility for the actions of an agent who

accepts prohibited payments. This is not the case, as the amendment makes it clear that an agent acting under this authority is just as responsible as the landlord himself.

The honourable member for Thuringowa also expressed concern about tenants contributing to unfair costs of operating a retail shopping centre. The Bill addresses that issue. It prohibits specified contributions by tenants and it also prescribes forms which in precise detail will set out those items for which charges can be made. The question has been asked whether there have been any other problems in relation to operating expenses. The legislation addresses that issue, allowing the tribunal to adjudicate on disputes of that nature. I thank the honourable member for his contribution to the debate. I certainly welcome his support.

The honourable member for Mansfield, commending the legislation, commented that it had been drafted after extensive consultation with all players in the market-place while keeping Government intervention to a minimum. The honourable member remarked that it was landmark legislation; that Queensland pioneered this law across Australia. He mentioned the challenge of the legislation and also the efforts of Mr Bill Lamond, who is sitting in the lobby, in his role as mediator under the Act. The honourable member for Mansfield made mentioned of the fact that 70 to 80 per cent of disputes are resolved by mediation. I commend Mr Lamond on the outstanding role that he has played in making this very important legislation work very well.

The honourable member for Bundaberg expressed concern about problems brought to his attention by his constituents. I suggest to him that those constituents should be referred to the retail shop leases registry for appropriate advice. He raised the matter of the sharing of operating expenses and asked whether something could be done about payment of operating expenses in shopping centres based on the proportion of lettable areas. That is not really a matter for this legislation; rather it is a matter of negotiation between landlord and tenant when entering into a lease. At that stage, the tenant should consider the offer of the landlord on its commercial viability. Lack of detail in operating expenses is being addressed in the Bill, by requiring specific details on prescribed documentation.

The concerns of the honourable member about shopping centre budgets and audited statements of expenditure have all been addressed in the Bill. It now remains for the industry to take note of the amended legislation and order its affairs accordingly, prohibiting provisions being inserted in leases which seek to circumvent procedures available under the Act.

The honourable member for Cooroora made a valuable contribution to the debate. He made the point, with which I agree, that the legislation treads a very fine line between regulation and "Buyer beware". This is evolutionary and market-based legislation. The initiatives further refine the legislation as a result of conditions operating in the market-place. I make the point that the Small Business Development Corporation training courses address "Buyer beware" and other management issues for small business, and the legislation protects small business from the worst excesses of landlords and tenants. It is probably worth while drawing to the attention of the House the fact that, of those people who attend Small Business Development Corporation training programs, some 46 per cent decide not to proceed with the business plans that they had to that stage advanced.

The honourable member for Redcliffe commended the legislation, the way that it had been introduced and the exhaustive consultative process pursued. He spoke about the value of the retail sector to the economy, being a bigger employer—some 90 000 employees—than any other sector. Although I agree about the value of retailing, I point out that the manufacturing sector employs more than 100 000 employees.

The honourable member raised the subject of one-stop shops for regulatory issues concerning small business. I thank him for doing that. A co-ordination unit to assist all business through regulations and procedures is being actively investigated by the Department of Industry and Development for establishment within my portfolio. I hope that we can have some finality on that matter in due course.

The honourable member sought clarification about certain amendments, one of them being clause 5, which is the result of some landlords and agents disclaiming responsibility for the giving of undertakings. The honourable member stated the need for improved standards of management for shopping centre managers, including increased education. I offer the comment that the mediator and the registrar are active in education and liaison about provisions of the Act for both landlords and tenants.

The honourable member also expressed concern at the provisions relating to trading hours and expressed the opinion that all tenants should open if a majority of tenants agree. This matter was discussed in detail during preparation of the amendments, but it was considered that without this provision those with existing leases would be affected retrospectively. That is why the Government decided to proceed as it did in regard to this matter.

I thank the honourable member also for bringing to my attention the requests for consent to the mortgaging of a lease and fixtures and fittings and that some landlords are unreasonably withholding consent. I offer the comment that the honourable member has substantial experience in the retail area. I acknowledge his wisdom in this area. Unfortunately, on this occasion, it has not been possible to proceed with amendments that would adequately address the particular difficulty that he outlined. I take this opportunity to assure the honourable member that that will be attended to when next the Act is before the Parliament, and I thank him for the very constructive way in which he brought the matter to my attention.

The honourable member for Ipswich stated that the legislation enhanced the operation of the Act. He referred to problems in his electorate in respect of valuations in the Ipswich City Plaza. The amendment creating a separate class of specialist retail valuer should overcome problems of this type. The example that the honourable member gave to the House is precisely why this amendment is being introduced.

The honourable member also mentioned other problems at the Ipswich City Plaza. I suggest that he advise his constitutents—the tenants concerned—to contact the registry of the Retail Shop Lease Tribunal at the Department of Industry Development so that the particular matters that he raised can receive further consideration.

The honourable member for Toowoomba North again made a valuable contribution to the debate. He commented on the exhaustive process of consultation with the market-place that occurred in the framing of this legislation. He also commented very favourably about the provision for specialist retail valuers and about new provisions for the disclosure of information to prospective tenants. Again, I welcome the support that the honourable member gave the legislation and also the role that he played in preparing the legislation——

Mr De Lacy interjected.

Mr BORBIDGE: The honourable member who interjects has made no contribution to the debate. He makes little contribution to public affairs in Queensland. So I will treat him with the contempt that he deserves. In contrast, other members of his party have been more than willing to participate in this debate in a very positive and constructive way——

Mr De Lacy: You don't want to debate it.

Mr BORBIDGE: I will debate it with the honourable member anywhere, any time—no worries. I suggest that the honourable member get his facts right in relation to a few matters.

The honourable member for Caboolture is concerned that the legislation will be seen as a cure-all for all of the problems that exist between landlords and tenants. I make the comment that no legislation in any form at any time can address all the possible problems that may arise as time goes on, but it certainly treads a fine line between regulation and allowing free-market forces to operate.

The honourable member believes that the legislation does not cover the situation in which a large tenant receives better lease conditions than small tenants. This is a similar question to the one that was posed by the member for Bundaberg, that is, in relation to the lack of detail in operating expenses, which is being addressed by requiring specific details in the legislation. This particular issue is not so much a matter for legislation; rather, it is a matter for negotiation between landlord and tenant when entering into a lease. Aspects of the disclosure of the lease conditions prior to entering into a lease are covered in the Bill.

The member also stated that, before entering into a lease with a prospective tenant, landlords make certain promises that are ultimately unfulfilled. Again, with the introduction of the legislation, the Government has sought very sincerely to address that problem.

The honourable member for Caboolture stated that the awareness program is a flop as many of his constituents are not aware of the Act. He suggested that there should be some reference to the legislation in a lease document. My officers have gone to considerable lengths to meet representatives of industry associations in every major centre of the State and to discuss the operation of the Act. Brochures have been made available for distribution throughout Queensland. If the honourable member has a problem in his electorate, I would be more than pleased to make officers of my department available to address his constituents. New brochures are presently being prepared to address the amendments before the House this afternoon. They will be available for widespread distribution throughout the State and through the electorate offices of members of Parliament. However, the honourable member's suggestion for an amendment along those lines will be considered when next the legislation is before the Parliament.

Again I thank honourable members for what I believe has been a very substantial and constructive contribution to a major piece of legislation in Queensland. The law, which has been a landmark for the Queensland Government, has been copied by other Governments throughout Australia. No doubt there will be other Ministers, regardless of the political complexion of their Government, who will be watching these amendments closely.

I foreshadow some minor machinery amendments at the Committee stage.

Motion agreed to.

Committee

Hon. R. E. Borbidge (Surfers Paradise—Minister for Industry, Small Business, Communications and Technology) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr McELLIGOTT (3.34 p.m.): Clause 5 amends section 8 of the Act by omitting the words "claiming through him" and substituting the words "acting under his authority". I am curious, because the same words "claiming through him" are used in subsection (3). I wonder why the same amendment has not been made to that subsection.

Mr BORBIDGE: I note the honourable member's comments. It is not thought necessary to amend subsection (3).

Clause 5, as read, agreed to.

Clauses 6 and 7, as read, agreed to.

Clause 8—

Mr BORBIDGE (3.35 p.m.): I move the following amendment—

"At page 6, omit lines 1 to 7 and substitute—

'8. Amendment of s. 11. Request for assignment of lease. Section 11 of the Principal Act is amended by—

(a) in subsection (1)—

(i) inserting immediately after the words "an assignment of the lease" the words "and has provided the landlord with adequate particulars in relation thereto";

(ii) omitting the expression "42" and substituting the expression "30";

(b) inserting after subsection (1) the following subsection:—

"(1A) Where a landlord, when consenting to the assignment of a retail shop lease, imposes any condition that is not part of the terms and conditions of the relevant retail shop lease and is unreasonable, that imposition shall be deemed to create a dispute under a retail shop lease for the purposes of this Act and may be referred to a mediator in accordance with the provisions of this Act." ' "

This amendment has become necessary as a result of onerous conditions that have been imposed by some landlords at the time of signing leases.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9—

Mr BORBIDGE (3.37 p.m.): I move the following amendments—

"At page 6, line 15, omit—

'in the prescribed form'

and substitute—

'in or to the effect of the prescribed form' ";

"At page 6, line 17, omit—

'in the prescribed form'

and substitute—

'in or to the effect of the prescribed form'."

These amendments have been brought to my attention by the Parliamentary Counsel in order to bring the wording of the section into coincidence with other sections of the Act.

Mr CAMPBELL: This clause relates to the original section 12 concerning the sharing of operating expenses, which I brought to the Minister's attention.

I appreciate the fact that the Minister has made a lot of changes which, because of the prescribed form, will make costs more accurate. However, because they are budget figures, there is the possibility that they will be estimates or guesstimates of what the costs will be. In order to ensure that those estimates are not inaccurate by a great amount, we must ensure that some effort is put into them.

The proposed amendments do not take account of the fact that some leases relating to shopping centres contain no request for payments made for operating expenses. I have mentioned this matter previously in relation to Janango Pty Ltd. Under the proposed amendments to this Act, it will still be possible to include that clause that I found very offensive, which was included in the leases that were actually signed by the small tenants at the Bundaberg Plaza. The problem is that leases of that type are still allowable under this legislation. The clause in those leases stated—

". . . those parts of the Centre leased or licenced or intended to be leased or licenced to tenants at a commercial rent excluding the supermarket premises . . ."

Although the sharing of operating expenses has been made more accurate, that clause means that some tenants are still able to sign a lease whereby they will not be required to make any contribution towards operating costs. The proposed amendments to section 12 do not consider that situation. Major tenants will still be able to operate in shopping centres without making any contribution towards operating expenses if the other tenants sign leases in which they say, "Yes, we will accept all of the outgoings."

Mr WHITE: I think the honourable member for Bundaberg has a point in principle. However, the reality is that, one way or the other, the small traders will cop it. From

a development point of view, the difficulty is that to attract a major anchor tenant, the shopping centre will have to charge that major tenant a much lower rental and also offer other carrots, otherwise the shopping centre will not get off the ground. For example, in a Franklins centre, Franklins is probably paying something like $10 a square foot, whereas the minor tentants, or specialty tenants, are paying up to $30 a square foot. If that does not occur, the centre will not stack up as a viable business proposition.

From the small tenant's point of view, they do not want to be in the centre unless there is a major anchor store. I think the member for Bundaberg is suggesting that all people in the centre pay outgoings. I subscribe to that in principle. However, the reality is that, if the major anchor tenant does make a contribution to outgoings, inevitably the rent charged to the smaller tenants will escalate. In other words, the major tenants have the minor tenants over a barrel.

From a development point of view, if that development is to stack up, favourable conditions have to be offered so that a major operator will come into the centre. Another point is that nobody wants to go into a centre unless a major tenant is there. Whilst the member for Bundaberg has a point, I think in practice his suggestion just will not work.

Mr SIMPSON: This clause will allow tenants who enter into these agreements to do so being beware. As the previous speaker has said, the small tenant knows that a major tenant will have to be established in a centre. To secure that is all part of the attraction of the shopping centre. The people who enter those business arrangements have to consider and reconsider whatever figures are put to them to see whether or not they shape up. The figures should not be taken just on their face value. The tenants should seek from agents and people with previous knowledge an indication of whether their entry into such arrangements makes sense or whether they are being taken for a ride.

When the first major shopping centres in this State were introduced, things were different. That is when major problems existed and they started to get out of hand. Now a track record has been established. People such as Bill Lamond have had experience and been involved with that track record. People should consider that there are people such as agents who have had a lot of expertise in this field and can advise them that they should beware and do their homework before they enter into any arrangements. It is quite impractical to suggest that people have to be more accurate in their budgeting. How could that ever be controlled? That is something that the Government should keep out of.

Mr BORBIDGE: When the honourable member for Bundaberg raised this matter in the second-reading debate, I replied to it. I would only reiterate that it is really not a matter for legislation but rather a matter for negotiation between the landlord and tenant when entering into a lease and when people make a commercial decision. Government cannot legislate for every possible eventuality. At least what this legislation is doing is saying that there will be a prescribed form, and before people enter into a lease at least they will have on that form full documentation of the costs. They know that they are entering into that lease with their eyes open and that they have to make a commercial decision based on that fact.

Mr CAMPBELL: I want to raise two matters. I accept that these are good steps in the right direction. However, I take issue with the comments made by the member for Redcliffe. If a shopping centre wants to gain a major tenant, it should do so through the rent. As it is now, the honourable member is saying that in some circumstances, in shopping centres he knows, the major tenant will have to pay only $10 per square metre and the small specialty shops will pay $30 a square metre. That is an incentive. However, I find it very difficult to accept that, because he will have a lot of influence in the management centre, that major tenant will make no contribution to different aspects of the operation of that owned shop. In other words, the major tenant could introduce

certain practices in his shop that would lead to costs being increased for specialty shops. The owners of the specialty shops would have to wear it.

Another matter that I find offensive is that the specialty shop-owners would have to accept that facilities for the staff or within the shop of the major tenant would be paid for by them. By that I mean that the rates affected by toilet pedestal charges would be passed on to the owners of the specialty shops. The other tenants would be paying for the facilities contained in the shop of the major tenant. I do not believe that they should be asked to make a contribution to expenses that are directly associated with the major tenant. I will take issue with anyone who says that the situation is unavoidable. I do not believe it is morally right that the minor tenants should have to pay costs that are directly associated with the internal operations of the shop owned by the major tenant.

Amendments agreed to.

Clause 9, as amended, agreed to.

Clause 10—

Mr BORBIDGE (3.47 p.m.): I move the following amendments—

"At page 6, omit lines 35 to 39 and substitute—

'does so offer for what period the lease is offered and the proposed terms and conditions of the proposed renewed lease.' ";

"At page 7, line 16, omit—

'entitled at his option to'

and substitute—

'granted' ";

"At page 7, omit all words from and including 'together with' in line 19 to and including the words 'so specified' in line 21."

These amendments are designed to make the intention quite clear and to avoid any apparent or possible ambiguity.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11—

Mr BORBIDGE (3.50 p.m.): I move the following amendments—

"At page 7, line 40, after '1987' insert—

'on 29 October 1987' ";

"At page 7, line 45, after 'such' insert—

'first-mentioned'."

These amendments have been brought to my attention by the Parliamentary Counsel and are designed to clarify the issues concerned. The Government moves these amendments on his advice.

Amendments agreed to.

Clause 11, as amended, agreed to.

Clause 12, as read, agreed to.

Clause 13—

Mr BORBIDGE (3.51 p.m.): I move the following amendments—

"At page 9, line 2, omit—

'copies of all relevant lease documents'

and substitute—

'a draft of the relevant lease' ";

"At page 9, line 8, omit—

'usable floor'

and substitute—

'leaseable'."

These amendments are designed to make the language of the legislation coincide with phrases which are commonly used and recognised in the market-place.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clauses 14 to 19, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

PARLIAMENTARY MEMBERS' SALARIES BILL

Second Reading

Debate resumed from 12 April (see p. 5692).

Mr De LACY (Cairns) (3.55 p.m.): I have drawn the short straw, as it were, to put the Opposition's point of view on this legislation. The Opposition realises, as no doubt the Government does, that the subject of pay increases for politicians is a no-win one. It is not my intention, therefore, to be hypocritical or self-righteous on the subject. However, I must stress at the outset that the Opposition rejects absolutely the notion that politicians should determine their own salaries. I can think of no-one less qualified to be objective about the worth of politicians than politicians themselves—unless, of course, it is the media.

The Labor Party cannot see why politicians should be treated any differently from other workers in the community. We in the Opposition have always supported the notion of an independent wage-fixing mechanism, a tribunal or commission whose findings are binding on all parties.

Mr FitzGerald: Don't we have one?

Mr De LACY: No, I do not think we do have one.

It was our intention to move an amendment to the effect that this and all subsequent salary movements be determined by an independent salaries and allowances tribunal specially constituted for this purpose. However, after sighting the legislation, we realise that it would be very difficult, if not impossible, to so move because of the number of consequential amendments that would be required.

I give notice, therefore, that a Labor Government would set up an independent salaries and allowances tribunal for the express purpose of determining the salaries and allowances of Queensland parliamentarians, something like the salaries and allowances tribunal that already exists for determining the salaries and allowances of judges in Queensland. We believe that these matters should be taken out of the hands of politicians and that politicians should be subject to the same kind of scrutiny and wage-fixing procedures as apply to the rest of the work-force.

The previous system of linking parliamentary salaries to a public service classification worked well as far as it went. The only trouble was that it was a completely subjective relationship in the first place; it applied only to salaries and not to allowances; and it

fell apart when public service positions were reclassified. It did have the great advantage, however, of ensuring that politicians received the same kind of wage treatment as did the general community. That principle is supported by the Opposition.

To be quite frank, we believe the Government's decision to link the salaries of members of Parliament in Queensland to those of their Federal counterparts, while convenient, is highly illogical and even smacks of hypocrisy, coming as it does from a proudly States' rights, anti-Canberra party such as the Queensland National Party. It is a pity that the Queensland Government did not have the same desire to co-operate with the Federal Government on other issues such as World Heritage listing.

We in the Opposition say it is illogical because the Commonwealth's tribunal has no powers—no brief—to examine the peculiar circumstances that apply in Queensland. It is an artificial link only. The link does not apply in respect of allowances, only salaries. Finally, as many trade unions have pointed out, and continue to point out, it does no credit to the Queensland Government to argue the need for relativity in respect of politicians' salaries when average incomes in Queensland are so far behind the national average. It is a principle that many workers in Queensland would like to see extended right across the board. I know that nurses are one group who have often put forward this point of view.

I think it is fair to say that most members of the Opposition were embarrassed at being given increases outside the general wage-fixing system at a time when all and sundry, including politicians, are prevailing upon the community and the workers of Australia for wage restraint. I doubt that there is anybody in this House who has not had communications from community groups, especially p. and c. associations, that are feeling the pinch and being squeezed by cut-backs in public funding. I think every member of the Opposition, at any rate, has received a variety of advice from branches and branch members throughout Queensland. I know that I certainly have.

I know the Opposition Leader was highly embarrassed, not least of all because he, together with the Leader of the Liberal Party, was promoted by the Finance Minister and became one of the major beneficiaries of this new system of wage parity for Queensland politicians. I am not sure what the Minister's motives were—whether they were to lock in the Opposition parties, to discredit the new Opposition Leaders or simply to create a convenient diversion from the largest group of beneficiaries, that is, the Government Ministers, the Premier, the Deputy Premier and the Leader of the House.

There is no doubt that the increases will be put to good use. It may be problematical as to whether or not it will be to the public use. Some Ministers, in particular, will spend it on cultivating the media, some on cultivating their colleagues, some probably buying dresses for their wives, and some may even shout all and sundry. There is no doubt in my mind that the most generous Minister ever to grace the corridors of Parliament House was Gordon Simpson. He shouted for all and sundry every second evening that he was a Minister. I know one person who overindulged on both occasions.

I must comment on the howls of disapproval from the media. All politicians respond in different ways to proposed wage increases for themselves; there is no unanimity. There is unanimity, however, in the way that the media responds—and, of course, the general public. The howls of disapproval are as predictable as they are deafening.

One of the sobering facts of political life is the low esteem in which politicians are held by the general community. In fact, in terms of public esteem, we seem to be ranked just above child-molesters. There are a variety of reasons for that low ranking, but the fact is that, being sensitive and caring people, we are deeply hurt. Many politicians attribute their lowly rating to the activities of the media, with whom we have a time-honoured love/hate relationship. I would like to stir that a little more. It is not only politicians who are down there with the child-molesters in terms of public esteem; members of the media are, too. But are members of the media so overworked and underpaid that they need to take out their frustration on the poor old politician?

In the *Courier-Mail* of 26 March 1988 we are given an insight into the salaries of the various media personnel. Bruce Paige, the Channel 9 news-reader, is claimed to be bagging approximately $120,000 per annum. His reading partner, Robin Parkin, is estimated to be receiving around the $100,000 mark. A number of other people are on the $100,000 level, including Channel 7 current affairs host, Andrew Carroll, Channel 0 readers Rob Readings and Chris Collings, and Channel 7's Simone Semmens. Another group which receives approximately $75,000 includes Frank Warrick. Even Billy J. Smith receives $75,000 for being a sports commentator. Mike London, Jason Cameron and Peter Meares receive approximately $65,000. Ray Wilkie, who gives the weather report on the week-end, receives approximately $65,000 per year.

Employees of the ABC seem to be conspicuous by their lack of a listing in the high-earnings stakes.

Mr Austin: Quentin Dempster would be up there.

Mr De LACY: I am sorry that Quentin Dempster is not mentioned. Because he is a man of many skills and a very hard-working journalist, I am sure that he would be up there with the best of them, even if he is not receiving all his salary from the ABC.

I heard that even Mike D'Arcy, the political roundsman with the smiling face that we often see gracing this place, is reputed to be receiving a package worth $75,000.

The article states that the highest-paid TV personality in Queensland is Agro. Agro and his minder, Jamie Dunn, are supposed to be receiving $200,000 a year. As somebody commented, if Agro—that is, aggression—is the criterion, then most politicians are underpaid.

There are other media personalities Australiawide, of course, who are getting fantastic sums. I have heard that John Laws has signed a contract for something in the millions of dollars to push his opinionated views onto a long-suffering public——

Mr Ardill: He would be grossly overpaid at anything.

Mr De LACY: As the honourable member says, it would not matter what they gave him; he would be overpaid. I understand that Richard Carleton, the person who Paul Keating called Carleton Bitter, has also been on a huge salary since he left the ABC.

Far be it from me to suggest that the media stars are not worth these princely sums, that they, like politicians, are not producing real wealth for society, or that there is not a great and enduring social value in their endeavours. However, to a certain extent we are all in the same boat. I do not know why they have to single out politicians on whom to vent their spleen every time a pay increase comes our way. Not only do they get the most money, but they also get the right of reply, the final say, and that is what worries me—they will have it tomorrow.

Let me say that the Labor Party has no trouble rationalising the need for politicians to be well paid. In the old days, before payment for politicians became an acceptable practice, politics was the province of the landed gentry, the upper class. The Labor Party has always been committed to the need to pay politicians on the basis that the payment removes class bias from the representative scene. Every person, regardless of economic circumstances, should be able to become a representative of the people and a law-maker, and should be financially independent so as to be removed from the temptations, as it were, of graft and corruption. That is a fundamental tenet of representative democracy.

The second point is that if politicians are not well paid, competent people will not be attracted into the profession—a concept which ought to have universal approval. Many may say that good wages have not resulted in competent people gracing the halls of power. I will not argue that one. Sometimes when I took across this Chamber, I am attracted to that point of view. However, we are debating principles, not personalities. The principle remains unarguable. If you pay peanuts, you will get monkeys.

Critics are quick to ask: if politicians are embarrassed by a pay rise at this stage, why do they not refuse to take it? My response is that that question does not do the person who asked it any credit at all. The Labor Party disagrees with the methods by which the increase was determined, but not with the increase per se.

Politicians have refused an increase before. What becomes patently clear, however, is that that gesture has never been appreciated by the electorate at large in any tangible way. The Federal politicians knocked back a number of tribunal recommended wage increases and, finally, when they said, "Enough is enough, we need to take it," their self-denial and idealism were very quickly forgotten and they were seen once again as penny-pinching self-indulgent grovellers at the public trough.

This House abounds with stories of politicians who in the past practised the politics of self-denial. I can remember some of my colleagues talking about Percy Tucker, who donated his increase to charity. He singled out the ambulance to the extent that the ambulance was able to procure a brand-new ambulance wagon. However, when that wagon was launched, he was not even invited along.

There is another story of Labor Party politicians once again who refused to take an increase. That went on for 15 months or so. Four of those people who refused to take their increase lost their seat at the next election.

As I have said, the gesture of refusing to take increases is never appreciated by the electorate in any tangible way. Sometimes I think that the electorate would be offended if politicians knocked back increases because it would not have as much reason to hate us.

The next charge that could be levelled at politicians is one of glib rationalisation, even hypocrisy—criticise the increase, but take it nevertheless. Members of the Opposition are much aware of that probability. That is the reason why the Labor Party is not indulging in any cynical point-scoring or moving to exploit the situation in any conspicuous way. Our point-scoring will not go past making the point that at least the Opposition is consistent in its attitude to pay increases. Members of the Opposition support an independent wage-fixing tribunal for parliamentarians, just as we support it for the general work-force. Unlike members of the National Party Government, members of the Opposition believe that workers deserve adjustments in their pay packets to take account of increases in the cost of living and changes in work value. On the other hand, in the Arbitration Commission the Government has consistently opposed increases for the workers of Queensland.

One point that needs to be made is that the Opposition believes almost to a person—I understand that this view is shared widely on the Government back bench—that the greatest need of members of Parliament is for further assistance in their electorate offices—in other words, research officers. That is why there was a great deal of grumbling in Government ranks about the increase. It was not so much that members wanted more; rather, that what they wanted most of all was what they did not get.

I believe that the front-page story in the *Courier-Mail* on 23 March very poorly encapsulated the feelings that existed within the Government back bench. I know that I speak for many other members when I say that I would trade all of the increases in salary and allowances for a research assistant. The fact is that our officers can no longer cope properly with the pressures placed upon them. Our secretaries are called upon to perform tasks that go beyond the call of duty. They are working at a level much higher than that for which they are paid. Members felt that they themselves were receiving maximum flak from the electorate yet missing out on the one thing they needed most of all.

The *Courier-Mail* story to which I referred, and virtually every other media story, made the legislation look like just another grubby grab for a bit more rather than something that at least had the saving grace of assisting the member to more effectively service the electorate.

All members of Parliament in New South Wales have a research assistant as well as an electorate secretary. I make no apology for asking the Minister to keep the need for a research assistant on the agenda. There has been an information explosion in our society. I receive my mail by the kilogram, as I am sure everybody else does. These days, the public is much more demanding and much more critical. Most of us now have computers, which, while they increase efficiency and improve the information flow, really do not save any work; if anything, they create more.

Our secretaries are now not only secretaries, they are stenographers, typists, receptionists, problem-solvers, quick fixers, research officers and, now, computer-operators. As I said earlier, it is our secretaries who are suffering and who are bearing the brunt of it. Members of Parliament need more assistance in their electorate offices.

It is not my intention to comment on the specifics of the Bill except to make one point about the final section insofar as it relates to superannuation. I commend the Government for enhancing the pay-out provisions for those members of Parliament who have not served the requisite number of years to become eligible for a pension. Very often it is those short-time servers who leave Parliament financially disadvantaged, sometimes in a very great way. To enter Parliament often requires a decision to break a career, to burn a lot of bridges, to divest oneself of a business or what-have-you. As all honourable members know, during the first three or six years in Parliament one does not save very much money because of the different types of impositions that are put on parliamentarians and because of their change in life-style, and so forth.

Mr Innes: Why pick on six years?

Mr De LACY: It is only the first 20 years that is bad; is that right?

It is reasonable to say that when one has served a longer period in Parliament, one can leave in a much more financially secure position. However, those persons who serve as members of Parliament for only a short time disrupt their careers significantly. Of course, under the old superannuation scheme, they received their own contributions plus miserly interest that I do not think was adequate. I commend the Government for the action that it has taken in that regard.

The Opposition would have preferred it if this whole issue of parliamentary members' salaries and allowances had been referred to an independent tribunal. In Government, that is the course of action that the Labor Party would take.

Mr SHERRIN (Mansfield) (4.15 p.m.): I endorse a number of comments on this issue that were made by the Opposition spokesman. I speak in the knowledge that I will not be one of those members to whom the honourable member referred as short-term members.

This legislation addresses the issue of a modest 3 per cent pay increse for members of Parliament. It also addresses the issue of increases in allowances for officers of the Parliament—Ministers and other office-holders in the Opposition parties—and improvements that will bring the parliamentary superannuation scheme into line with benefits that are received by members of the State Service Superannuation Scheme and other private superannuation schemes.

I believe that the modest—and I use the word advisedly—3 per cent pay increase for members of Parliament can be very well substantiated. It is interesting to note that members' salaries have not been reviewed since 1982, when they were linked to the I-17 pay scale in the public service.

A study of the Public Service Board's reports in the period since then reveals that there has been a substantial reclassification upwards of I-17 positions, particularly in the central agencies of Treasury and the Co-ordinator-General's Department.

On average, it appears that there has been an upgrading of positions that in 1982 were classified as I-17 to something of the order of I-20 or I-21. Without any pay increase, and by using the process of Public Service Board review and reclassification, those

officers who in 1982 were receiving benefits at the I-17 classification, as well as CPI increases, have also enjoyed a benefit increase in their salaries of approximately $5,000 or $5,500. I believe that that is far in excess of the proposed 3 per cent pay increase that is contained in this legislation.

I am in complete agreement with the Opposition spokesman on one significant feature of this legislation, namely, that it will now link the salaries of State members of Parliament to Federal members of Parliament via decisions of the Federal Remunerations Tribunal. From now on the proposal will allow State members of Parliament to eliminate the unenviable situation in which they find themselves from time to time, whereby they are forced to sit in judgment on their own salary increases.

This legislation also contains provision to upgrade the parliamentary superannuation scheme. As one of a number of members from both sides of this House who have had the opportunity to participate in the State Service Superannuation Scheme as well as the parliamentary superannuation scheme, I have absolutely no doubt in my mind as to which superannuation scheme I would rather be in. From conversations that I have had with other members, they are in no doubt about that, either.

The benefits that accrue to recipients under the State Service Superannuation Scheme are far in excess of those benefits that accrue to members under the existing parliamentary superannuation scheme. I believe that that is a result of the changing nature of members of Parliament over the years.

When the parliamentary superannuation scheme was first conceived, the term of a member of Parliament was considerably shorter than it is today. In addition, the age profile of members of Parliament tended to be of increased years. People of quite advanced years entered Parliament after successful years in public service, business or the union movement. It was really a capping-off of a previous career in another activity. That is not the case nowadays.

Following the past two State elections, the ages of members of Parliament who have entered this House on both sides of the Chamber have fallen significantly. I believe that those members are looking at long periods of service in this Parliament.

Mr Davis interjected.

Mr SHERRIN: I am referring to Mr Davis.

The superannuation scheme for members of Parliament must reflect their years of service. In its present form, it does not do so when compared with the benefits that would accrue to public servants who are serving similar periods of time and making similar contributions from their salaries.

The proposed amendments will certainly bring the parliamentary superannuation scheme more into line with those benefits that accrue to members under the State Service Superannuation Scheme. I am pleased to support the Bill.

Mr INNES (Sherwood—Leader of the Liberal Party) (4.20 p.m.): The Liberal Party will support the Bill before the House. It also believes that it is in the interests of parliamentarians to remove the matter of the settlement of their own remuneration to an objective criterion. Linked to a tribunal situation, that appears to offer a reasonable basis for objective decision-making about something which is the bane of parliamentary life, in which there seems to be never any winning position but in which, as the member for Cairns has indicated, there certainly seem to be some losing positions. There is no popular view. As parliamentarians, we understand the reactions of people in the community. It will be a considerable relief to transfer the decision-making to some objective body.

The matters which relate to remuneration appear to bring us into line with those that apply throughout the rest of Australia. It has been indicated that, in percentage terms, I am a beneficiary of this move. It is no more and no less than the recognition of a political party. It has been long overdue that a political party be properly recognised

in this State. I want to put on the public record that my party and I appreciate the commitment made by the Premier, Mr Ahern, and his Government to the parliamentary process by way of recognition of the status of a political party. It is true to say that the Premier's own party falls into that role in three other Parliaments in Australia, including its special role in the Federal coalition, from which benefits accrue. In the Federal Parliament the Democrats are also a recognised party.

In Queensland, the Liberal Party represents a vote which is somewhere around a fifth of the total for the State, but depending on when the poll is taken, it can be up towards the 30 per cent mark. It is the people that we in the Liberal Party represent who have to be serviced. They are entitled to have an influence and recognition provided in the Parliament.

The staffing situation for the Liberal Party has been appalling. It is not properly understood, even within my own party, that Sir William Knox laboured without the assistance of a press secretary or a private secretary. He had only an executive secretary who was not a full-blown research assistant nor a full-blown stenographer nor a full-blown press person. Only one additional staff person was provided for the Leader of the parliamentary Liberal Party to assist with the secretarial obligations, research obligations and press obligations. That was a massive impediment to giving proper representation. Because every major group in Queensland will approach all major parties, time has to be found to receive the representations of industry groups, community groups, large and small, and individuals. That is a workload, with regard to the assessment of policy decisions, administrative decisions, to sifting criticism about the present administration or proposals for better administration, which falls equally, no matter which party is involved or how many members it has. It is a very considerable extra burden.

I will give a simple illustration of my own position. Certainly, with the introduction of this legislation I will benefit, as we all will. However, it is noteworthy that dinner functions which were around the $35 to $40 contribution mark 18 months to two years ago are now customarily costing $60, and some have been as high as $100. Perhaps that has occurred because of the advent of better quality hotels in this State. I recall a situation that arose recently in which, frankly, I refused an invitation because the dinner cost $100. I am not invited to only one dinner a week; I am invited to several. I refused the invitation on the grounds of cost, but I was phoned personally and told, "We believe that the Liberal Party should be represented at that dinner. We would like a member of the Liberal Party to be there." There goes $100!

In those instances $100, which is a large amount of money, is more than I wanted or intended to spend; but in today's society, the $60-mark is continual. People expect a party, which represents a certain constituency, to be represented. The obligation falls upon the purse of whoever holds the office of leader. In a smaller party, those responsibilities can be delegated and the responsibility falls onto the shoulders of others.

The assistance, which is in line with assistance given to other recognised parties—that is, private secretary, press secretary and executive assistant—is proper. It is no more than—and perhaps a little less than—the assistance that is given in one other situation, but it is reasonable recognition of the role that is played by members of Parliament in a parliamentary democracy. On behalf of the Liberal Party, I express my gratitude to the new Government in its honouring of that commitment to the institution of Parliament.

In similar vein, I turn now to mention resources. I agree with the honourable member for Cairns and all other members in this House that resources are important. I am aware that individual back-bench members in other Parliaments have two staff members. I can foresee a time during which members of this Parliament might move through a transitional period to an allocation—perhaps on a weekly basis—of part-time assistance to allow research to be carried out. Beyond that transitional period, each back-bencher will probably need a research assistant as well as a personal assistant. For the moment, however, additional resources have to be paid for out of the pockets of members of Parliament.

Virtually every day in my electorate office, another person works in conjunction with my electorate secretary. That is made possible, fortunately, through the volunteer nature and generosity of the people of my electorate. Naturally, those volunteer workers generate more demands than the additional amounts of money provided for additional electorate work can meet, because of the costs associated with the additional materials and equipment that they require in order to operate effectively. I point out that honourable members are not dealing with anything radical or exceptional in this legislation, but with a Bill that brings Queensland members of Parliament somewhat into line with standards set in other Parliaments in Australia.

I wish to refer to superannuation on behalf of, but not at the behest of, those members of Parliament who are approaching their sixty-fifth year, or who have served 20 years in Parliament. My personal view is that it is not a desirable feature of modern life to banish people of senior years to unproductive retirement. One does not put human beings out to graze. Many human beings can work productively till very advanced years, whereas others do not work productively at any stage of their lives. Within the structure of the parliamentary superannuation scheme is a reflection of the standards of the public service and normal employment that apply to superannuation. The basic principle is that one has a certain working life which comes to an end at the age of 60, 65, or—in the case of the police force—55.

Recently in this Parliament, a motion of condolence was moved in respect of a gentleman who entered Parliament at the age of 61. If the people of this State or this nation believe that a person is fit to do a job and elect that person to Parliament, no penalty should be imposed upon that person as a result of that representation or qualification. There have been examples in this Parliament of members who were able to perform vigorously to a ripe age. This might be the source of some disquiet or embarrassment, but that is the reality. A member of Parliament who is over the age of 65 years is penalised because he is obliged to enter into a compulsory superannuation scheme and pay exactly the same fraction or proportion of his salary towards that scheme as everyone else. There is a notion that being a member of Parliament is the same as any other job. It is not the same. There is a penalty which accrues annually through a reduction in the benefit paid to a person upon reaching the age of 65 provided the qualification period has been reached. It is not equitable.

If members are to be forced into retiring at the age of 65, then a law should be passed to implement that. Of course such legislation would not be passed by this House because there is a very special type of qualification that is required for members of this Parliament. The qualification is that if a person is on the roll, his party gives him pre-selection and the voters vote for him, he has got the job. If a person does the job, he should not be penalised when compared with other members of Parliament.

My simple view is that the world will have to reassess its attitude towards people of more senior years. Perhaps if someone has worked 30 or 40 years in the same job it is reasonable for him to receive full-blown pension and superannuation entitlements when he leaves. However, if the nature of the job means that a person can get into the job when he is in his sixties, and if the nature of the job states that a person is obliged to join the superannuation scheme and pay the same contributions as everyone else, then he should be entitled to get the same out of the scheme as everyone else. This notional idea, which is neither biblical nor actuarial, that everyone will snuff it at the age of 70, is increasingly proved to be incorrect. Customarily males are living into their late seventies and eighties, and any idea that a lump sum is computed on the expectation that a person will only live another eight or nine years after he leaves this House is not accurate even if a person leaves when he is in his late sixties. There is a fundamental matter of equity involved.

There are members in the Liberal Party who are approaching that age and who did not wish to raise this matter themselves. However, I do raise the matter shamelessly. There are other members in this House who are in the same predicament. If the voters vote for a person and he becomes a member of Parliament and is obliged to make this

contribution, I believe that the benefit should not be subject to a reduction because that person has reached any particular age. This involves an underlying principle or attitude that we have towards people which needs to be reassessed.

The Liberal Party supports this legislation and hopes that it does not have to be involved in a debate about parliamentary entitlements again. The Liberal Party is tired of it and of its inability to take a position which is defensible to all people. The Liberal Party understands that and does not believe that the proposals contained in the legislation are greater than those enjoyed by members in other Parliaments. The Liberal Party does not believe that these proposals are out of kilter with what is reasonable for the job that is done by members of Parliament. Most members, irrespective of the party to which they belong, work between 70 and 80 hours per week. The job has to be done seven days a week. That is certainly what I find and most of the members of the Liberal Party would be on duty for some period every day for seven days a week, apart from holiday periods.

On an average I am out six nights a week and I am sure that that applies to many other members. On an average I attend three functions every Saturday and one or two functions every Sunday. This House has had publicised the levels of remuneration for barristers at the Fitzgerald inquiry, half of whom were junior to me. I could reasonably assert that I have lost $100,000 a year for 10 years, but through some perversity of my Scottish background I have been prepared to do that in the interests of different challenges. Nevertheless, it is a matter that indicates that in no way are we overpaid.

I have a personal view that we should be paid either nothing or twice as much. I would not mind nothing as long as people did not complain if, during the day-time, they found me in court. We know that in the past the afternoon and evening hours of the House were set so that people could go about their gainful occupation during the day-time. If we go back to the *Hansard* of 100 years ago, we find that frankly the quality of debate was at least the equal of, and usually superior to, that which occurs today. Perhaps that is because of the lack of party discipline or because it was the most mentally active or energetic in the Colony, as it was in those days, who were involved in politics. It certainly did nothing to diminish the quality of debate and did nothing to diminish the quality of the laws that were passed, many of which exist today.

We in the Liberal Party support the legislation. Personally, I would be in favour of amendments to stop the reduction of the entitlements of those people who have reached age 65. The members of my own party who would benefit by that reduction have indicated that they do not wish to move such an amendment or have such an amendment on record. They said that they could not be seen to be arguing for their own interests. I think in the interest of equity that deserves a better consideration. I do not believe we should force them into retirement. Perhaps that is the motivation behind the Government's attitude. Perhaps that attitude has come about because of the burning experience members of the Government have had. However, I believe the matter should be sorted out for the future and should be rectified in the interests of equity to all members of this House.

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (4.37 p.m.), in reply: I thank each and every member who contributed to the debate. They will probably realise that they will get no thanks for their contribution in tomorrow's newspapers or on television programs tonight. Each one of them made a meaningful and sincere contribution to the debate. I have taken on board the matters raised, particularly on the subject of research assistants, which was raised by the honourable members for Mansfield and Cairns and the Leader of the Liberal Party.

A change in the superannuation scheme was considered, but the Government's advice was that there was some difficulty in relation to members already in the current scheme if the terms and conditions of the scheme, rather than the benefits, were changed. It may be that the Government will have to look at a new scheme for new members of

Parliament who will enter on the basis that the current provisions do not apply. The matter is under consideration, as is the question of research officers.

There is some difficulty in appointing a research officer to each member's electorate because it may be that the requirement of a particular member is not to have a research officer. In fact, members with extremely large electorates may require a number of persons to work for them for a number of hours a day. For example, in some country electorates like Cook it may be appropriate to employ someone three hours a week on Thursday Island——

Mr Scott: And Normanton.

Mr AUSTIN: Yes, exactly.

So it may not be appropriate simply to appoint research officers. The Government is looking at ways to get around this problem that will satisfy the requirements of members, of which I am aware. When they are found, if extra assistance is provided to members of Parliament, I am sure that members will receive the same criticism all over again as they received this time. I thank honourable members for their contribution. I commend the Bill to the House.

Motion agreed to.

Committee

Clauses 1 to 19, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

BILLS: REMAINING STAGES

Abridgement of Time

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (4.42 p.m.), by leave, without notice: I move—

"That so much of Standing Orders and Sessional Orders be suspended as would otherwise prevent Bills listed as Orders of the Day Nos. 3 to 7 from being taken through their remaining stages at this day's sitting."

Question put; and the House divided—

AYES, 44		NOES, 34	
Ahern	Lester	Ardill	Sherlock
Alison	Lingard	Beanland	Smith
Austin	Littleproud	Beard	Smyth
Berghofer	McCauley	Braddy	Vaughan
Booth	McKechnie	Burns	Warburton
Borbidge	McPhie	Campbell	Warner
Burreket	Menzel	Casey	Wells
Chapman	Muntz	Comben	White
Clauson	Neal	Eaton	Yewdale
Cooper	Nelson	Gygar	
Elliott	Newton	Hamill	
Fraser	Randell	Hayward	
Gately	Row	Innes	
Gibbs, I. J.	Sherrin	Knox	
Gilmore	Simpson	Lee	
Glasson	Slack	Lickiss	
Gunn	Stoneman	McElligott	
Harper	Tenni	Mackenroth	
Harvey	Veivers	Milliner	
Henderson		Palaszczuk	
Hinton	*Tellers:*	Schuntner	*Tellers:*
Hobbs	FitzGerald	Scott	Davis
Katter	Stephan	Shaw	Prest

PAIR:

Hynd | McLean

Resolved in the affirmative.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from 13 April (see p. 5875).

Mr De LACY (Cairns) (4.45 p.m.): I begin by saying that rarely has a more incomprehensible second-reading speech been delivered in this Parliament. The Minister made no attempt whatsoever to outline the intent of the Bill in simple and straightforward language, prefering instead to speak initially in the most general terms possible, while the explanatory notes, which related to the individual clauses of the Bill, were technical, incomplete and made no attempt to unify or relate individual sections to the whole. I challenge any member who read the Bill to stand up and honestly say that he understood it. In fact, I suggest that the reason the Minister refused to present a comprehensive and comprehensible second-reading speech to the House is that he wants to get the legislation through with as little debate as possible.

For the advice and edification of honourable members who want to understand the purposes of the Bill, I suggest that they read the debate on the stamp duty legislation in the New South Wales *Hansard* of 26 May 1987, because Queensland's Stamp Act Amendment Bill is based almost 100 per cent on the New South Wales legislation enacted some 12 months ago. The second-reading speech of the then New South Wales Finance Minister is a superb example of clarity and cohesion, compared with the incomprehensible, inadequate and incomplete utterances of Queensland's Finance Minister. My advice is that, in future, if the Finance Minister wants to copy New South Wales legislation on stamp duty, he should also copy the second-reading speech.

On many occasions it has been said that this legislation simply reinforces the point that the Stamp Act is one of the most complicated, confusing, convoluted and hotchpotch Acts Queensland has, but neither this Government nor its predecessors have made any attempt to rationalise it or bring it effectively into line with modern-day financing practices. We have arrived at the stage at which we have loopholes in the loopholes. Certainly I know of no evidence that the Stamp Duties Office has consulted appropriate professional groups, such as the Australian Bankers Association, the tax institute or the Queensland Law Society, to obtain their opinion on the Act.

Stamp duty was developed at a time when quills and parchment were used and financial markets were parochial and unsophisticated. Today, transactions are made using highly elaborate electronic communication methods in a highly developed and sophisticated global financial market.

Mr Clauson: Who wrote that for you?

Mr De LACY: Doesn't it sound like me?

In spite of those changes, the Government's approach is not to initiate an inquiry into the total operation of stamp duties but instead to patch up the system once again following approximately a 12-month delay after changes have been introduced in other jurisdictions. A number of officers in the Stamp Duties Office have told me that the Act has become so complicated that it is extremely difficult to enforce.

The point was made in today's press by the Vice-Chancellor of the Bond University that complicated taxation legislation encourages avoidance and that the Stamp Act, as it stands, is a tax-avoider's dream. Nevertheless, the principal purpose of the Bill, although one would never know from the Minister's second-reading speech, is to eradicate certain and artificial means of tax avoidance.

The avoidance schemes that the Bill addresses are those involving transfer of company and unit trusts introduced to mask the sale of real estate and the device known as the Clayton's contract. The use of those schemes, together with certain trust arrangements and another popular device, the Darwin shuffle, was highlighted in 1986 when the Bond Corporation transferred hotels worth $268m at a stamp duty cost of only $460. Those complicated tax-avoidance loopholes are not available to the average honest citizen, who has no hope of avoiding stamp duty provisions.

One major purpose of the Bill is to prevent the avoidance of conveyance duty by transferring the ownership of land, through the transfer of shares or unit trusts, which disguise the sale of the land, instead of the usual method of transferring ownership by the exchange of title documents which are dutiable. The use of that scheme avoids duty in two ways. Firstly, the duty rate on the transfer of shares is only 0.6 per cent. That can be compared with the duty ratio of conveyance of land, which varies between 1.5 per cent and 3.75 per cent.

Secondly, duty on share transfers is paid at the value of the shares, which is normally based on the net value of the company, whereas duty on the transfer of land is calculated on the unencumbered value of the land. Thus, if a company's only asset is land worth $5m and it is mortgaged for $4.9m, share transfer duty would be charged on $0.1m. It requires little imagination to envisage an overnight mortgage being arranged to minimise duty. However, duty on the conveyance of land would be charged on the full $5m regardless of encumbrances. This form of tax avoidance is not available to the average tax-payer, nor was it used by the honest tax-payer.

Since conveyances form the largest single stamp duty tax base, I wonder how much money has been lost through Queensland's tardy response in plugging this loophole. The response is made at least a year after other States have moved on this loophole.

Stamp duty is a major revenue-earner for the Government, raising $316m in the six months to 31 December 1987—almost $107m more than for the same period in the previous year. However, that stamp duty windfall is no excuse for the slow response of the Queensland Government in blocking this loophole, which has only served to benefit avoiders at the expense of honest tax-payers.

The provisions of this Bill are certainly not simple, but I am advised that they are relatively straightforward. Again, following the legislative provisions of New South Wales, for a transfer of land to be taxed at conveyancing rates the company or unit trust must have more than 80 per cent of its assets as land, whereas the land that is held in Queensland must be worth $1m or more.

Further avoidance provisions in a new section 56FL, subsection (4), allow for the commissioner to disregard the value of non-land assets that are considered to have been acquired for the purpose of reducing the ratio of land assets to take the company or unit trust below the 80 per cent trust. That will prevent tax-avoiders from temporarily transferring non-land assets to the company or unit trust to reduce the ratio below the 80 per cent limit as at the date of acquisition.

However, I understand that anti-avoidance provisions ensure that the legislation requiring the payment of conveyancing duty cannot be avoided by placing the ownership of the land in a unit trust scheme. Apparently the present provision imposes only penalties on the trustee for registering a dispossession of units in respect of which there is not a dutiable instrument. Now it is proposed that the persons disposing of or acquiring units in a unit trust scheme are to be required to prepare and execute a dutiable document.

Also, clause 58 deals with that faithful friend of the tax-avoider, the discretionary trust which, after this Bill is passed, cannot be used to frustrate the provisions dealing with the addressing of land ownership. At the moment, discretionary trusts can be used to avoid duty, with unscrupulous persons taking over the shares purportedly for the purpose of operating the company as a trustee, when in actual fact it is part of an agreement whereby those persons are acquiring the shares with the intention, after they

are transferred, of either destroying the trust documents and operating the company not as a trustee, or amending the trust documents and leaving them unstamped, thereby avoiding duty.

Part 5 of the explanatory notes relating to clause 53 deals with the situation of duty being avoided through long-term lease arrangements, whereas part 7 of the notes relating to clause 55 deals with the so-called Clayton's contract. As I said before, Alan Bond made that very popular when he transferred the ownership of hotels in such a way that a valid contract was made without creating a dutiable document.

I would be pleased if the Minister could give this House at least some estimate of how much duty has been avoided through this belated response by the Queensland Government to plug this loophole. On numerous occasions the Commonwealth Grants Commission has raised the issue of tax avoidance in Queensland and the non-enforcement of existing legislation. The most recent Commonwealth Grants Commission report specifically drew attention to that factor. In its last two reviews it specifically raised the issue of pay-roll tax avoidance in Queensland, and it was sufficiently concerned to change the basis of assessment from what Queensland actually collected in pay-roll tax to what it received or should have received through the ABS survey estimates of wages and salaries.

Stamp duty is another area in which avoidance is rife and a large part of the reason for this must lie in the relative understaffing of the Stamp Duties Office. Because of staff shortages, strategic and field audits are a rarity in Queensland. The Stamp Duties Office does not have the manpower to put audit teams into the field. This may be part of the reason why the commission assessed our tax-raising capacity as having fallen from 96 per cent of standard to 92 per cent of standard over the past three years.

Stamp duty was the principal reason for the decline in our relative revenue base, and this occurred for two reasons. Firstly, the poor performance of the Queensland economy meant that our tax revenue, particularly our stamp duty revenue, grew more slowly than that of the other States and, secondly, our revenue grew more slowly partly because of avoidance practices. I put it to the Minister that it may well be cost effective to enhance the staffing levels of the Stamp Duties Office so that more people can be employed out in the field to check on this system.

In concluding, let me say once again that the Opposition believes a comprehensive and thorough review of Queensland's taxation system is long overdue. We have not had an effective review for decades, and the anomalies that have arisen in that time are legendary. Tax administration fails in its duty, and honest tax-payers become rightfully resentful if avoidance and evasion of taxation become entrenched and widely practised by those already wealthy enough to afford high-priced lawyers and accountants. One thing that is becoming very obvious to all tax-payers in the community is that if somebody is avoiding tax, somebody else is paying disproportionately more.

Tax laws must be fair, sound and efficient if the community is to be expected to comply with them. This Bill may attempt to solve a few avoidance practices, but it does not even address the issues of equity and efficiency, which are so demonstrably lacking in Queensland's tax system.

Although the Opposition believes that a more thorough review of the tax system is needed, its members believe that this legislation does make some progress in the direction of cutting down avoidance and evasion, and for that reason we do support the legislation.

Mr INNES (Sherwood—Leader of the Liberal Party) (5.03 p.m.): Let me make one thing perfectly clear: the Liberal Party will not be supporting the second reading of this legislation. We believe that the truncation of time for such a complex piece of legislation is an absolute disgrace. It is a legislative ambush.

Mrs Nelson interjected.

Mr INNES: I hear a laugh from the mouth of the member for Aspley, who is a member of the low-tax party.

Over the last several days, people in this city have attempted to get a copy of this Bill and the Minister's second-reading speech. They are people who are trying to come to grips with the Bill's implications. They are not tax-avoiders; they are people whose responsibility it will be to advise their clients on the implications of stamp duty and the ramifications and legal obligations which will fall from this legislation. They are people who have not had time to form a sensible conclusion as to whether the Bill is accurately drafted, whether it carries out the intent, whether it is fair or whether it is equitable.

It is fascinating to hear the immediate response from a party that is committed to high taxes and committed to a view of the world that every tax-payer should pay the highest amount of tax that is paid by any particular person who pays tax. It is a classic socialist response. The intent of the legislation has a very strong socialist intent, that is, the giving of greater discretion to the administrative bureaucracy. We have seen discretion exercised in an allied area from the same office—the Stamp Duties Office—in relation to pay-roll tax. Although I have raised this issue previously, I will raise it again in this debate because it is an example of what is happening. Money-grubbing is going on—and I use the word "grubbing" deliberately.

In good faith, power was given to the Stamp Duties Office by this Legislature because of incidents that had occurred in Western Australia. No doubt, national meetings of the tax-gatherers were held in order to find the latest in tax-gathering techniques by way of national consultations that were aided and abetted by socialist regimes in Canberra that demand that the maximum tax be gathered from tax-payers. In 1982, a discretion was given by this Parliament in relation to pay-roll tax to foster the negation of artificial avoidance schemes. Previously, there had been an illustration of such schemes by somebody who had deliberately broken down an employment structure to minimise or reduce pay-roll tax. In good faith, members of Parliament supported that legislation. However, what was discovered approximately four or five years later?

People whose motivations had nothing whatever to do with evasion of pay-roll tax had legitimate business arrangements negated, penalised and threatened by the Stamp Duties Office. The Bank of Queensland's agencies came about long before that pay-roll tax amendment and the Western Australian experience were thought of. The agencies resulted from the initiative of a real estate agent who was working in the outer suburbs and had taken on certain insurance sidelines. He proposed to the Bank of Queensland that it should take him on as an agent for that bank. It was a good arrangement because it provided a new location in which to do business. This person, who showed some financial acumen, would provide the staff and the office to extend the services of an entrepreneurial bank that was looking for expansion opportunities. The arrangement was entered into, and it flourished.

Other people copied the arrangement and there developed a situation in which the Bank of Queensland had four branches with employees of its own, under its total control. People developed businesses around these agencies and obtained a handling fee. The benefit for the bank was that these agents found their own premises, paid their own rents, and hired their own employees, who were not members of the Australian Bank Employees Union. They were members of a different union, which gave greater flexibility in hours of employment.

Last year, the people to whom I have referred were visited by the Stamp Duties Office and were required—sometimes aggressively and peremptorily, on the basis that they were villains rather than innocent people—to produce documentation. They were threatened with the consequences of not producing the documentation. Documents in respect of their affairs were demanded, and they received an assessment for existing pay-roll tax, but not on the basis of the legal reality that their employees were their own employees who had no employment connection whatever with the Bank of Queensland. The assessment was made on the basis of the umbrella legislation that had been passed in 1982, empowering the Commissioner of Stamp Duties to act against artificial and shonky operators. That legislation was able to be used because of the width of the

discretion it provided to make a threat and place an imposition on people who had lawfully set up their individual operations. Their employees were lumped together with the other employees who were properly to be regarded as employees of the Bank of Queensland, and with employees of all other agents, for the purpose of assessment of taxation that was payable not by the Bank of Queensland but by the individual agents. These people were threatened with penalty taxes retrospective for five years. In some cases, the sums amounted to tens of thousands of dollars, which would be a massive impost on small business.

That is what happens when Ministers fail to scrutinise or take into account what inevitably happens with taxation legislation. It is never used for the highest common purpose, but during times of economic stringency it is used when the word goes out from Treasury, "Get all the money in that you can." People who have carried out legitimate and lawful operations, whose operations should never have been embraced by the legislation, find themselves subject to the discretion to which I have referred.

In the instance I have cited, resistance and fight was certainly shown. Some relief from the threat was finally obtained, but not until the agents had mobilised and threatened litigation, and not until they had shown a great deal of hostility and anger over the issue. Moreover, relief was not obtained until the Government's own franchise operations in the TAB and elsewhere were under threat.

There are in this city people who are expert in this area. It is an area of great specialisation and these people are looking at this legislation in order to be in a position to give advice. I had arranged my affairs tomorrow morning on the basis that I was to consult with somebody whose objectivity about these matters I totally respect because he is an expert. This was reasonable because Standing Orders provide that the legislation would not come on until tomorrow. I am aware of some of the concerns about this legislation, but it is not good enough for the Minister for Finance to cry, in a manner that would befit a socialist finance Minister, that this legislation is all about anti-avoidance and, as a result, one's mind should go into neutral, the legislation should not be debated, and it should be guillotined and rammed through the House.

This legislation is the subject of a great deal of reservation on the part of the people who have examined it. My own perusal of it indicates several questions that are of deep concern. Some of these questions are: can there be extraterritorial effects of the stamp duty and taxation legislation in this State? Does the Australia Acts (Request) Act validate extra-territoriality in regard to taxation collection for the whole of the Stamp Act? Will it apply only to those amendments which will be passed today? Those are questions about which there is a great deal of legal debate and controversy, and at this point in time no-one has had time to reach a considered opinion. The implications of some parts of the provisions appear to be that there will be double taxation, which is supposedly anathema.

An imposition is placed on legal advisers when they are in a characteristic situation. This imposition is completely unknown to any member of the Queensland Cabinet, except perhaps the Minister for Justice, who has put his mind into neutral. There is a practice that supposedly operates on behalf of the interests of people who live in country Queensland. The solicitors in country Queensland use town agents and send documentation, and other consequential matters, such as the payment of the requisite amount of stamp duty, down to Brisbane for filing, lodging and stamping at the Titles Office. There appears to be an obligation upon the solicitor in Brisbane who is lodging the documents that makes the solicitor subject to penalty provisions if the documents do not fully disclose the financial arrangements associated with the transaction. All the facts and circumstances are supposed to be known. The result is that a person who is acting as an agent and expediting the affairs of people in the country is subject to a penalty or imposition because he does something in good faith. The width of the legislation appears to be sufficient, but if this person is not told about the full ramifications of side deals or anything else, he runs the risk of the imposition of a penalty.

I have no doubt that it is of no concern at all to the Minister whether a professional person runs foul of the penalty provisions, but it is a matter of concern to a person who wants to act responsibly, exercise proper professional care and preserve a proper professional reputation. It is not good enough for the Government to simply toss 120 pages of what the honourable member for Cairns rightly said is extremely complicated legislation into this House without affording members of Parliament the opportunity to consult with people who know better or who are in day-to-day contact with these affairs and, what is worse, without allowing the people who have expertise in this area the chance to offer their views during the second-reading debate and the consideration of the clauses.

Mr Veivers: We as a party have to go through reams.

Mr INNES: The honourable member for Southport has said that Government members have to go through reams of paper before bringing these matters to Parliament. The real injustice is that the members of the Government party might have their minds in neutral and might just be worried about the volume of paper, but I suspect that individually the members of the Government do not have the expertise to go through this legislation, which is very complex and difficult. It is the sort of legislation about which the member for Southport would go to a professional adviser to seek advice about its merits or demerits. This is something that has been in the bowels of the Treasury Department for probably the last year. I ask the member for Cairns: when was the legislation introduced in New South Wales?

Mr De Lacy: More than 12 months ago.

Mr INNES: More than 12 months ago!

So something that has been clutched to the bosom of the Stamp Duties Office for a year, sweated over in the Parliamentary Counsel's room no doubt over months and transmitted to the Minister's committee on two occasions—it is too complicated to understand, so it probably went to that committee on only one occasion—is thrown in here to be processed by the sausage machine.

Some people take legislative responsibility seriously; some people do not accept that all wisdom resides in the Stamp Duties Office; some people do not accept, because of the experience with the pay-roll tax exercise, that the discretion that will be exercised by the Stamp Duties Office will always be exercised in the interests of equity and fairness. Pressures will be exerted on officers of the Stamp Duties Office to get the money in.

The real irony about this legislation is that not only is this unbelievably complicated piece tossed in here and guillotined through the House in the interests of anti-avoidance, but also it appears at a time when stamp duty collection in this State is running at a record high. It is at a time when stamp duty is about to be propelled into the position of the biggest tax in the State. Perhaps the Minister can enlighten the House whether this is the first time that stamp duty has been propelled past pay-roll tax as the highest tax base.

Because debate has been guillotined and because debate was brought on with absolutely no notice—notice amounted to sweet nothing—I do not have my Budget Estimates here. I think the Estimates for stamp duty collection were a little more than $400m for the year. Of that figure, 73 per cent was collected in the first six months of this year. The Estimates for pay-roll tax are a little more that $500m. Those two taxes together make $900m, yet the total tax base from State-based taxation is $1.2 billion. In other words, those two taxes comprise something like 75 per cent of all State taxes.

If for the rest of the year the rate of stamp duty collection continues at the same rate for the first part of the year, stamp duty revenue will go to $600m, when total revenue is supposed to be only $1,200m. Stamp duty already provides a massive component of the State's taxation revenue, yet here is the Government, under the guise of taxation avoidance and taxation abuse and when the take is at a record high and when it is likely to be 50 per cent above the Estimates—it will go from an estimate of

a little more than $400m to $600m because there certainly has not been a downturn in property transactions—pushing through this legislation in two sitting days as a matter of urgency. It is an absolute disgrace!

I am afraid that the record of the taxation administration in this State is not sufficiently impeccable—not sufficiently fair—for us to take anything on trust. Any person who is being advised by any solicitor about the vast sums of money that are involved would testify to that. The legislation involves 3.75 per cent of transactions that the Government is delighted to talk about in terms of $300m and $1 billion, so it involves enormous amounts of money. If a person did not have to pay it, why should he pay it?

This Government is supposed to recognise the benefits of low taxation. It prides itself on looking at inimitative ways of doing business. I warn the Government that, if it is to follow the socialist States down every socialist track of high taxation, it will remove from the State any benefit of doing business in Queensland. There is some argument in a tax-haven philosophy. As we all know, there are countries that have built economies by providing tax havens or, if not tax havens, some benefit or incentive for people to enable them to consummate a transaction in those countries.

I spent my first several years in this House talking about the problems relating to certain disincentives in the Queensland stamp duty system which caused people to consummate transactions in other parts of Australia. There was an incentive to take something which was really about Queensland property into another area to gain the benefit of lower taxation. Yet here are we, the allegedly low-tax State, hell-bent, helter-skelter trying to out-socialist the socialists. We are the flat-tax State preserving a fiercely progressive rate of taxation—which is what stamp duty is—and trying to remove any benefits that might accrue from the arrangement of one's affairs in a way that minimises taxation.

It might be easier to take all the operations back to head office. We have seen the decline in manufacturing industries in this State. We have seen the closure in this State of two car-assembly plants, food-processing plants and metal-manufacturing operations, with rationalisation back to head offices in Melbourne and Sydney.

In this State, we must examine whether there is some real and significant benefit—I suggest that there is, because it is attractive to do business in places in which there is a lower incidence of taxation—in the preservation of the competitive edge rather than in being pressured into emulating every closure invented by a socialist State which knows that, as long as there is taxation neutrality or equality, it is likely to get the action back at headquarters of Melbourne and Sydney so that it can increase the employment benefits in the service industries and other industries.

I finish with the first proposition that I advanced. Members of the Liberal Party will not add their approval to something that they have not had proper time to evaluate. They will not add their approval to something for which the best argument that can be found by the member for Cairns—who, no doubt, finds himself in the same position in which other people find themselves of not being personally able to come to grips with the complexity of the situation—is that, because it was passed by a Labor Government in New South Wales, it is good enough. That argument does not find much favour with members of the Liberal Party. We act at the behest of professional advisers of goodwill who have asked for time to examine the legislation and to meet with us to explain to us some of their misgivings. I have outlined some of those misgivings. They include the probability that parts of the legislation will be challenged because of their lack of constitutionality and because of their extraterritoriality; that parts may be challenged or objected to because they impose double taxation; and that parts will be objected to because they impose upon professional advisers penalties unwittingly incurred. We know that there is a major transaction involving the reorganisation of the affairs of a company in Queensland, which one would have thought was a legitimate thing to do. It would be legitimate to look at the reorganisation of a company's composition in the interests of flexibility of investment or flexibility of an imposition of Commonwealth-based taxation if it believed that, as a result of this legislation, it may have to call off a

transaction that has no doubt already cost tens of thousands of dollars in terms of advice and organisation.

The Government's action is not good enough. The guillotine is not consistent with any Government that pretends that it has a vision of excellence. The guillotine about such complicated legislation is not consistent with any Government that claims that it acts in the interests of low tax and of giving a competitive edge; a Government that says that it is a private-enterprise Government that gives private enterprise time to make submissions to Government taxing authorities about the efficiency, effectiveness, fairness or equity of its legislation.

The use of the guillotine today is an absolute disgrace. It is completely consistent with the reputation that the Minister for Finance would like to create for himself——

Mr Austin: You don't even understand the Standing Orders. It was not the guillotine.

Mr INNES: The truncation of debate and the acceleration of debate has been allowed to take place when the Bill should have been debated tomorrow.

The legislation should have been debated in the normal course—at the earliest tomorrow, not today. Unlike members of the Government, who have months in which to take advice on legislation, other honourable members arrange their affairs and prepare themselves for what complies with the normal provisions of the Standing Orders of this Parliament.

No warning was given that this legislation had any special urgency attached to it. No warning was given that this procedure would be used today. It is a scandal; it is a disgrace. It is completely consistent with what the Minister would like to achieve for himself for political purposes. It is inconsistent with fairness.

Mr GYGAR (Stafford) (5.26 p.m.): The Leader of the Liberal Party, the honourable member for Sherwood, pointed out a fact of which most members of this Parliament are aware, that is that the performance of the officials of the Stamp Duties Office has been far from impeccable and that they should not be taken on trust.

I want to point out how these money-grubbing vultures have imposed a special tax in Queensland, a tax of which this Minister and this Government and everybody who has the vaguest interest in the tourist industry should be absolutely ashamed.

Honourable members are probably aware that Queensland has a special tax, and that tax is a tax on sickness. It is not only a tax on sickness but also a tax on sick tourists. If people want to have imposed on them another tax in Queensland, they should be overseas tourists, come to this State and then get sick because the vultures—the ghouls—from the Stamp Duties Office will be there with their grubby little paws out to demand that they pay tax on being ill in this State.

I will examine how it works. As honourable members who have travelled overseas are aware, when leaving their own countries prudent tourists take out travel insurance to guard them against sickness in a foreign land. There is nothing worse than being ill in a foreign country and not being able to get medical treatment.

I will cite an example of Mrs A of London who decides to come to Australia. She goes down to her friendly British travel insurance company and takes out an insurance policy to cover the costs of any medical care that she might require while she is overseas. She comes to Queensland and has the great misfortune of falling ill in this State.

I think it would be fair to assume that this person's holiday has already been ruined. However, the Queensland Government jumps in to really finish it off. Mrs A might wish to make a claim against her medical insurance policy, which was taken out in London, so that when she receives her hospital bill she can have the insurance company pay that hospital bill on her behalf; but she is not allowed to do so unless she goes to the Stamp Duties Office in Queensland and has the insurance policy that she took out in London—for which she paid the appropriate taxes in London—stamped. A sick tourist

has to pay stamp duty to the Queensland Government on a policy lawfully taken out in an overseas country before a payment can be made to that person while in Queensland.

I have heard of some miserable money-grubbing pitches in my time by bureaucrats trying to get their hands on public money, but this one just about takes the cake. In what other country in the world is there a tax on being a sick tourist? Yet members of this Government stand up in this place and say that they are serious about encouraging tourism.

It is no wonder that some tourists who have been to this State warn their friends never to come to Queensland. Thanks to the geniuses at the Stamp Duties Office, there is one class of tourist that can be relied on to do that every time.

If any overseas tourists visiting Queensland become ill, they are unable to claim against their medical insurance policies unless they first pay stamp duty to the vultures at the Stamp Duties Office in this State.

It is an absolute disgrace, and the Government, despite the protestations and submissions of the Insurance Council, is totally ignoring the matter. Apparently, in its lust for money, the Government has decided that it does not give a damn about the welfare of tourists. After all, they will probably go away. They will not get to vote against the Government at the next election.

The tourist industry is not happy. It is time that the Government started to take on board the protests of responsible people in the insurance industry and the tourist industry and removed this despicable, grubby little tax against sick overseas tourists in Queensland. It is not as though this House has passed legislation to allow the Government to do that. I had people perusing the Act, in the hope that I would debate this matter tomorrow. However, I understand that there is nothing in the statute-book that requires this tax to be levied against overseas tourists; it is just an invention of some bean-counting bureaucrat in the Stamp Duties Office. The Government has decided that in the exercise of its discretion it will get stuck into somebody else.

The mind sometimes reels at the inventiveness of bureaucrats trying to squeeze another dollar out of tax-payers, but seldom have I heard of a more vicious, a more unfair and a more disgusting use of discretion than this attempt to kick people when they are down. I would have thought that the Government, in its alleged policy towards encouraging tourism, would be trying to do what it could to help foreign tourists who become ill in this country so that they would return home with an impression of a Government that is concerned about and cares for people. Instead, what do we find? The tax man, at their bedside, trying to get another slice of flesh out of them for any excuse!

By the stroke of a pen, the Minister and the Government have the capacity to abolish that disgraceful impost overnight. It is brought about by the misuse of bureaucratic discretions. In the interests of fairness, justice and the tourist industry in this State, those discretions should be overridden immediately.

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (5.32 p.m.), in reply: I thank all honourable members for their contributions to the debate today.

Mr Gygar: You are being very generous.

Mr AUSTIN: I thank the honourable member. He has made a contribution. Although it was small, he made a contribution.

In the first instance, I should comment on matters raised by the honourable member for Cairns. I am concerned about his reference to my second-reading speech and to the explanatory notes that I had incorporated in *Hansard*. If that has backfired on me, I point out to the honourable member that my intention was to provide honourable members with more information on legislation than they had been supplied previously. In accordance with the Standing Orders, I adopted that new practice to give members

of Parliament more detailed explanation, clause by clause, than previously had been supplied to them. Unless I misunderstood the honourable member, he was critical of that practice. I would have thought that the information I supplied on all the Bills that I have introduced in recent times has contained far greater detail than the information that has previously been presented to the House. I am anxious to obtain comment from honourable members on that practice. If honourable members do not consider that the detail is sufficient enough, I would be happy to amend my form of presentation in order to provide greater detail. However, it was certainly done in a genuine attempt to provide more information to members of Parliament rather than to deprive them of it.

The honourable member for Cairns referred to the Grants Commission. I am advised that the Grants Commission now gives Queensland a positive assessment for its high effort in relation to pay-roll tax collection. Since the honourable member received his advice, the position has changed.

Mr De Lacy interjected.

Mr AUSTIN: As I said, that is the advice that I have been given. However, I am happy to take on board the honourable member's suggestion on that matter.

I was intrigued that the honourable member for Sherwood said that the members of the Liberal Party will oppose the legislation simply on the grounds that they believe that they have not had sufficient time to consider the Bill. As the honourable member for Sherwood quite correctly said, under Standing Orders the Bill could have been brought on for debate tomorrow, but the Government decided to bring it on today.

Mr Innes: Why?

Mr AUSTIN: Simply because when legislation of this type is produced, as I said in my second-reading speech, one produces a Bible for those people who wish to defraud the system. Theoretically, what should have happened—it would have been impossible to do it—is that this type of legislation probably ought to have been discussed with everyone in this Chamber beforehand, introduced in one day and passed on the same day before it became public knowledge. Members of the Liberal Party and members of the Labor Party have a right to seek outside advice about legislation. Immediately that is done, and before the legislation is passed by the Parliament, people are given the opportunity, if they so desire, to exploit for their own purposes the provisions of the Stamp Act.

Mr Innes: You've got stamp duty coming out of your ears.

Mr AUSTIN: That is no reason to allow the avoiders of stamp duty to continue to avoid it. It might be coming out of our ears.

The honourable member for Sherwood forgot to mention the ordinary person in the street who buys a property and pays his own fair share of stamp duty. It appears from the honourable member's speech that he is perhaps trying to protect some of those people who have set up businesses and have paid consultants to deliberately try to avoid the laws of this land and this State; in other words, to avoid taxation. I am concerned about the honourable member's attitude.

The honourable member for Sherwood suggested that the National Party is a high-tax party. If he consults the latest report of the Australian Bureau of Statistics, he will find that his argument is false.

I am concerned about the matter that was raised by the honourable member for Stafford. I was not aware that that was the case. I am pleased that the honourable member has brought that aspect to my attention. However, there may be a provision in this legislation that will assist in those matters that the honourable member has raised. I am not sure whether the honourable member has looked at the policy. It may be that that policy has not been stamped in its country of origin, if it was required to be stamped.

Arrangements exist whereby if a policy is not stamped in its country of origin, the duty is payable elsewhere. In other words, if they do not intend to exercise that policy in their own State but intend to exercise it somewhere else, perhaps duty is not payable.

Under this legislation, provision is made whereby if duty has been paid in some other place the commission can offset that duty.

This may have been a small sickness policy. However, it may have been a major insurance policy relating to a high-rise building. If that can be done with insurance, it may have been a measure of stamp duty avoidance; I do not know. If the honourable member refers the particular case to me and provides further details, I will be happy to have the matter investigated.

Mr Gygar: The Insurance Council has given a submission to your department some months ago.

Mr AUSTIN: It should have been sent to me. If the honourable member has a copy of that submission, I would appreciate it if he would send it to me. If that has occurred, I am concerned.

I do not believe that the honourable member for Stafford should have said what he did about my departmental officers, who are doing their jobs as they interpret the law. If the law is incorrect and they are interpreting the law correctly, it is my problem and this Government's problem rather than the officers' problem.

Mr Gygar: There are administrative decisions being made, and to the fair-minded person they are ghoulish decisions.

Mr AUSTIN: I do not believe that the honourable member's comments are appropriate.

In general terms, almost all of the provisions in this legislation are anti-avoidance provisions that need to be put in place. I commend the Bill to the House.

Question—That the Bill be now read a second time—put; and the House divided—

AYES, 70		Noes, 10	
Ahern	Lester	Beanland	
Alison	Lingard	Innes	
Austin	Littleproud	Knox	
Berghofer	McCauley	Lee	
Booth	McKechnie	Lickiss	
Borbidge	McLean	Schunter	
Braddy	McPhie	Sherlock	
Burns	Menzel	White	
Burreket	Milliner		
Campbell	Muntz		
Casey	Neal		
Chapman	Nelson		
Clauson	Newton		
Comben	Palaszczuk		
Cooper	Prest		
D'Arcy	Randell		
Davis	Row		
De Lacy	Scott		
Eaton	Shaw		
Elliott	Sherrin		
Fraser	Simpson		
Gately	Slack		
Gibbs, I. J.	Smith		
Gibbs, R. J.	Smyth		
Gilmore	Stoneman		
Glasson	Tenni		
Goss	Vaughan		
Gunn	Veivers		
Hamill	Warburton		
Harper	Warner		
Harvey	Wells		
Hayward	Yewdale		
Henderson			
Hinton	*Tellers:*		*Tellers:*
Hobbs	FitzGerald		Beard
Katter	Stephan		Gygar

Resolved in the affirmative.

Committee

Hon. B. D. Austin (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) in charge of the Bill.

Clauses 1 to 57, as read, agreed to.

Clause 58—

Mr AUSTIN (5.49 p.m.): I move the following amendment—

"At page 66, line 1, omit—

'and'."

The word "and" is superfluous.

Amendment agreed to.

Clause 58, as amended, agreed to.

Clause 59, as read, agreed to.

Clause 60—

Mr AUSTIN (5.50 p.m.): I move the following amendment—

"At page 69, omit lines 8 to 39 and substitute—

' "subsidiary", in respect of a corporation (in this definition called "the corporation"), means—

(a) a corporation that is deemed to be a subsidiary of the corporation under section 7 of the Companies (Queensland) Code:

(b) the trustees of any trust where the corporation or a subsidiary (referred to in paragraph (a)) of the corporation—

(i) is entitled to a share or interest in the trust, whether vested or contingent;

or

(ii) in the case of the discretionary trust—may benefit from the trust;

(c) any corporation, where the trustee of a trust (of the kind to which paragraph (b) applies) would be entitled, if that corporation were to be wound up immediately after the making of a relevant acquisition, to participate (otherwise than as a creditor or other person to whom the corporation is liable) in a distribution of the property of that corporation to an extent greater than 50 per cent of the value of the property distributable to all of the holders of shares in that corporation;

or

(d) any corporation or the trustee of a trust that would by the application of this definition be a subsidiary of a corporation that is a subsidiary of the corporation:'."

The alteration represents a drafting correction prepared by the Parliamentary Counsel to ensure that the definition of "subsidiary" relates to a corporation to which the prescribed provisions apply. The definition as currently placed in the new section 56FA—Interpretation—does not have sufficient reference to the corporation to which the provisions are relevant. It is a necessary drafting amendment and does not represent any change in principle.

Mr INNES: Nothing could indicate more clearly the problems of dealing with legislation of this complexity. This drafting amendment clearly has significance. It has to have significance in taxation legislation of this kind because the legislation has to be precise. This is the sort of thing which, after months of preparations, has led to a rethink in detail of this section. This is a crystal-clear illustration of the problem that I referred to about how difficult it is for members of other parties, who have not seen this legislation at all before, to properly prepare themselves and make detailed submissions in response

to this kind of legislation. If the Minister's own department, after months of gestation and after 30 months' of assistance from New South Wales cannot get it right, how can members in this House, who were bombarded in the last two days of sitting last week with a dozen pieces of legislation, properly prepare themselves?

Despite the predictable claim by the Minister that the legislation is in the interests of countering tax avoidance, this shows that the proceedings of this House are a farce when it comes to legislation of this complexity. The House is being treated with contempt. The difficulties that the Government itself has with this legislation are illustrated by this single amendment to a single clause out of a 120-page catalogue of amendments which the Minister has described as an encyclopaedia or bible to counter tax avoidance. This is deliberate misrepresentation of the full complexity of the legislation and a deliberate attempt to engage in a cheap political tactic in order to pass legislation through the House. If the legislation was to be given substantial consideration and considered debate, the Minister would find himself in some difficulty in answering the debate properly.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clauses 61 to 81, as read, agreed to.

Bill reported, with amendments.

Third Reading

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

Sitting suspended from 5.56 to 7.30 p.m.

REVENUE LAWS (RECIPROCAL POWERS) BILL

Second Reading

Debate resumed from 13 April (see p. 5880).

Mr De LACY (Cairns) (7.30 p.m.): At the outset, I say that the Opposition supports the legislation. I wish to address myself to something that the Minister said earlier tonight about the way in which he has his second-reading speeches prepared. In principle, I am not opposed to the way in which he has done it and I appreciate the effort to which he has gone to include explanatory notes with his second-reading speech. With the Stamp Act Amendment Bill, I may have felt that way because it was so complex, so voluminous, so difficult and, might I say, so boring. I do not want my remarks to be interpreted as a statement of principle against the way the Minister has provided notes for legislation before the House.

As I said, the Opposition supports the legislation, but the point I made in relation to the Stamp Act Amendment Bill is also valid with this Bill. This legislation comes to the House a good year after corresponding legislation has been passed by New South Wales and Victoria and a full 18 months after the Commonwealth enacted corresponding legislation. As far as I am able to ascertain, the legislation is designed to counter tax avoidance and abuse by allowing the various taxation authorities in the Commonwealth, the States and the Territories to mount investigations and exchange the information received.

The Opposition fully supports any efforts to crack down on tax cheats and tax-dodgers, for it is not well understood that honest tax-payers are bearing the cost of the dishonesty of the few. Tax evasion is not a victimless crime; it directly shifts the burden of taxation onto the honest and it takes away from the community funding for services that otherwise would have been available.

Nevertheless, I am amazed that it has taken so long to get this legislation before the House. Agreement to the principle of this legislation was reached by Commonwealth,

State and Northern Territory Treasurers back in September 1982. As I mentioned before, the Commonwealth implemented it in October 1985, New South Wales and Victoria in early 1986 and other States by the end of last year. The Queensland Government has finally got around to doing so.

I understand that it provides for designated revenue officers to initiate investigations and co-operate in the exchange of information with those jurisdictions that have reciprocal legislation. The Queensland Commissioner of Stamp Duties would be empowered to initiate investigations as may be considered necessary. However, the second-reading speech itself does not make it clear to what extent information can be passed on to revenue authorities of other jurisdictions.

I am not quite sure what constitutes a "revenue authority", and I ask the Minster to clarify the matter. For instance, provision has been made in the corresponding legislation passed by other States for information to be provided to the National Companies and Securities Commission, State corporate affairs bodies, the National Crime Authority, the Federal police and the Commonwealth Receiver in Bankruptcy. The Opposition sees no objection to including those bodies in the exchange of information and investigatory provisions but, as I said before, I am uncertain on whether this legislation enables the Queensland Commissioner of Stamp Duties to co-operate and provide information to those bodies.

I am also unclear on whether this legislation will require complementary amendments to existing legislation dealing with such things as land tax, pay-roll tax and stamp duties to overcome any secrecy or disclosure provisions that may be in those Acts. Again, I seek the Minister's advice on this point. I shall say that in another way. Commonwealth bodies were referred to specifically in legislation passed by other States and they have been omitted from the legislation before the House tonight. My question is: is there a reason for that or is it automatic?

Opposition members are pleased with this legislation, which fosters a co-operative arrangement between the Commonwealth, the States and the Territories for the purpose of cracking down on tax cheats and tax-avoiders, even though we believe it is belated. Unlike members of the Liberal Party, our approach always has been, and always will be, to crack down on tax avoidance and tax evasion.

Although I support in principle the notion put forward by the Leader of the Liberal Party in respect of the stamp duty legislation that we need time to analyse it thoroughly because it is complex and it has been difficult for us to consult with other interested parties, I could not agree with the Liberal Party's decision to oppose the legislation on that basis. It seemed to me that it was an opportunity for members of the Liberal Party to say to their wealthy friends that they did not support the legislation which in some way may make it difficult for them to continue in their tax-avoidance or tax-evasion ways. The Opposition supports the legislation.

Mr INNES (Sherwood—Leader of the Liberal Party) (7.36 p.m.): I will take up a couple of comments made by the honourable member for Cairns and address some of the implications of the legislation. The member for Cairns has characterised the Liberal Party's opposition to the Stamp Act Amendment Bill, which is relevant for consideration because it is one of the revenue Acts covered by, or subject to, the Revenue Laws (Reciprocal Powers) Bill, as support for tax-avoiders and tax cheats. The Liberal Party will not support tax cheats. If by the word "avoidance" one is describing people who falsely and artificially avoid an obligation to pay tax, the Liberal Party will not support them either.

The implications of what the Government did, despite our objection, in passing the Stamp Act Amendment Bill have not been fully appreciated. After my contribution to that debate, some members expressed privately to me a disturbance at the arbitrary action which they or their constituents had experienced at times in the administration of the Stamp Act. Now, for the first time ever, there are criminal offences in the revenue legislation of Queensland. Twelve months' gaol may be imposed for acts relating to the

Stamp Act. There was an offence under the Act of not obeying a court order, which was visited by a penalty of imprisonment. That is just part of the general law: contempt of court or failure to obey the court results in imprisonment.

The farcical exercise that we went through a few hours ago introduced into the Stamp Act of Queensland—the taxation law of Queensland—a radical new change. Part of that radical new change is the imposition of a term of up to 12 months' imprisonment for, for instance, a statement whether orally or in writing, that is misleading in a material particular in response to a question relating to the Stamp Act. How many people have made misleading statements? I am sure that no lawyer would ever advise a client to make a misleading statement; but I am darned sure that there are an extraordinary number of people in this State who, under the Stamp Act, have made statements in relation to the value of assets which are somewhat misleading. A great number of those people would live in country Queensland. Very often, because their properties tend to be more valuable, there is the potential for valuations for the incidence of taxation or other matters to carry with them far more financial burdens.

That Bill puts each State in the business of sleuthing or enforcing the taxation obligations of the other parts of Australia. The consequence of that mutual obligation involves not just financial penalties but now criminal penalties. Without any proper time being allowed for minimal consideration, under the Stamp Act Amendment Bill, which added 120 pages onto the 140 pages of the existing Act and its amendments, a range of obligations were improved which involved the revolutionary proposition that people can be imprisoned for offences newly created under the Stamp Act. It takes us back to the debtors' prison. Previously, it was enough for a person to be taken to the sweepers in terms of financial penalty.

Nobody has any objection to properly placed and properly assessed penalty tax for offences that are genuine. However, when one examines the Revenue Laws (Reciprocal Powers) Bill, which puts Queensland into a uniform national network of mutual obligation, one finds, I suggest, a difference in mutuality with regard to the equivalence of position. I reiterate my objection to the Stamp Act Amendment Bill; anti-avoidance legislation inevitably involves increased discretions. Those are the words used. The commissioner is saddled with new responsibilities to be satisfied. It is the commissioner's satisfaction that is so often in issue as to whether a person will be taxed or will not be taxed.

In Victoria, if one objects to that satisfaction by the commissioner, there is a Victorian taxation board of review to which he can cheaply and simply appeal. However, in Queensland if a person is assessed for $300 to $400 worth of stamp duty and he believes passionately and strongly that he has no legal liability which puts him under any obligation to pay, he has to state a case to the Full Court of Queensland and risk thousands of dollars of penalty.

My colleague the member for Stafford, perhaps for justifiable reasons, was fairly enthusiastic in his choice of phrases about the motivation behind the imposition of these taxes, but one can understand that Queensland has a Ministry—a Government—in which, frankly, not one person has ever demonstrated the preparedness, the intellect, the capacity or the drive to come to grips with the legislation. The Government is prepared to leave to the administrators of the law total responsibility for formulating the law and total responsibility for exercising discretions. If one writes to the Minister or talks to the Minister—and I have tried it—one never gets a satisfactory answer because he confesses freely that he does not understand it. One is told to go to the stamp duties authorities.

The present Minister rightly characterised the responsibility. There should be ministerial responsibility but, frankly, there has not been. Once sent off to the Stamp Duties Office people, for good reason, believe themselves to be in conflict with the Stamp Duties Office, because that is where the discretion is exercised, that is where the decisions

are made and that is where the legislation comes from that demands constant and increasing discretion, which leaves the people looking down the barrel of inconsistent or unpalatable exercise of discretion.

The best legal minds in this State—the people who are most expert in the revenue laws of this State—cannot tell their clients what the decision will be in respect of the provisions in the Stamp Act and other revenue legislation. Some of the phraseology in the Stamp Act Amendment Bill is incomprehensible, particularly the wording of the discretion that might be exercised by the commissioner to excuse, for instance, people involved in unit trust share transfers. A lawyer cannot tell a person what discretion is likely to be exercised.

As I recall the National Party's bleatings, one of its great maxims on taxation legislation is that it must be simple and consistent—and that the taxation must be low, of course. The legislation ought to be readily understandable by the people on whom it falls. The Stamp Act will now contain 240 pages of incomprehensibility. Not even people with trained minds can predict precisely in many instances where the tax will fall. Even worse than that, the system of review militates against the proper ventilation of an objection or disagreement about the exercise of the discretion. It is extraordinary that to object to an assessment one has to go to the level of the Full Court of Queensland. It is only when the Government receives political flak and a number of people find themselves in identical circumstances, such as those with the Bank of Queensland agents, that some action is taken. That is not good enough. The simple reality and the simple experience is that the discretions are used in favour of the taxation authorities, in favour of revenue-raising and in favour of the administration.

The Stamp Act is relevant to this Bill because that Act calls for mutual enforcement under the terms of this Bill. I understand that the Stamp Duties Office can bring proceedings in relation to stamp duty, wherever it is in Queensland, in Brisbane. Stamp duties offices are located in other parts of Queensland. I am sure that our friends from the bush do not know anything about the fact that, for ease of the Brisbane-based administration, their constituents can be dragged down to the jurisdiction of the courts in Brisbane.

People get hot under the collar about this because there are too many cases in which they feel strongly—and justifiably—even after proper advice which has nothing to do with avoidance, that they should not have had to pay stamp duty. One then becomes involved with the word "avoidance".

Usually, a transaction comes before an obligation to pay stamp duty. How could the layman possibly understand the ramifications of the Stamp Act? It is as bad as the reviled Commonwealth taxation legislation. It is absolutely incomprehensible, except to the technocrat. However, in the words of the Minister, the Bill provides a Bible that provides for imprisonment as well as a taxation obligation. It is not enough to use the words, "This is an anti-avoidance Bible." When the Government wants to get through something that has a lot of rough edges, it uses classic mumbo-jumbo, legal shorthand. That is the con job.

Taxation authorities have an obligation to make comprehensible tax laws. By the Revenue Laws (Reciprocal Powers) Bill, Queensland is wedding itself to a system of enforcement with revenue laws which are not identical between the States and which, as I pointed out, contain obligations that involve not only a financial obligation but also imprisonment. Has anybody costed the consequences of the obligation to which Queensland has wed itself by this legislation? Who is going to bear the cost of the enforcement of interstate taxation laws? Is it cost effective? Is it worth a candle? Those are relevant questions. We in Queensland clearly have an obligation and, I suppose, an easy and convenient way of enforcing our own laws. To saddle ourselves with enforcing the laws of New South Wales or Victoria—more-populous States—might well impose upon us a financial obligation that is greater than that in relation to the consequences that will fall to the other States by attempting to enforce our laws.

If we are to engage in something that is novel and extraterritorial, it must have some clear cost benefits. I ask the Minister whether any exercise—apart from a warm inner glow of a ministerial meeting—has been done in relation to the cost benefits. Taxation laws are about cost. If more money is going to be spent on enforcing the laws than is gathered through taxes, particularly when the jurisdiction of the State is deliberately being taken beyond the State, the result will not be very satisfactory. There are concerns about that exercise. This legislation compounds the debtors' prison initiative of the Stamp Act. The Revenue Laws (Reciprocal Powers) Bill introduces punishment by imprisonment for defaults in the revenue legislation. At least the co-ordinating legislation that we are discussing has a maximum of six months, whereas the revolutionary provisions of the Stamp Act Amendment Bill provide for a maximum of 12 months' gaol as a penalty.

I understand that no time has been given to responsible professional organisations such as the Queensland Law Society, the society of accountants, I suspect, and other bodies whose professionals have a sworn obligation to render proper professional advice and act ethically, to make considered responses to the Government about the proposed legislation. I would be interested to hear from the Minister as to whether or not I am wrong in my suspicion about the lack of time that has been allowed for consultation with those professional bodies. I would have thought that such professional bodies might well have an interest in making submissions when the new legislation not only makes major reforms and major amendments to the revenue legislation but also, for the first time, imposes imprisonment and penal sanctions.

The Liberal Party knows that this is reciprocal legislation. It is extremely unhappy that the legislation is involved in that process of acceleration, which was also the fate of the Stamp Act Amendment Bill. The Liberal Party is extremely unhappy about the imposition of radical changes in taxation law—particularly by way of the imposition of penal provisions—without proper consultation with those responsible bodies in the community that are entitled to have considered views, are respected because of those views and are entitled to put them to the Government.

Mr WELLS (Murrumba) (7.54 p.m.): I listened with great interest to the speech that was made by the honourable the Leader of the Liberal Party, which consisted largely of quotes from the speech that was made by the honourable member for Cairns and the discursion on the Stamp Act Amendment Bill, which was passed by the House earlier.

I was interested in one particular point that the honourable member made. He said that we in this Parliament were wedding ourselves to revolutionary laws where the tax revenue laws are not identical between the States. Surely that is the very purpose and rationale of this Bill. The very fact that the revenue laws were not identical between the States is the very reason why it is necessary to have a taxation recoupment Bill that provides that income that is shunted around from one jurisdiction to the other is nevertheless capable of being taxed by the relevant Government concerned.

Mr Innes: You got off to a bad start; you had better improve.

Mr WELLS: I thank the honourable member for that constructive suggestion. However, I think that he has missed the point that the very fact with which he finds the most objection, namely, that the revenue laws are not identical between the States, is the very reason, the very rationale, for this law.

It is absolutely necessary that some provision be made which enables tax to be recouped when tax cheats are prepared to use the artificial boundaries of the State jurisdiction to ensure that they minimise their taxation.

Mr Innes: You would have to believe in identical tax provisions between the States.

Mr WELLS: No. What I believe in is identical recoupment so that the system which the honourable member and those people who have supported his party through the years have used to avoid taxation—and I am not referring to the honourable member

specifically; I mean the supporters of his party—is eliminated. Those people have used provisions to avoid taxation. They are the very provisions that they have used in the Federal sphere to avoid taxation which, in a recent financial year, cost the Government of Australia $4m. I am against those sorts of provisions.

This Bill is clearly a break-through in interstate co-operation. It enables the States to combine their resources to thwart tax cheats. In it we see a rare instance of co-operative federalism. The Minister is to be congratulated on his new initiative of moving into the area of co-operative federalism. As a result of this Bill, Queensland tax investigators will be able to conduct investigations through agents nominated by Governments in other jurisdictions in those other jurisdictions and ensure that money which has been moved around is taxed and that measures which have been taken to avoid, evade or minimise taxation are thwarted, as they should be.

The State boundaries, which in Australia at one stage operated as customs boundaries and prevented free traffic between States, have, right into the 1980s, operated as a means by which tax cheats could minimise their obligations or their collectable obligations to the revenue officials. I congratulate the Minister on the initiative that he has taken to break those boundaries down. It is interesting that, in his second-reading speech, the Minister made very little of this fact. He did not claim the credit that was surely due to him as a co-operative federalist. Perhaps he would have been embarrassed by the plenitude of his own de facto commitment to co-operative federalism. Nevertheless, it stands there for the whole world to see.

Having said that in praise of the Minister and this initiative, I would like to recur to a theme that was raised by the honourable member for Cairns, and I can now resume the more critical approach to the activities of the Honourable the Minister, an approach with which he will feel much more comfortable, as do I.

In September 1982 there was a meeting of Commonwealth, State and Territory Treasurers. That meeting determined to organise across Australia a system which is represented in this Bill. On 20 December 1983 the measures were announced. However, it was not until 19 September 1985 that the Commonwealth Act was passed. A delay between December 1983 and September 1985 can be understood. Details have to be finalised, discussions have to take place at official level, presumably there have to be interdepartmental and interstate committees at official level, and a lead-time is involved in these sorts of things.

Mr Austin: There's been enough lead-time.

Mr WELLS: It was a long lead-time. I am prepared to be critical of it.

It was not until 19 March 1987, that is, well over a year and a-half after the Federal Act was introduced, that the first Act was introduced in Victoria. It was not until 19 April 1988 that the legislation was introduced in Queensland. That delay is so great as to be unconscionable.

The importance of legislation and the need to maximise Queensland's revenue is such that the Minister would no doubt be anxious to tell honourable members on many occasions, "We are short of cash. We are going through difficult times." One would have thought that he would have been more anxious to have put in place legislation that would maximise Queensland's revenue and substantially increase the revenue available to the Government of Queensland through inter-Government co-operation.

Why was there a long lead-time? There may have been reasons for the delay between initial meetings among Commonwealth and State Treasurers and the announcement of the measures, but after the Victorian legislation had been brought in, the introduction of this legislation was merely an exercise in transcription. In fact, the Victorian legislation is somewhat different from this legislation, but it need not have been.

Mr Austin: How could it have been a transcription if it was different?

Mr WELLS: It need not have been anything other than transcription. As a result of the Minister's interjection, I am prompted to say that my examination of this legislation reveals that the Queensland legislation is not better or worse than the Victorian Act, and that there is no reason for the delay.

Honourable members witness the extraordinary sight in this House of a Minister who has done a great work but has not proclaimed his goodness. He was very tardy in the delivery of that goodness. Nevertheless, he deserves credit for introducing this legislation. I join with the honourable member for Cairns in assuring the House of the Opposition's support for this legislation.

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (8.02 p.m.), in reply: In response to honourable members who have spoken in this debate, I should deal firstly with the honourable member for Cairns and the honourable member for Murrumba, as both members had much the same to say. It was suggested by the honourable member for Cairns that Queensland is the last State to bring in this legislation. In fact, that is not true. New South Wales and Victoria have introduced this legislation. The honourable member might like to note that the Labor States of South Australia and Western Australia have not yet introduced the legislation. I do not raise that matter to be critical of those States. It is an enormously difficult task to achieve what might be called uniform legislation.

Mr Wells: We are on the same side—right?

Mr AUSTIN: I can tell the honourable member that I speak from experience. The honourable member for Murrumba may remember that when he was the Federal member for Petrie, difficulty was experienced with the model food Acts when I was Health Minister. In that instance, Queensland was the first State to introduce legislation. Some States have not yet followed, in spite of the fact that the model food Act is intended to protect the health of the public, which is probably equally as important as revenue-raising. In that instance, Queensland was the first State to introduce legislation.

It is very, very difficult to achieve agreement among all the States. Not only does agreement have to be achieved among the States at ministerial council meetings, but also the Minister has to go to his respective Cabinet and Parliament to obtain agreement on what should or should not be done.

One of the matters raised by the honourable member for Cairns related to the point I am making. The honourable member for Cairns referred to the matter of to whom information is to be provided. The Queensland scheme provides for other taxation authorities, but does not provide for wider bodies. The Queensland Government takes the view that this type of information ought not be provided to wider organisations because it is not reasonable or appropriate that some of the bodies listed in the Victorian legislation have access to that type of information. The procedures I have outlined are a clear example of some of the difficulties faced by Governments that are trying to introduce uniform legislation.

The honourable member for Sherwood made the suggestion—he can correct me if I am wrong—that this is the first time that the word "imprisonment" has appeared in the Stamp Act.

Mr Innes: It applies in respect of disobeying Supreme Court orders.

Mr AUSTIN: That is not true. The secrecy provisions of the legislation provide for a period of six months' imprisonment if the provisions are breached. There is also an imprisonment provision in relation to non-compliance with a court order.

Mr Lee: He said that.

Mr AUSTIN: Okay, he said that. The point I make is that provisions are already contained in the Act for imprisonment. The imprisonment provision is not new. The provision relating to imprisonment is already in the Act. Of course, the provision is to

be applied for a different purpose, and I recognise that. However, it is still in the Act. I think that the honourable member for Sherwood was trying to dramatise the matter, because I saw him looking at the press gallery when he said that it was the first time that any imprisonment provision had appeared in the Act.

Mr Lee: There is nobody there. What are you talking about?

Mr AUSTIN: The media are obviously extremely interested in this debate!

As I stated in my second-reading speech, the legislation has been introduced to assist Governments which are complying and co-operating with the scheme in relation to the collection of tax. The honourable member for Sherwood raised the question of costs and the fact that the Queensland tax-payer would be paying for the tax-gathering of other States. That is not the case, and quite the contrary will occur. The officers nominated will be from other States and each State will have to pay for its own tax-gathering. If a whole host of tax-evaders from New South Wales are living in Queensland, it will not be the case that Queenslanders will have to pay for an investigation of them. I hope that that clarifies the matter.

I commend the Bill to the House.

Motion agreed to.

Committee

Hon. B. D. Austin (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) in charge of the Bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr INNES (8.07 p.m.): I wish to take a little further the last comments made by the Minister. I am glad that the Minister has clarified the matter. It is clear that the obligation falls upon the Queensland Stamp Duties Office as a result of a request from another State to investigate offences regarding the obligation to pay tax under the legislation of the other State on behalf of that State. I ask the Minister: what assessment has been made of the likely volume of requests that will emanate from other States; what is the ability of the work-force in the Queensland Stamp Duties Office to cope with that volume; and where will the priority lie? Will the priority lie with the enforcement of the obligation to other States or the administration of Queensland's own revenue laws? I ask: is the Queensland Stamp Duties Office fully staffed, is it up to strength or is it only barely capable of coping with Queensland's own taxation obligations; and what will happen if there is a conflicting obligation between keeping Queensland's revenue coming in and enforcing the revenue laws of other States?

Mr AUSTIN: In answer to the honourable member, I believe that these are legitimate questions. It is my understanding that, for example, if an officer comes up from New South Wales to Queensland he would be provided with files relating to a particular company or person which are held under the Act. That officer would then carry out an investigation and satisfy himself. Officers from the Queensland Stamp Duties Office would not be directly involved. Similarly, a Queensland officer in New South Wales would operate on the same basis. In the first instance the person who carries out the investigation has to be approved by the commissioner; it is not just anyone, and all these officers are bound by the secrecy provisions. I believe that the system will work well.

In relation to the question of how much revenue is likely to be involved, the Government is unaware of that at this stage because this is a new provision. Officers are of the opinion that these schemes do exist but have been unable to track them down at this stage.

Mr INNES: I thank the Minister for the response and ask: is it envisaged that officers from the Queensland Stamp Duties Office will be invested with powers under

the legislation to enable them to become the inquiring or investigating officers on behalf of the authorities of other States?

Mr AUSTIN: No, it is not envisaged that that will occur.

Mr WELLS: Clause 4 vests certain discretion in certain officers. For example, clause 4 (3) (b) states—

> "in addition to any other conditions which the relevant principal Queensland revenue officer may impose . . ."

Clause 4 (6) (b) states—

> ". . . subject to and in accordance with any conditions specified by the designated State revenue officer . . ."

My question is quite a simple one: in the exercise of the discretion under this clause, will the relevant revenue officer be having regard to interstate precedents so that in the spirit of co-operative federalism the States will, as it were, all be doing the same thing with respect to these matters or will the discretion be exercised without any reference to interstate precedents? I would assume that other States would also be looking to Queensland precedents in their exercise of that discretion.

Mr AUSTIN: I am not quite sure that I can answer the question. Really, I am not sure whether I understood it. The Government will impose on these revenue officers whatever conditions it deems fit and reasonable to impose on them. For example, the Government may ask them to report daily to the commissioner on what they are doing. Is that the sort of thing that the honourable member is wanting to know? They will be doing their own work in our State and they will be doing their own work to gather information to comply with their laws, not with our laws.

Mr WELLS: What I wanted to know was, in the spirit of co-operative federalism, which is the hallmark of this Bill, will the relevant revenue officers in each State have reference to precedents in the sort of special conditions imposed by other States?

Mr AUSTIN: I am sorry, but I really do not know what the honourable member means. The law as it will apply is the law of Queensland. Our officers will go interstate to seek information. If the honourable member is talking about secrecy provisions and those sorts of things, obviously the answer is yes, they are bound by those provisions in Queensland legislation as well.

Mr Lane: He is talking about some Labor philosophy.

Mr WELLS: No, I am not. I am talking about uniformity throughout the Commonwealth on the operations of this legislation.

The Bill specifies several conditions, particularly clause 4. In addition to those conditions, there are certain other provisions that the relevant principal Queensland revenue officer may impose and in other States the relevant revenue officer may impose special additional conditions as well. I wanted to be assured that the Minister was approaching this from the point of view of ensuring that such special conditions—not merely trivial conditions concerning the time of reporting and so forth but especially significant conditions—would not be eccentric to Queensland, just as I would hope that in other States eccentric conditions would not be imposed on Queensland investigations.

Mr AUSTIN: I still do not know whether this will satisfy the honourable member, but my advice is that that would have to be done on a case-by-case basis in dealing with interstate revenue officers.

Clause 4, as read, agreed to.

Clauses 5 to 24, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

SUPERANNUATION (GOVERNMENT AND OTHER EMPLOYEES) BILL

Second Reading

Debate resumed from 13 April (see p. 5790).

Mr De LACY (Cairns) (8.15 p.m.): Welcome to the next chapter in this unfolding drama of riveting financial debate. My heart goes out to those members who are not involved in it.

This legislation, the Superannuation (Government and Other Employees) Bill, which aims to provide a 3 per cent productivity-based employer contribution superannuation scheme for Queensland, is welcomed by the Labor Party and the trade union movement. Of course, it has been introduced into this House as a consequence of initiatives taken by the trade union movement.

Mr Lee: That is a lot of garbage.

Mr De LACY: I was talking about riveting debate. Am I going to have those riveting interjections from the member for Yeronga tonight that leave me nonplussed?

The Bill dates back to an historic agreement between the ACTU and the Federal Government to the extent that productivity gains be distributed amongst the work-force in the form of superannuation. It was ratified in the decision by the Australian Conciliation and Arbitration Commission and the State Industrial Conciliation and Arbitration Commission, which now requires employers to provide a superannuation scheme for all employees based on a 3 per cent employer contribution. Ultimately, that agreement will mean that every wage and salary earner will have a minimum entitlement of a 3 per cent wage equivalent as a vested and preserved superannuation benefit. This Bill establishes the framework for the implementation of that decision insofar as it applies to Government employees. In principle, therefore, the Labor Party sees this as an extremely important piece of social legislation. It is not often that a member of the Labor Party can stand in this Chamber and congratulate the National Party Government on introducing important social legislation.

One of the perceived needs to move on the superannuation front was because of the iniquities of existing coverage for most working people, as indicated by these statistics. In 1984, only approximately 40 per cent of employees were covered by superannuation schemes. Only 25 per cent of working women were involved in superannuation, compared with 50 per cent of men. Although 70.2 per cent of people earning in excess of $440 per week had superannuation coverage, only 25.3 per cent of employees earning up to $240 per week benefited from superannuation. In the Government sector, 61.3 per cent of employees had superannuation coverage compared with only 29.6 per cent in the private sector; 61.7 per cent of administrative, executive and managerial workers were involved in superannuation compared with 37.9 per cent of tradesmen, process workers and labourers, and 19.8 per cent of sales employees. Honourable members can see that we have a long way to go before we can ever realise that old dream of anything looking like a national superannuation scheme.

It was also considered that existing superannuation coverage for most working people was inadequate because of, firstly, inadequate vesting—that is, the provision that contributions made by employers on behalf of workers would accrue in the name of the worker and the full amount become available to the worker on retirement; secondly, because of limited preservation—that is, the ability to preserve the vested superannuation entitlement with interest and surpluses accruing until an agreed retirement age or re-entry into the superannuation scheme; thirdly, limited portability—that is self-explanatory; and, fourthly, limited worker involvement in the investment administration of funds where decisions are being made critical to their future financial security.

This legislation gives us an opportunity to speak about superannuation generally. Superannuation has been in the news in the first quarter of this year, particularly in the lead-up speculation to the Federal Treasurer's May economic statement. In fact, because of the stories going around, there has been something of a panic in the Queensland public service. I think it is sad that so many senior and dedicated public servants, teachers and the like have been railroaded into leaving the service before they were properly ready to do so.

Mr Schuntner: By the Labor Government spectre of taxation.

Mr De LACY: I will come to that shortly. I understand what the honourable member is saying. He is not the only one who is saying it.

As I said, it is a sad state of affairs. I know many of these people. I venture to suggest that every member of this Parliament has had discussions with teachers or other public servants on this particular issue. Of course, they have been seeking assurances from Labor members. As a result of advice that I have received from the Federal Treasurer's office, I am in a position to give those assurances.

There is a sort of herd mentality. I cite the example of a run on the stock exchange. Once people feel that something is going to happen, it develops into a rush. It started off as a trickle in north Queensland when a few senior teachers left the service. Then one of the assistant director-generals left the service. Then, all of a sudden, the regional director retired. The trickle became something of a stream. Of course, when Sir Leo Hielscher retired, the stream became a flood.

Mr Lee: That's only because of Hawke superannuation tax—that's all it was.

Mr De LACY: It was because of rumours that were circulating. I will give the honourable member that. The main reason was that they were concerned that their benefit would somehow be taxed. If the honourable member for Yeronga will be patient, I will explain to him shortly why that concern was not well-founded.

I believe—and I am sure the honourable member for Yeronga believes—that no Government should, nor in a political sense can, make changes that will retrospectively impact on conditions already approved.

What that does, or what that tends to do, is to destroy plans that have not been hatched in recent times but plans that have been many, many years in the making. To a certain extent people plan for their retirement over many years. I am sure that all honourable members—including those members on the Opposition side—accept that principle.

The second point that I must make—and this is the other side of the coin—is that no Federal Government can undertake a review of business taxation or a review of taxation generally and exclude superannuation from that review, because superannuation is simply so big in the context of the overall taxation system in Australia that there just could not be a review of the total taxation system without considering it.

Mr Lee: I hope you told Keating that.

Mr De LACY: He does not need me to tell him that; he knows that well.

Before I come to the attitude of the Federal Treasurer towards these accrued benefits, I will take the time to explain just how big and how central the superannuation juggernaut is to taxation policy in Australia. I urge all honourable members to pay attention to this because when it is spelt out, when one examines the impact that it makes on taxation policy, one finds that the present Federal Government and future Federal Governments do have a major problem to address, and it is a major political time bomb.

The present concessions on superannuation have a major impact on the Federal Budget and on the Australian economy. They cost the Government at least $3.5 billion, and possibly $5 billion or more, each year. Those concessions have led to——

Mr Schuntner: They would save a lot in pensions.

Mr De LACY: I will come to that. They do not really save very much in pensions. If one examines the people who are actually benefiting from those tax concessions, one finds that they are not saving very much at all. They are certainly not saving as much in pensions as they are costing. I make that point.

Those concessions have led to the accumulation of approximately $70 billion in superannuation funds, which is an amount almost as large as the total annual Federal Budget. The funds' extensive investments in shares and property have given them a crucial influence in many aspects of business and the economy.

The concessions provide very substantial amounts of Government assistance to some members of the community. The assistance often constitutes more than half of the superannuation benefits that a person ultimately receives. For example, some highly paid business executives can obtain more than $500,000 from the Government, and thus from their fellow tax-payers, in order to supplement their retirement savings. In contrast, the full age pension for a single person is approximately $6,000 a year.

The fact is that the concessions cost substantially more than the Government saves on pensions and will continue to do so for as long as they remain in their present form. Whether that is regarded as a strength or a weakness, it is essential that it be recognised.

I want to quote further from a submission prepared by ACOSS, which is the Australian Council of Social Service. In March of this year ACOSS sent a submission to the Federal Government, which was undertaking a review of business taxation. Its submission was based on the reform of superannuation tax concessions. ACOSS stated—

> "The present system is very expensive to the public purse, and is rapidly becoming even more expensive at a time when many forms of Government assistance for needy people are being cut back. Much of the assistance provided by the concessions:
>
> — goes to wealthy people who already have more than sufficient reserves to maintain a very comfortable standard of living in retirement;
>
> — is given in a way which enables it to be fully spent before or shortly after retirement, rather than a reasonable amount being saved for later years.
>
> The present system has other major weaknesses. For example, it provides:
>
> — greater assistance to a high-income earner than to a low-income earner (even if their superannuation contributions are the same);
>
> — far more assistance to many wealthy people than they would receive if they had less wealth and thereby qualified to receive an age pension.
>
> The present system encourages one type of saving (namely superannuation contributions) at the expense of other types which may be at least as valuable to the economy and more suited to the individual's particular needs and wishes. It also distorts the way in which superannuation funds invest their money, with consequences which damage our balance of payments and the efficiency of our economy."

ACOSS goes on to argue that those weaknesses require urgent changes in the current system of tax concessions.

Further delay will mean that the necessary reforms become increasingly difficult and disruptive to implement especially as a larger number of people will have developed a substantial vested interest in opposing change. Moreover, the cost to the public purse is likely to continue to increase at a rate much higher than inflation, without a commensurate decrease in expenditure on age pensions. I am not going to argue its case for it, except——

Mr Austin: I can tell by the terminology that Peter Walsh wrote that.

Mr De LACY: My speech has not been written by anybody. I am reading from notes that have been scribbled with a thumb-nail dipped in tar.

I have quoted from the ACOSS submissions to the Federal Government's tax review.

Mr Austin: The first part of it was Peter Walsh.

Mr De LACY: No. The first passage that I quoted came from the Minister's second-reading speech.

It is obvious that superannuation must be on the agenda in any review or any analysis of tax policy. It does not do the Federal Opposition or those members of the National Party, State or Federal, any credit at all when they jump on the bandwagon to attempt to make political capital out of the review and do so in a scaremongering way. I want to know how the so-called dries, the economic rationalists as John Howard—the most conservative Liberal Treasurer of all time—delights in calling himself, can support a system whereby individuals in society can receive concessional treatment and great unearned pay-outs from the Government coffers. It is a little bit like John Howard's policy on or his approach to timed telephone calls. The great conservative economic rationalist attacked Bob Hawke from the left. One wonders whether he is an economic rationalist or just a grubby opportunist. At least John Elliott is consistent; he supports anything that leaves the rich and the greedy better off. That is the old-fashioned conservative view—government is about maximising benefits, looking after yourself and kicking everybody else who is down.

The Hawke Government quite rightly has refused to rule out any aspects, including superannuation, from the business tax review. Whether or not people wish to believe what the Government says is up to them. In a press release, the Federal Treasurer stated—

> "First, we would never contemplate changes which would impact adversely on already accrued superannuation end benefits.
>
> Second, whatever decisions the Government takes regarding taxation, superannuation will continue to be treated on a concessional basis.
>
> Finally, the matter of whether or not people can take lump sums is at issue. We are not proposing any changes which would stop people taking lump sums."

Nothing can be clearer than that. As I said, some people choose not to accept that, some choose not to believe it, and some choose not to hear it.

Mr Lee: I don't.

Mr De LACY: It surprises me that the honourable member for Yeronga would be so disbelieving of a Labor Prime Minister.

The Labor Party supports this legislation. I have had discussions with the affected trade unions, which have had fairly extensive consultations with the Government and have agreed to the package. On the occasions when I have spoken to those unions, some of them have said that they felt that they may not have got what they were hoping for out of this legislation.

I do not know whether I should compliment Mr Austin or the Government as a whole on a brilliant sleight of hand in relation to this legislation. In one fell swoop the Government has satisfied the Commonwealth Government/ACTU agreement on superannuation and the decision by both the Federal and State conciliation and arbitration commissions. The Gosuper is funded by a 3 per cent employer contribution. State service and police superannuation fund members have had an effective 1½ per cent increase in take-home pay, which has not cost the State Government one red cent. How the Government can get away with that, I do not know. I presume that the scheme must cost the Government something for all of those State Government employees who were not hitherto covered. This legislation refers to that aspect.

Because all State Government employees will now be covered at least by the Gosuper fund, I am pleased to join in this debate to support this legislation. The Labor Party supports the legislation and is pleased that it has been introduced.

Mr SCHUNTNER (Mount Coot-tha) (8.34 p.m.): Any debate on superannuation must touch upon the overwhelming concern of many Australians regarding the threatened Federal Government actions on superannuation.

The previous speaker attempted to address that issue. However, many of the points that he made will not be swallowed by most Australians. Through its statements and actions, the Federal Government initiated the current widespread speculation throughout Australia. An absolute avalanche of senior people are moving out of very responsible positions and trying to get their retirement benefits because the May economic statement might attack those benefits. It is scandalous that, regardless of what actually happens in May, this is even being mooted by the Federal Government. It is a totally irresponsible action; there is no doubt about that.

Mr De Lacy: You haven't said what was irresponsible. The taxation review? You haven't said what is irresponsible.

Mr SCHUNTNER: I will tell the honourable member what is irresponsible. It is a responsible point of view to say that Governments should encourage people to make contributions towards their own retirement. It is their money that they are saving for their retirement. It is grossly irresponsible of any Government to contemplate taxing that very money that those people are working so hard to accumulate for their retirement so that they are not bludgers on the Government later on. They have the opportunity to accumulate some money for their retirement. I find an enormous irresponsibility in any Government that wants to prevent that very sound goal of thrifty people providing for their own retirement.

Mrs Nelson: What about the brain drain that is occurring as a result of these retirements?

Mr SCHUNTNER: Mrs Nelson asks about the brain drain that is occurring as a result of these retirements. That of course is happening. For instance, I know that in highly technical areas in which senior people aged 50 to 55 have an opportunity to retire or resign, they are availing themselves of that opportunity rather than taking the risk of what the Federal Government might impose upon them in the near future.

I am well aware that this Bill does not consider that particular problem. However, as I said, it is impossible and wrong to enter into any superannuation debate without addressing that very serious issue that confronts so many people right now.

Looking at the Bill that is before us now, I commend the Government for the welcome process of consultation that has occurred in its formulation. It is actually somewhat remarkable because, as I understand it, for many weeks, and probably months, the Government was not prepared to enter into discussions. Then suddenly some discussions took place, and they were very, very fruitful. I congratulate the Government on that process and I urge it to adopt that process more frequently regarding of a whole range of issues that confront employers and employees in this society.

I will now touch upon a couple of this Bill's features. Firstly, I refer to the composition of the board. It is an admirable move that four Government employees and four representatives from the public sector unions will be appointed to the board. It is my belief that such a composition will lead to very productive and harmonious decision-making by that board. It is commendable also that the board has been given the power to determine its own investment strategy and to appoint its own investment manager or managers. I must point out that that represents a remarkable departure from decades of tradition in the way in which the State Service Superannuation Scheme has been run. Under that particular scheme the superannuation board is merely there to administer the Act. Decisions about investment strategies are not part and parcel of the responsibility of that board.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! There is too much audible conversation in the Chamber. Honourable members are speaking across the Chamber. I ask the Chamber to come to order.

Mr SCHUNTNER: The capacity to appoint an investment manager has not been available to the State Service Superannuation Board. Again I say that I welcome that departure from decades of tradition, which I think has been wrong and unfair. I suggest to the Government that it has a close look at the existing State Service Superannuation Scheme arrangements regarding its administration to see if it could be brought into line with this new legislation.

I note also that this Bill will provide for many people who are presently not part of the State Service Superannuation Scheme to be superannuated. The Bill refers to 140 000 employees, of whom approximately 70 000 will be new members of the superannuation scheme. I regard that as a welcome measure. I would suggest that the Government gives some thought to allowing for those people to make voluntary contributions to top up the superannuation fund. These 70 000 people who are new members of the superannuation scheme may well want to provide voluntary contributions—if they can afford it—to a superannuation fund, even if there is no matching subsidy. It would appear to me that the Bill does not provide an opportunity for that to occur.

The Bill provides for a reduction of the employee's contribution of 1½ per cent. Those individual employees will receive an increase in their take-home pay as a result. Moreover, the employer's contribution has been very significantly reduced as a result of that 1½ per cent reduction. As I understand it, the ratio is 2.31 times the employee's contribution, which means that, with the 1.5 per cent reduction in the employee's contribution, the employer's contribution will be reduced by 3.46 per cent. Therefore, it is no wonder that the State Government is able to introduce this 3 per cent benefit out of its funds without any great expenditure being undertaken. The change necessitates no expenditure, apart from including all those additional people in the fund, as the previous speaker mentioned.

All in all, several aspects that I have raised in debate are worth reiterating because they ought to be looked into. Over all, the Liberal Party is happy to support the Bill.

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (8.43 p.m.), in reply: I thank all honourable members for the contributions they have made to the debate. I am delighted that both the Labor Party and the Liberal Party support the introduction of the legislation.

I must say that I am a little concerned about the attitude expressed by the honourable member for Cairns in relation to taxation on superannuation funds.

Mr De Lacy interjected.

Mr AUSTIN: I would have thought that the honourable member's age would be about my age. It may be all right for a person who has almost approached retiring age now, but in the community people who are aged between 45 and 50 years are genuinely concerned. They are planning to leave the State Service——

Mr Burns: Are you that old?

Mr AUSTIN: Yes, I am 45.

People who plan to leave their present occupation at age 55 may be affected by a tax on superannuation funds. I am sure that at their present rates of contribution those people will not be able to retire at the age that they had envisaged. It is as simple as that.

If taxation is applied to benefits or funds after a certain date, it will be the people I have mentioned who will be affected, or people younger than them. Each and every member of this Chamber knows that most of a superannuation contributor's benefits are accumulated in the last years of his working life and that that applies to nearly every

profession or job. What that means is that if taxation is imposed on a superannuation fund, the taxation has to be paid for by the contributor to the fund. It can only be done in one of two ways: either increase the contribution, or reduce the benefit. They are the only two ways that it can be done.

I believe that the funds are actuarially sound—at least they are supposed to be. If they are actuarially sound and the benefits are paid accordingly, in the end result someone has to pay. The person who has to pay is the contributor. Leaving aside the politics of the matter, I hold grave fears for those people who are not my age, but are perhaps 50 and are starting to look at retirement at the age of 55.

The Opposition ought not think that the State Government will not be taxed or that its State Service Superannuation Fund or Gosuper will not be taxed. If the Federal Government taxes the funds, Gosuper will also be taxed.

Mr Burns: Of course they will.

Mr AUSTIN: The people in the community who support Gosuper legislation ought to be aware that that is what the Federal Government will do because it also applied the fringe benefits tax to the States. Everyone ought to be very clear in his own mind that a tax on superannuation can mean only one of two things: reduced benefits or increased contributions.

I am delighted that honourable members support this Bill. I commend the Bill to the House.

Motion agreed to.

Committee

Clauses 1 to 36, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

PUBLIC OFFICERS' RETIREMENTS BILL

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (8.47 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to provide for deferment of retirement of certain public officers."

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) (8.48 p.m.): I move—

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

The Honourable the Premier and Treasurer, in his ministerial statement this morning, announced that the Government proposes to take two initiatives to address the matter of superannuation payments to public officers who have corruptly used their positions of trust and responsibility. The statement foreshadowed an intention on the part of the Government to bring down legislation in the current session to defer the retirement of police officers and public servants.

The Bill before the House applies to any member of the police force of Queensland and any contributor to the State Service Superannuation Fund under the State Service

Superannuation Act whose superannuation benefits are funded to any extent from the Consolidated Revenue Fund. The Bill applies to all police officers and public servants.

Clause 3 of the Bill provides that a notice of retirement from an office held by an officer and furnished by the officer at any time subsequent to 1 March 1988 shall not take effect as a retirement of its own force, and it is declared never has so taken effect, and the retirement thereby notified shall not be effective until approved by the Governor in Council. This clause will not apply to a notice of retirement or the retirement of an officer whose superannuation benefits have been paid or are being paid before the passing of the Bill.

Clause 4 provides that where an officer of the police force or public service has been suspended from duty because of conduct that suggests that he has been corrupt in the discharge of his duties of any office or he has improperly used any office held by him for the purpose of gain or has knowingly neglected to discharge the duties of any office held by him for the purpose of gain, then it is not possible for the officer to retire from any office held by him.

Clause 5 provides that a retirement from office notified by an officer in his notice of retirement is not effective and any Act or law that may require an officer to retire because he has attained a particular age or for any other reason does not apply to the officer.

Clause 6 provides that should an officer die while a retirement from such office which has been notified by him is not effective, then for the purpose of establishing his entitlement to superannuation benefits it shall be deemed that his retirement from office became effective immediately before his death.

I commend the Bill to the House.

Debate, on motion of Mr Braddy, adjourned.

SUPERANNUATION ACTS AMENDMENT BILL

Second Reading

Debate resumed from 13 April (see p. 5791).

Mr De LACY (Cairns) (8.50 p.m.): Once again, the Opposition supports the legislation. Consultation has taken place between the Government and the public service unions' superannuation committee and substantial agreement has been arrived at, as I pointed out in the debate on the Superannuation (Government and Other Employees) Bill. On that basis, the State Opposition can see no reason to oppose the Bill. Obviously, to be consistent with the legislation I have just mentioned, the Bill must be supported.

We in the Opposition have some reservations, and I mentioned them briefly during debate on the previous superannuation Bill. The provisions of this Bill have been a very clever sleight of hand by the Government. The package was obviously complicated by other issues during negotiation with the State service unions. As every member of this Chamber knows, last year there was a proposal to remove the 17.5 per cent leave loading from State public servants and that that was to be traded off with a proposal to reduce the retiring age to 55. At the same time, there was the need to honour the decision of the Federal Conciliation and Arbitration Commission to implement the principle initially agreed to by the Commonwealth Government and the ACTU that national productivity gains be distributed to workers in the form of new or improved superannuation arrangements.

This Bill effectively addresses itself to those public servants who are already covered by superannuation schemes. Therefore, it should provide for improved superannuation arrangements.

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

Mr De LACY: Frankly, I cannot see where the improved benefits or arrangements are for the many State public servants who were previously in superannuation schemes. They still have defined benefits. In most areas these benefits will not change. I will come to the specific areas later.

Certainly, the contributions have been reduced by 1.5 per cent, which means that effectively they have an increase in take-home pay of 1.5 per cent. Most people fail to see where the other 1.5 per cent comes from. Honourable members will recall that the decision of the Federal Conciliation and Arbitration Commission referred to 3 per cent.

Of course, the State public service unions were anxious to accept the notion of voluntary retirement at the age of 55. The police did not come into that category, so, to a certain extent, the police may justifiably feel that they were dealt out because for a long time they have had voluntary retirement at the age of 55. I understand that was because of the stressful nature of their occupation; in the last 12 months it has probably got a little more stressful. The fact is that State public servants still have their 17.5 per cent leave loading, and, for that, they can be thankful.

This legislation provides for a reduction in benefits of 15 per cent in the State service and police superannuation schemes. This 15 per cent will be taken up from the Gosuper scheme. So what members lose on the swings, they gain on the roundabout. I understand that the transitional period will be until 1993, when it is estimated that Gosuper will be in a position to take up that slack.

Again I compliment the Minister on that brilliant sleight of hand. It seems to me that the Queensland Government has been able to meet the terms of the decision of the Federal Conciliation and Arbitration Commission without spending a cent on existing contributors. If anything, the State Government has saved money, because the legislation provides that administration expenses for both funds are to be met by the funds rather than from the Consolidated Revenue Fund, as now happens.

State public servants welcome the option of preserving benefits upon resignation before retirement, as well as the introduction of a benefit payable to persons who are retrenched. That benefit is equal to the member's actuarial reserve, that is, an amount approximately equivalent to the amount actuarially approved and determined by formula, and that is consistent with the ACTU/Commonwealth Government agreement. In that context, existing contributors to superannuation schemes have some additional benefit.

I wish to comment on the Police Superannuation Fund. The police are not quite as happy as other public servants on a range of issues connected with these two pieces of legislation, particularly as they relate to their superannuation. As honourable members know, last year's alteration to the Police Superannuation Fund had a detrimental effect on the lump-sum pay-out to certain categories of police—those retiring through ill-health. Some police in fact complained that they lost as much as $30,000. That alteration to the police scheme was made without consultation. Police say that they have entered into a contract with their employer and that a contract can and ought be varied only by the agreement of both parties. That did not occur. It left a nasty taste in the mouth of contributors to the Police Superannuation Fund.

The police union is not fully satisfied with the level of consultation on issues that affect police directly, as opposed to the general issues in which the union was represented by the combined public service superannuation committee. For instance, as I mentioned earlier, the State public service unions were negotiating a full package with the State Government, one factor of which was the reduction in retiring age to 55 years. Because of the particularly stressful nature of their vocation, that benefit has been available to police for many years. They received no corresponding drop in the retiring age or commensurate concession from the State Government. They were also somewhat offended by the letter from the present Under Treasurer—at that stage he was the Acting Under Treasurer—of the Queensland Treasury Department, Mr Hall. In a letter written to the secretary of the Queensland Police Union of Employees, Mr Hall said in part—

> "... for consequential amendments to the Police Superannuation Scheme, as agreed in negotiations, including a contribution rate reduction of 1.5% of salary."

The facts are that in September/October 1986 the union requested the Minister to provide copies of the proposed legislation containing changes to the Police Superannuation Act. The Minister refused, stating that the amendments had been stopped by the Premier. Honourable members might be aware that relations between the Queensland Police Union and the Police Minister have been less than cordial for a fairly long period. They have not improved in recent weeks, I might add.

At the March 1987 biennial conference of the union, the Minister announced that changes were going to be made to the Police Superannuation Act, but he refused to consult with the union on any proposed change. Those amendments to the Act had been known to the Government for some considerable months, but the contributors were not consulted.

There has been some debate in the press about the actuarial soundness of the police superannuation scheme. The union is not happy. My brief investigations force me to agree with the point of view enunciated by the police union. The Police Superannuation Fund makes very little pretence of being run along normally accepted actuarial lines and pays little heed to the need for proper accounting procedures. I know that the Government will say that a fund is actuarially sound if it has a defined benefit and an open-ended funding commitment from consolidated revenue. Obviously, it has to be actuarially sound. It has to be in a position to meet future pay-outs if there is an open-ended commitment from Treasury to pay any shortfall. However, is that actuarial soundness? I suggest that it is not.

The annual report of the Queensland Police Superannuation Board for the year ending 1987 reveals that total contributions from members was $9,277,000. The total drain on the fund was $32,967,000. That substantial shortfall was made up by a contribution from State Treasury of $21m. That $21m does not seem to be forthcoming on the basis of any formula, which is normally the case with a superannuation scheme. As I have said, it is just an open-ended commitment. Treasury puts in what is required to meet the commitments of the fund at the conclusion of each year. That is not illegal because section 49 of the Police Superannuation Fund requires the Treasury to pay into the fund such sum as the Actuary certifies as necessary to meet the pay-out shortfall. However, to operate in that way makes a joke of proper accounting practices and any pretence of actuarial soundness.

Under the scheme police have a defined benefit, which is unrelated to the health or otherwise of the fund. Most schemes that I know of consist of contributions from both employees and employers and depend for their viability on the soundness of investments. With the Police Superannuation Fund, the investment is virtually an irrelevance. The investment only counts to the Consolidated Revenue Fund.

The Queensland Police Union has had printed in its last monthly journal a schedule which shows the percentage increase in accumulated assets in the Police Superannuation Fund for each of the last 15 years. Some of these make very interesting reading.

In 1980, the total accumulated assets were just over $48m and the increase in accumulated assets was .15 per cent. In 1981, the increase was 5.83 per cent; in 1982, 7.19 per cent; and in 1983, 6.13 per cent. In 1984, accumulated assets decreased by 16.84 per cent. In 1986, they increased by 3.65 per cent.

My point is that any superannuation fund manager who produced figures like those would be dismissed. Although legislation states that the Government contribution will be five-sevenths to the member's two-sevenths, that is 2.5 to 1, the funding over the last 15 years on this rather ad hoc basis shows that the average contribution by the State Government is 2.05 per cent and not 2.5 per cent, as is provided for in legislation.

Again, in its journal, the Queensland Police Union has produced a schedule of tables which show the members' contributions and the Government's contribution as a percentage of the members' contributions. In 1972, for instance, the Government put in .34 per cent of the amount contributed by the members. In only two years in the last 15 years—1983 and 1984—did the Government provide the 2.5 per cent or more of the

contributions of members. The average for those 15 years is, as I said earlier, 2.08 per cent.

The police union makes some fairly pertinent criticisms of the financial management of the Police Superannuation Fund. From that fund, approximately 500 long-term loans were made between 1966 and 30 June 1979, and 91 long-term loans were made pre-1966, making a total of 591 loans involving $41m. Those loans were made at rates of interest ranging from 5 per cent to 11 per cent—the existing ruling rate when the loans were approved by the Treasury Department—with an average over all loans of 7.48 per cent. Most loans were for periods of 20 to 40 years, the shortest being four years and the longest 40 years, with an average loan-time period of 33.8 years.

The funds have been used for purposes such as erection of houses, construction of sewerage, water supply, hospital facilities, roadworks, flood mitigation and many other Government or semi-Government controlled programs. Would any person today lend $1,000 at a rate of 10 per cent for a 40-year term, with no rise-and-fall provisions to take care of the possibility of variable interest rates? The answer is obviously, "No."

It is apparent that those long-term loans assisted the State Government and its various authorities at extremely attractive interest rates, with no rise-and-fall provisions and no right to re-call the loan over a shorter period. Over recent years, this country has seen unprecedented interest rates, property values, share markets and securities, yet the Police Superannuation Fund could not benefit, as it was too involved in benefiting other Queenslanders. The police union asks: who benefited? The answer is: the State Government; its various local Government authorities, boards and quangos; and, perhaps ultimately, the tax-payers. Who lost? According to the union, every police officer who compulsorily paid his fortnightly contribution from salary.

That does not tell the whole story because the other side of the coin is that police have a defined benefits scheme. If its commitments cannot be met from the fund, they will be met, and met regularly, from consolidated revenue. The union says that every other fund is actuarially sound and that police officers would prefer to be involved in the administration of their fund to build up the assets so that they can hold their heads high when they receive their superannuation pay-outs without people saying that they had to be subsidised by the Government. To a certain extent they are subsidised in the sense that consolidated revenue makes good any shortfall every year. As the police officers quite rightly point out, their superannuation fund has been used to finance the development of Queensland.

I believe that it is quite silly for the State Government budgetary process to be linked to a superannuation fund. If that is taken to its logical, if ludicrous, conclusion, does that mean that if Police Commissioner Lewis retires with a $1m pay-out, fewer roads will be built in Queensland? I believe that it makes a mockery of the State Government's commitment to better financial management and quality decision-making.

The annual report of the Police Superannuation Fund contained no projections on the likely future drain on the fund. Given the likely mass exodus from the Police Department following the Fitzgerald inquiry, that is a matter for great concern. However, some of that drain on the fund may be slowed up by the legislation that was introduced just a while ago.

Sir Ernest Savage has warned of the deficiencies of Government-operated superannuation schemes. In recent weeks the Government has gone to great lengths to defend the actuarial soundness of the State Service Superannuation Scheme. I suggest that members of the Government have a good look at the police superannuation scheme and put it onto a reasonable footing. The way in which it is operating now is really a Mickey Mouse arrangement. That does not apply to the same extent to the State Service Superannuation Scheme. In my view, the Queensland Police Superannuation Scheme is not actuarially sound. If the Government is really committed to proper financial management and decision-making, in the interests of the police and the interests of the Government in the long term it ought to restructure that scheme. I have taken this opportunity to draw those factors to the Minister's attention.

The Labor Party supports the legislation. It believes that it is good and important legislation in the context of both superannuation Bills.

Mr SCHUNTNER (Mount Coot-tha) (9.11 p.m.): I wish to make three points in relation to this legislation. Firstly, it is an important aspect of this Bill that provision is made to ensure that benefits for existing members are maintained during the transition period, as it were. In the early stages there may well be some variation in the earning ability of the superannuation fund. It is significant that a five-year period has been allowed to ensure that existing members maintain their existing benefits. I commend the Government for including that particular provision.

My second point relates to a provision of which I am critical. In his second-reading speech, the Minister stated—

> "The Bill also addresses an anomaly in the legislation which now permits full-time employees of universities to continue as contributors upon a variation to part-time status."

This Bill moves in the direction of removing the opportunity for the provision of superannuation if an employee obtains part-time status. That move should have been made in the other direction. This Government has made a great deal out of generating what it calls flexibility in working conditions. We have here a constraint that does not exist in the current legislation. This constraint is placed upon the capacity of those people who are in part-time employment to contribute to a superannuation fund. That is a retrograde step.

I exhort the Government to consider ensuring that superannuation provisions are available to people in part-time employment. It is nonsense to suggest that a rational system to enable superannuation to apply in such circumstances cannot be worked out. Not all public servants and teachers receive the very same salaries. Their benefits and contributions are worked out according to whether they are first year, second year, 10th year teachers and so on or, in the case of public servants, according to their classification levels. By the same token, it would be perfectly possible to ensure that the contributions of part-time employees are at a level that is consistent with the proportion of salary that they receive as part-time employees. The matching contribution by the employer would be in the same ratio as that applied to full-time employees. Therefore, I find that provision totally unacceptable and quite inconsistent with the principles of flexibility of employment that are espoused by the Government as being important.

I urge the Government to consider very carefully the points that I have made about the provision of superannuation for permanent part-time employees. I am not speaking about casual employment; there is a world of difference between permanent part-time employment and casual employment. I am talking about a permanency of employment where that employment is on a part-time basis.

The third point that I wish to raise relates to the enormous change that has occurred in the benefits that are applicable to those people who resign or are retrenched. For many years, one of the major criticisms of the State Service Superannuation Scheme was its hopelessly inadequate provision for those people who resigned from the scheme prior to attaining age 60. From the day before a contributor turned 60 to the day that he actually turned 60 his entitlements went up by probably about $200,000. That was ridiculous. A great number of other schemes operate in the private sector, and they include some provision for vesting after one has been in a scheme for perhaps 15, 20 or 25 years or for some other period.

I now refer to the great difference that will occur under this legislation from what occurred in the amending legislation that was introduced in April last year and the circumstances that prevailed prior to that. I will refer to a particular case which is well known to me. It concerns a person who, if he had resigned after contributing to the scheme for 30 years, would have had a resignation benefit of $20,400. Following the amendment that was introduced last April, the benefit in that case would have been

about $70,000. That amount could have been retained in the State Service Superannuation Scheme until that person attained the age of 60 years.

With this legislation a further change will be made, and in the case of retrenchment or resignation the amount that is credited to the person's account is the actuarial reserve. In the case that I cited, the amount of actuarial reserve at that point in time a little over a year ago was $128,000. So there is a massive difference in the amounts that have been applicable in the cases of resignation or retrenchment as a result not only of this amendment that is before us but also of the amendment that came before this House and was carried in April last year.

Mr Lee: That could have applied to your situation 12 months ago.

Mr SCHUNTNER: It could have.

These benefits are highly desirable and way overdue. It is a pity that this sort of thing was not considered many, many years ago. The Liberal Party supports the Bill.

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (9.17 p.m.), in reply: I thank all honourable members for their contributions to the debate. I am delighted that both the Liberal Party and the Labor Party support the Bill.

Mr De Lacy: You are getting a dream run.

Mr AUSTIN: Yes, I am getting a dream run.

I do not think that I really need to say any more than that, except to take on board the comments made by the honourable member for Cairns in relation to the Police Superannuation Fund. As he knows, that fund is not administered by me directly, it is administered by the Police Minster. I will ensure that the Minister receives a copy of the comments made by the honourable member. I hope that in due course the Minister will be able to respond to some of the matters that the honourable member raised.

I take on board the suggestions made by the honourable member for Mount Coot-tha. I am not altogether sure that those permanent part-time employees are not covered under the new Gosuper scheme. I think that they probably are. I stand to be corrected on that, so what I say should not be quoted as gospel. I think that they probably will be covered as employees under that scheme. However, if I am wrong, I will let the honourable member know.

I commend the Bill to the House.

Motion agreed to.

Committee

Clauses 1 to 33, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

ACTS AMENDMENT AND CONSTRUCTION BILL

Second Reading

Debate resumed from 13 April (see p. 5792).

Mr De LACY (Cairns) (9.21 p.m.): The Opposition supports this legislation and I will outline that support in a moment. The legislation really is only a machinery measure to give administrative effect to portfolio changes. To be honest, I cannot see the logic in some of the portfolio changes. However, it is fair to say that the Opposition accepts

the Government's right to organise portfolio responsibilities in the way it wants to. Consequently, the Opposition supports legislation giving effect to those changes.

The honourable member for Murrumba, who will follow me in this debate, will make some more pertinent comments about portfolio arrangements. My real concern is that, with the rapid disintegration of the National Party, a new administration may be in place in the very near future. Under those circumstances, honourable members again will be in this Chamber debating new legislation to ratify new administrative changes under new portfolio arrangements.

Mr Austin: What do you think the honourable member for Murrumba will get?

Mr De LACY: He would have to have a chance of getting something to do with finance because of the great contribution that he made a short while ago.

Government members interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! The honourable member will come back to the Bill.

Mr De LACY: He is the only honourable member who has shown much interest in this debate.

Having said that, I inform the House that the Opposition supports the Bill.

Mr WELLS (Murrumba) (9.22 p.m.): The Minister has informed the House that this is merely a machinery measure. The problem is that the Opposition does not particularly approve of the machine, let alone the repairs to the machinery which this Bill represents.

Mr Casey: Would you say that it is grinding to a halt?

Mr WELLS: It is grinding to a halt because, basically, the portfolio arrangements of this Government are a clapped-out vehicle. What the Government needs for the 1980s is a sleek, administrative machine.

The Bill asks honourable members to believe that services for intellectually handicapped people are better off in the Family Services portfolio than under Health, that the urban water supply system is better off with the Water Resources portfolio than with Local Government, and that administration of the QIDC and Suncorp is better off with the Minister for Finance than with the Premier.

With respect to the first matter, the proposition that services for intellectually handicapped people are better off outside the Health portfolio is a doubtful one. The rationale for that is not at all clear to me; nor does the Minister attempt any rationale in his second-reading speech. It would seem that intellectual health is a function of Health as much as anything else is concerned with Health.

Mr Austin: Have a look at your own policy.

Mr WELLS: In the absence of any rationale contained in the Minister's speech, I would be very interested to hear from the Minister—when he is more coherent than he is at the moment—exactly what the reason is.

With respect to the transfer of urban water supply to the Water Resources portfolio and away from Local Government, in certain circumstances, that may have some merit. One of its demerits, of course, would be that it would be divorcing from Local Government a matter which is of very intimate concern to local authorities, namely, water supply.

With respect to the administration of QIDC and Suncorp and the transfer of these from the Premier to the Minister for Finance—at least that seems to be a rational idea, because the role of the Premier should be chiefly to co-ordinate. The burden of administering such responsibilites is better placed on the shoulders of a Minister whose portfolio responsibilities are located in the area of finance. These machinery measures are merely ad hoc repairs and alterations to a creaking and inadequate vehicle.

There are a number of ways in which portfolios can be arranged. The first is the organisation of portfolios according to program goals. However, this is an organisation of portfolios that is relevant only to a reforming Government and has no application to this Government. Therefore, I shall say no more about it. The second arrangement is by function, and the third arrangement is the rag-bag approach. The rag-bag approach was exemplified by the ministerial reorganisation in late 1987, that is to say the ministerial reorganisation to which this particular Bill is relevant. I pause here to take an interjection from the Honourable the Minister.

Mr Austin: It is working a bit better than the new arrangement in Canberra. That's a bit of a rag-bag, isn't it?

Mr WELLS: The new system in Canberra is working extraordinarily well. It is a system that is particularly relevant to a large Ministry, consisting as the Federal Ministry does of 30 Ministers. Within Queensland I would have thought that a sleeker and more streamlined Ministry was more appropriate, and a more streamlined Ministry would necessarily be one that was rationally organised according to function.

Mr Casey: The rag-bag approach is appropriate to the snotty noses of the National Party.

Mr WELLS: I thank the honourable member for Mackay for his interjection.

Throughout the period of this National Party Government the system has been to throw to each Minister a rag-bag of portfolio responsibilities. This has led to a number of abuses. Firstly, the most controversial is the abuse through Ministers feathering their own nests. There have been instances under successive National Party Governments of Ministers being given portfolios in which they had a particular vested or other interest, along with other portfolios with which their first portfolio had nothing whatever in common. They must have been under constant temptation to direct resources away from their other portfolios into the portfolio of their particular interest, and therefore there was the constant possibility of abuse.

Secondly, the rag-bag approach led to the division of areas which, in order to adopt a cohesive approach, ought to have been united. For example, the possibility of developing a cohesive transport policy for the State is hindered by the fact that rail transport is in the hands of one Minister and road transport is in the hands of another. Not only does this lead to unnecessary shuffling of paper between departments, but also the worst of it is that there is nobody to take an overall view of the transport needs of the State. Therefore, competing lobby groups approach different Ministers and put competing claims before different departments, thus preventing the development of an integrated structure. No-one is there to take an overview of the needs of transport in this State, simply because those two departments are divided when they should be united.

Thirdly, the distribution of quite trivial portfolios, in terms of the amount of work, the number of statutes to be administered and the size of the departments involved, to more Ministers than was necessary has led to a proliferation of ministerial positions merely to provide jobs for the boys. This tendency grew up under the coalition Government, under which it was necessary to provide a sop to the overweaning conceit of the born-to-rule merchants of not merely one but two political parties.

Fourthly, some portfolio responsibilities have been thrown together to create power structures for individuals whose talents alone would not guarantee them the influence thus bestowed upon them. Therefore the Deputy Premier now has the gravy train of Public Works plus Main Roads. National Party back-benchers are constantly going to him seeking favours. For glamour value the Deputy Premier has Expo and, to keep him on the front pages, he has Police. No public purpose is served by this mollycoddling of the Deputy Premier, and much administrative efficiency is lost. However, it does wonders for his status in the party and, had he not had these various gravy trains and been able to hand out beneficences to various back-benchers, it is doubtful whether he would still retain the lofty and elevated position that he now enjoys.

In short, the National Party Ministry suffers from being too big, with too many almost nominal jobs and with a divergence of portfolio responsibilities where there ought to have been a congruence, and with a lumping-together of responsibilities which have nothing to do with one another except that they represent the vested and political interests of a particular Minister.

I will give the House some examples. What do the portfolios of Public Works, Main Roads, Expo and Police have to do with one another? They do not complement each other. As I said, Public Works is there simply to provide a gravy train for the Deputy Premier. Main Roads, a Transport portfolio, does not have a great deal to do with Expo or Police. The Deputy Premier's very limited attention span is therefore split four ways, when it is as much as he can manage to concentrate on one single object.

I now turn to Transport. As I said, that is separated from Main Roads. No one individual has an overview of the transport needs of the State and so the process of policy development seriously suffers.

I wonder what Environment, Conservation and Tourism are doing together. Tourism is a tertiary industry; it has absolutely nothing to do with Environment or Conservation, except that areas of the environment that one wishes to conserve are often those areas where tourists like to go.

Local Government and Racing remain together under the surveillance of the one Minister. This is merely a legacy of the fact that the previous Minister for Local Government owned racehorses. Racing has absolutely nothing to do with local government and they ought not be together in the same portfolio.

Mr Randell: Hey, hey!

Mr WELLS: I notice that the Minister for Local Government and Racing is concerned because I am suggesting that a small portion of his empire be hived off from him. He should not worry about it. I am not saying that he should have a smaller empire; I am saying that he should have a more rational one.

I turn to two portfolios that are together only because of the similarity of their names. Corrective Services and Administrative Services do not have a great deal in common except that they both have "Services" in their names. One of these portfolios is concerned with law enforcement and the other with straight administration.

Water Resources and Maritime Services do not have a great deal in common, apart from the fact that they are both aquatic portfolios. However, apart from this watery semblance, there is not a great deal to bring them together. Maritime Services, or at least part of it, concerns the administration of ports, and in some cases, airports. These things seem to have a great deal more to do with Transport than with the more watery and aquatic concerns of Water Resources proper.

A sensible arrangement would be one done by function. I wish to inform the House that State Governments do only five things. This is valid across the whole of Australia, for every State Government. There are administrative functions, law and law-enforcement functions, economic-management functions, resource-related functions and social-policy functions. These five functions are the only five functions that any State Government in Australia performs.

Just for the benefit of the honourable members opposite who might be inclined to take up some of this sensible rationalisation, I wish to list which of these functions would take which portfolios if there were to be a sensible classification on the basis of function. Under the administrative function could be listed the Premier, Local Government and Administrative Services; under law and law enforcement could be listed, Police, Justice, Attorney-General and Corrective Services; under economic management could be listed Treasury, Finance and Works; under resource-related portfolios could be listed Main Roads, Transport, Land Management, Employment, Training, Industrial Affairs, Mines, Energy, Primary Industry, Tourism, Northern Development, Water Resources, Maritime Services, Industry, Small Business, Communications, Technology

and Racing; and under the social policy portfolios could be listed Environment, Conservation, Family Services, Welfare Housing, Community Services, Ethnic Affairs, Health, Education, Sport, Arts and Youth.

I repeat that those five functions and that five-way division would be a rational division of portfolios according to function. It is not necessarily the one that we in the Opposition would ultimately prefer. A more preferable arrangement would be one based on program goals, but that is not achievable in the present context. I offer these ideas to honourable members of the National Party for whatever they may be able to do with them, or understand of them, but I draw to the attention of the House that this Bill merely perpetuates the ad-hockery of the last 20 or 30 years. It merely institutionalises the errors that have previously been made. The Opposition does not oppose the Bill. Indeed, it supports the Bill and supports the Government's right to make whatever reorganisation of its already totally disorganised house that it may wish. However, although we support the Bill, we support it only a little bit.

Hon. B. D. AUSTIN (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) (9.35 p.m.), in reply: I am dumbfounded. I am lost for words. I thank honourable members—excluding the honourable member for Murrumba—for their contributions to the debate. When I heard his speech commence, I was shocked. He said words to the effect that intellectually handicapped services ought not to be transferred out of Health into Family Services.

Mr Comben interjected.

Mr AUSTIN: I am glad that the Opposition's Health spokesman has interjected. He should have a quick look at his own party's policy and then have a look at the Federal party's policy. In view of my opening comments, I do not think that I ought to further comment on the remarks by the honourable member for Murrumba.

Motion agreed to.

Committee

Hon. B. D. Austin (Nicklin—Minister for Finance and Minister Assisting the Premier and Treasurer) in charge of the Bill.

Clause 1, as read, agreed to.

Clause 2—

Mr AUSTIN (9.37 p.m.): I have a number of amendments. I move the following amendment—

"At page 2, line 18, omit—

'14'

and substitute—

'11'."

The amendment proposed by the Government is as a result of changes proposed to other clauses.

Amendment agreed to.

Mr AUSTIN: I move the following further amendment—

"At page 2, line 23, omit—

'15'

and substitute—

'12'

This amendment is for the same reason as the previous one.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 10, as read, agreed to.

Clause 11—

Mr AUSTIN (9.39 p.m.): I move the following amendment—

"At page 6, omit lines 19 to 27."

The amendment proposed by the Government is a direct result of administrative arrangements being put in place between the Local Government Department and the Queensland Water Resources Commission. Those arrangements will provide for a close liaison and transfer of information between responsible Ministers, thereby lessening the need for legislative change.

Amendment agreed to.

Clause 11 negatived.

Clause 12—

Mr AUSTIN (9.40 p.m.): I move the following amendment—

"At page 6, omit lines 28 to 35."

The amendment proposed by the Government is a direct result of administrative arrangements being put in place by the Department of Local Government and the Water Resources Commission.

Amendment agreed to.

Clause 12, negatived.

Clause 13—

Mr AUSTIN (9.41 p.m.): I move the following amendments—

"At page 6, omit lines 36 to 46 and substitute—

'11. Construction of s. 32 (1), (2), (2A), (3), (6), (13) and (14). (1) Where an order, report or approval allowed or required to be made or given pursuant to subsection (1), (2), (2A), (3), (6) or (13) of section 32 of the *Local Government Act 1936-1987* by the Minister within the meaning of that Act would, if made or given, be in respect of any work, service, undertaking, matter or thing concerning prescribed matter, that subsection shall be construed as requiring the Minister to consult with the Minister for the time being administering the *Water Resources Administration Act 1978-1984* with respect to the work, service, undertaking, matter or thing before he makes the order or report or gives his approval.

In this subsection 'prescribed matter' means water supply, sewerage, septic tank system, stormwater drainage, agricultural drainage, flood mitigation or swimming pools.' ";

"At page 7, omit lines 1 to 4";

"At page 7, line 5, omit—

'(3)'

and substitute—

'(2)'."

Amendments agreed to.

Clause 13, as amended, agreed to.

Clause 14—

Mr AUSTIN (9.42 p.m.): I move the following amendment—

"At page 7, omit lines 16 to 24."

Amendment agreed to.

Clause 14 negatived.

Clause 15—

Mr AUSTIN (9.43 p.m.): I move the following amendment—

"At page 7, line 27, omit—

'**15**'

and substitute—

'**12**'."

Amendment agreed to.

Clause 15, as amended, agreed to.

Schedules I and II, as read, agreed to.

Schedule III—

Mr AUSTIN (9.46 p.m.): I move the following amendment—

"At page 19, in the heading to Schedule III, omit—

'15'

and substitute—

'12'."

Amendment agreed to.

Schedule III, as amended, agreed to.

Bill reported, with amendments.

Third Reading

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

BRISBANE FOREST PARK ACT AMENDMENT BILL

Hon. G. H. MUNTZ (Whitsunday—Minister for Environment, Conservation and Tourism) (9.47 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Brisbane Forest Park Act 1977-1981 in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. G. H. MUNTZ (Whitsunday—Minister for Environment, Conservation and Tourism) (9.48 p.m.): I move—

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

The Bill is necessary to facilitate the administration of the Brisbane Forest Park Act following the transfer to me from the Minster for Land Management of responsibility for administration of the legislation.

Section 25 of the Act established the Brisbane Forest Park Administration Authority as a corporation sole and provides that the Minister shall constitute the administration authority. The term "Minister" is narrowly defined in the Act as meaning—

"The Minister for Lands, National Parks and Wildlife Service and the Minister of the Crown who for the time being holds the portfolio of Lands whether by that name and style alone or in conjunction with other names and styles."

The effect of that definition is that, although I now administer the Act, the Minister for Land Management remains as the Brisbane Forest Park Administration Authority with all the powers and responsibilities conferred on him by the legislation. A similar situation exists in relation to the secretary of the administration authority. Section 37 of the Act prescribes that the Secretary, Land Administration Authority, shall be the secretary of the administration authority.

To facilitate administration of the Act, it is necessary that the scope of sections 25 and 37 be widened. This has been achieved in clauses 3 and 8 of the Bill. Those two clauses are the main provisions in the Bill and the primary reason for its introduction. However, the opportunity has been taken to make a number of minor amendments which are basically of a machinery nature or which will further facilitate administration of the Act.

Clauses 4, 9, 10 and 11 are purely machinery provisions and their intent is obvious.

Clause 5 of the Bill amends section 28 (4) of the principal Act. That section presently requires a unanimous vote of the board before it can submit a recommendation or report to the administrative authority. As the board has advisory powers only, it is considered unnecessary and undesirable that one member of a 15-member board should have what amounts, in effect, to a power of veto.

To protect the interests of the proprietors of land comprising the park, a provision is inserted that the board cannot override their wishes. The Act presently provides for improvements to be erected only on parts of the park allocated to public use. In fact, improvements such as the administration building for the park have been erected on areas not allocated to public use. Clause 6 formalises the present position.

Clause 7 of the Bill relates to the by-law making power of the administration authority. The proposed amendments will facilitate administration of the park.

The Brisbane forest park was established in 1977 by the Queensland Government to allow greater recreational use of publicly owned lands through the establishment of an umbrella recreation management authority. The Brisbane Forest Park Administration Authority plans, develops and manages the recreational use of the 25 000 hectare park. The park is made up of State forests, national parks and Brisbane City Council-owned water-catchment areas. Those land-owners continue to manage the land for their traditional uses. The State Government funds all the operations of the authority.

I take this opportunity to thank the Department of Forestry, the Queensland National Parks and Wildlife Service and the Brisbane City Council for their ongoing commitment to the Brisbane forest park concept. There is no doubt that without their co-operation the multitenure recreation management concept would have failed.

The park concept also embodies the principle that certain designated lands must be conserved. Therefore, the onus is on the recreation authority to ensure that sensible environmental management is adopted. Brisbane forest park has adopted a user-friendly approach to its management. When one visits Brisbane forest park one does not get bombarded with regulatory signs and other barriers. Through good design, high standards of maintenance and a high-profile public-information program, the authority has kept vandalism to a minimum and allowed maximum freedom of use within the park.

To date, the Brisbane Forest Park Administration Authority has been enormously successful in its operations. Since its inception, an estimated 14 million visitors have enjoyed the facilities of that State Government initiative. The State Government has invested $11.8m in the development and management of facilities and services. In the past five years, the authority has constructed six major recreation areas together with numerous walking tracks, improved visitor facilities and interpretive programs.

The Brisbane forest park authority has an Australiawide reputation for its innovative and professional approach to recreation management. The authority has been successful in obtaining several grants and awards in recognition of its contribution to the profession.

In 1986, Brisbane forest park won a Queensland tourism award for tourist services and went on to be a finalist in the national tourism awards.

The Queensland Government is extremely proud of the Brisbane forest park. The concept is unique in Australia and it has proved itself to be highly successful. Now that the Brisbane forest park authority is within my ministerial portfolio along with tourism, national parks, forestry and environmental management, there exists an ideal opportunity to expand the concept of multitenure recreation management across the State. I envisage that a system of recreation areas will be established across the State. Initially they could be established in high-use areas such as the south side of Brisbane, the Gold and Sunshine Coast hinterlands, Moreton Island, the Whitsundays, the central Queensland coast and near Townsville and Cairns. They could link with the Brisbane forest park and Fraser Island, where very successful recreation management exists.

The potential exists to extend the State recreation area network to any suitable area with a demonstrated demand. Through co-operative joint management it will also be possible to improve co-ordination and marketing of all other areas of publicly-owned lands that are available for recreation use. Obviously, national parks, State forests and environmental parks would be the prime areas for consideration.

Queensland is blessed with approximately 8 million hectares of State forest and national park across the State. Within that estate are areas of enormous interest to the recreating public. Although many areas have had facilities provided, considerable potential for greater access and facilities still exists.

I strongly believe that parks are for people from all walks of life. That is not to say that we do not conserve areas from people pressure. However, I believe that there is tremendous potential to expose visitors to the great natural assets that are held within our parks and forests. Through positive management approaches such as those that have been adopted by the Brisbane forest park authority, it is possible to allow greater access to parks while at the same time protecting the environment and developing an appreciative attitude amongst visitors. Through education, interpretive programs and first-hand experience of natural sites, people develop respect for and appreciation of the environment, which is, after all, our greatest ambition.

It is also my intention to improve the ties between park recreation and tourism. I strongly believe that tourists are little different from local park visitors—they are keen to explore our natural wonders, to find out a little more about the environment, and to relax and enjoy themselves. Queensland has a tremendous tourist industry and this industry should be more closely linked with our parks and forests.

My department is currently working on the preparation of a new piece of recreation legislation that will enable the Brisbane forest park concept of multitenure recreation management to be adopted in other areas throughout the State. The proposed recreation legislation will have the following objectives—

1. to provide integrated and professionally organised recreation management across the State;
2. to provide greater levels of visitor convenience and satisfaction in parks;
3. to implement changes with least cost, duplication and disruption to existing services;
4. to encourage co-operative involvement of local authorities and private enterprise in recreation management.

Through integration of available lands under a recreation management umbrella, it will be possible to provide greatly enhanced services to the users. It is important to note that the inclusion of lands under the recreation umbrella does not jeopardise their other values. Nature conservation, forest-harvesting, water catchment and other traditional uses of the land are retained.

The Brisbane forest park is the first of many recreational parks across the State. It is a great example of what can and will be achieved in giving the public ready access to areas of Crown and local authority lands.

The Bill seeks to fine-tune the existing Brisbane Forest Park Act. I commend it to the House.

Debate, on motion of Mr Comben, adjourned.

EXPO '88 (MODIFICATION OF LAWS) BILL

Second Reading

Debate resumed from 24 March (see p. 5626).

Mr SHAW (Manly) (9.57 p.m.): The Opposition does not oppose the amendment contained in this Bill. However, it is probably opportune to point out that it is very important to ensure that some of the Bill's provisions are not abused. In the city many outlets for the after-hours sale of liquor already exist and it may very well be argued that the situation that presently prevails should be adequate to meet the requirements of Expo. Quite clearly, some problems would occur in relation to week-end and Sunday use, but for the normal night-time use the present provisions should be adequate to meet the requirements of visitors who come to Brisbane to see Expo.

It would be very difficult to maintain that some areas which will no doubt apply for an extension of trading hours under the provisions of this Bill should be granted a permit to do so. I refer to places such as the Gold Coast and other areas within 100 miles of Brisbane and, indeed, some of the provincial cities which will apply under the provisions of this Bill to have their rights extended. The Opposition hopes that the commission looks very, very carefully at those applications, because it will be very difficult to justify such an extention.

As I said, I imagine that most of the applications that will be made will deal with Sunday trading. I think many people will be uneasy with the concept of extending the sale of liquor in Brisbane more extensively on a Sunday. This then means that Government instrumentalities will have a great responsibility to ensure that where extra alcohol is available, extra provisions and extra services—extra provision for the protection of people and extra provision of services for people—will also be available. For instance, the provision of extra public transport will be needed. If some facilities are permitted to open on a Sunday, the public transport system that presently operates will be quite inadequate to service them and people might be inclined to use private transport to drive home after partaking of excess liquor.

There will certainly be a shortage of taxis, which will probably apply to more situations than aspects of this Bill envisage. Already on many nights in Brisbane there is a shortage of taxis, particularly when hotels have closed. Many patrons are apt to leave their cars at home—quite wisely—and use taxis. However, they find that when the hotels close, taxis simply are not available. That shortage will be exacerbated by the provisions that are before the House tonight. A great deal of inconvenience will be caused to many people if those services are not extended.

Most importantly, the Government ought to ensure that appropriate police supervision is available. It is important not merely to make additional police available but to also ensure that the police have an appropriate attitude to the great influx of visitors that is expected. Examples of problems can be found by looking at what happened when Expos were staged overseas and when the Commonwealth Games were held both in Queensland and overseas. I refer particularly to Montreal, because I can recall that specially trained police officers adopted a specific attitude to visitors. They allowed a little bit of latitude and a little bit of frivolity at times, but they were firm, without being overpowering, when it was necessary. That is the type of attitude that I would hope to see displayed by police during Expo.

I hope the Minister and spokesmen for the police force are correct when they say that adequate police are available to meet the demands made by Expo. Every indication is that that is not so. The signs of police officers being thin on the ground are that police are being dragged in from a number of other stations, which means that fewer police will be available for a number of other services; that many other suburban stations will be inadequately manned and that many provincial cities will be inadequately manned. At a later stage, the Deputy Leader of the Opposition will deal with the subject of police manning more fully.

The provision of motor-cycle escorts will mean that approximately 20 people will be dragged away to escort VIPs, which means that they will not be available for other work. The very extension of liquor trading facilities, which is the subject-matter of this legislation, might mean that insufficient police officers are available for other duties. It is very difficult to argue that the Government cannot afford to employ additional police to carry out escort duties.

I am concerned also about publicity that has been given to the use of police. I gather that again it is Queensland's Tactical Response Group that is being trained to carry out exercises in dealing with terrorists at Expo. I am not for one moment saying that that type of training is not needed or that planning is not needed for such an eventuality. Quite clearly, that training ought to be undertaken and it is welcomed by the Opposition. However, I wonder whether the Tactical Response Group policemen, who are trained to deal with terrorists, armed and hardened criminals, or murderers, or people who are likely to kill should be dealing with crowds at Expo.

Quite clearly, recent incidents have demonstrated that there are policemen available who are trained to take extreme action. Recently, a truck-driver was shot dead during an incident at Browns Plains. In the light of recent experiences I have had, I do not believe that that kind of extreme action is clearly warranted.

In the past, Queenslanders have taken great pride in the fact that its policemen have acted courageously. Even Queensland's recently somewhat maligned Police Commissioner received an award in years gone by for actions he took in disarming a deranged person who was thought to be likely to maim or even kill. Queenslanders took great pride in the fact that on that occasion he exhibited great bravery—as other policemen have on other occasions—in being able to either disarm or talk a person out of taking extreme action without having to resort to shooting him on the spot. I have many concerns about this trend which Queensland is experiencing where armed policemen are showing a propensity to use those arms.

I am concerned about what might happen at an event such as Expo when many ordinary people will be drinking. There will be many opportunities for them to consume alcohol at Expo and there will be rock and roll concerts at which people will perhaps get a little excited. It is quite possible that the following scenario could take place: there could be a rock and roll concert given by one of the big names at Expo and, after the concert has finished, there might be a lot of young people who are steamed up and do not want to go home. It is quite likely that there might be up to 5 000 people or even more sitting around in the area reluctant to leave. They might continue to sing and dance and become more and more exuberant, as people are wont to do on these occasions. They might become a little more extreme in their behaviour and begin to swim naked in the ponds at Expo. They might then climb onto some of the exhibits and decide that it might be a good idea to get hold of Sir Llew Edwards and throw him into one of the pools. A rumour might go around that he is in one of the buildings and they might begin to break into one of the buildings. Quite clearly the situation is getting more and more out of hand all the time.

Mr Ardill: It sounds like Ravenshoe.

Mr SHAW: It is the kind of thing that can happen and it is not the kind of situation in which the Tactical Response Group should go in with shields, batons and

tear-gas. This kind of a situation would necessitate very early, prompt and quick action before it gets out of hand.

I have not seen any publicity to the effect that policemen are being trained in crowd control. I wish to express the concern of the Opposition that if the training has not been carried out—and it certainly has not been publicised—it should be undertaken as quickly as possible to ensure that there are adequate numbers of policemen on the Expo site who are ready to deal with that kind of situation quickly and firmly and nip it in the bud before it gets out of hand.

Clearly, the Expo Authority has done a very good job on many of the aspects of planning for Expo. Some mistakes have occurred which have been put to one side because they have been fairly minor, but as the event draws closer more and more mistakes are occurring and they are becoming more apparent. Some of the mistakes are quite serious. One of these mistakes has been the sale of vouchers for tickets. It is quite clear from the number of people who have gone back and had their vouchers authorised and converted into tickets that there are still many people who believe that they already have tickets. When Expo starts these people will turn up at the gate with their vouchers and there will be a crowd problem. There will be chaos at the gates. A much larger campaign than the current campaign is warranted to make people aware of the necessity to have their vouchers authorised and converted into tickets. More importantly, greater facilities must be made available for country people. There are probably thousands of people in some of the provincial cities who cannot come to Brisbane before the event to have their vouchers converted. Some of them are probably unaware that this must be done. Facilities need to be made available to them in their home towns to ensure that this is done, not only as a service to them, but also as a precaution against large crowds building up at the gates. There is a danger that this will happen anyway, and if people are at the gates trying to have their vouchers converted, there will be growing impatience at the long queues and problems will result. This is threatening to become a very big problem indeed.

The second cause for concern is statements by spokesmen on behalf of Expo that it is anticipated that some of the crowds will be too large so that it will be necessary to close the gates. This is a very real possibility. The capacity of the Expo site is not large and the possibility that on some occasions it will be overtaxed and that it will be not capable of holding the number of people who want to visit the site is very real.

I understand that the Expo Authority has a contingency plan that, should this happen, it will have warnings broadcast over the radio to tell people not to come. The next question that arises is: what happens to those people who have come from provincial cities or who have driven hundreds of miles to visit on that day only to find that the gates are locked and they cannot get in? I do not think that this problem has been adequately addressed.

Another point that arises is: what happens to overseas visitors? I understand that, on behalf of Expo, somebody has said that preference will be given to overseas visitors and to people who have come from provincial cities or who have come hundreds of miles to visit on that day over other people at the gate to be allowed in as soon as an opportunity arises. That is just not possible. If hundreds of people are queued up and the ones nearest the gate have come from the suburbs of Brisbane, the authorities will not physically be able to say to them, "Move back. We are going to allow in people who have come from overseas." If it is certain overseas visitors, there will be a riot. If people who have been queued up for hours are told that they have to move back to allow in some overseas visitors, there will be a riot. The Deputy Leader of the Opposition and I had an experience overseas when Chinese people did stand back and allow us in. I thought there was the likelihood of a riot, and they were more polite than some of our people.

Mr FitzGerald: Not from Toowoomba or my area. They will be very polite.

Mr SHAW: Of course, it might be the people from Toowoomba and the honourable member's electorate who are trying to move through. That may be why the honourable member is in favour of this system; but I am telling him now that it will not work and it will be disastrous if anybody tries to make it work. There has to be a better system than that. That will be the cause of one of the problems.

Many actions have been taken by the Expo Authority and other authorities in Brisbane that have responsibilities surrounding Expo which have not been adequately considered. There have been some instances of pretty poor planning. A matter that has come to my attention is the restriction on people with vending licences. I think that matter will be addressed by the member for Brisbane Central in some depth, so I will not go into it at length. Just in case he does not have the opportunity to rise, I will simply say that some people could lose their livelihoods as the result of ill-thought-out and not properly considered restrictions that have been placed on business people in Brisbane as a result of Expo. I hope he will have the opportunity to expand on something that needs to be reconsidered urgently.

The member for South Brisbane wants to raise the matter of what will happen with many of the residents in the area. The problem of rentals has already been aired, but the access to properties in that area has not been properly considered. However, I will not deal with that in depth, either.

One of the associated problems that I want to deal with in a little bit of depth is the redevelopment of the site after Expo. The acceptance of the proposal for redevelopment after Expo has been a planning disaster. It is not a matter, as has been suggested by the Premier and some others on that side of the House, of political opposition from people on this side. I assure anybody who feels that way that that is not true. If the Government comes up with a good development on the site, the Opposition will be the first to praise it. I remind Government members that the Labor Party has consistently supported the Expo proposal from day one. It has given the proposal its support right through. It also supports the redevelopment at the conclusion of Expo, provided it is carried out in the same manner as the Expo Authority has set about its task. At times the Labor Party has been critical, but it has always given whole-hearted support. However, the handling and acceptance of the tenders and the plan that has been accepted can be described only as a disaster.

The Premier has said that people have been misleading the public. He has not said who they were. As I have had much to say about Expo, I take some of that criticism personally. I do not think that I have at any time been guilty of misleading the public. If anybody has been guilty of misleading the public, it is the Premier. Some of his statements have been quite contradictory. Some of the contradictions began as early as 1983. In May of that year, the then Premier, Sir Joh Bjelke-Petersen, said that he expected that 6 million people would visit Expo. In April 1984, Sir Llew Edwards said that 7 million people would visit Expo. In 1988, in a publication published in the United States and in Australia in co-operation with the bicentennial committee, it was reported that it was expected that 11 million people would visit Expo. If the number of people who were estimated to visit Expo has increased by almost 100 per cent, I question seriously the need to sell the land—particularly the parkland on the south bank of the river—to recoup the cost of Expo. That doubt is borne out by some of the statements that we have heard from the Premier and some of the other spokesmen on Expo since that time.

Those discrepancies are only a small beginning to some of the contradictions which followed. On 19 March 1985, Bob Minnikin, on behalf of the Expo Authority, said that the initial post-Expo redevelopment plans would be released that year—in 1985. He said that the plans for the post-Expo redevelopment would be made available for public comment and would be available for three years before the redevelopment took place.

We now know that those plans were not released until this year. On the occasion that they were released, the Premier said that no public comment would be invited. He said that there would be no need for it because people would be so pleased with them

that they would not want to change anything. It is a matter of record that people have not been pleased with the plans at all. Quite a large number of people have questioned a number of aspects of them, not the least of which is that the previously existing parkland that we were promised would be retained has been destroyed as a part of the Expo redevelopment proposal that has been put forward.

Because of the concerns that were expressed, some weeks later the Premier said that public comment would be invited and people would have the opportunity of expressing their views. When the members of the public made some extreme criticisms, he said that there would only be limited public input and no criticism of the high-rise development would be entertained—it was non-negotiable; that the island, the canals and the casino were non-negotiable. What it comes down to is that the whole project is non-negotiable, that the exercise of inviting public comment is an exercise in public relations and that no real changes are envisaged.

The redevelopment poses important questions. Firstly, is it the best development for the city and the State? Is it the best thing that we can achieve for this city? Does it provide something of which the city and the State will be proud? When people walk past the development and sail by on the river in the future, will they say, "Isn't that development terrific? We have got that as a result of holding Expo in this city."? That is the first question. The other question is: does it achieve an adequate or the best financial return to the city and the State for the land that is being sacrificed to the development? In particular, I refer to the parkland.

On examination, it appears that the River City 2000 proposal achieves neither of those aims. The position is clouded, I admit, by the fact that there has been poor detail of exactly what is proposed for the site.

In addition, there have been conflicting statements about the way in which it is to be financed and the benefits in that regard, in particular whether or not any payment is to be made to Expo and whether it is necessary to make any payment to Expo. That is a very important point. If it is not necessary to fund any deficit, then it is clearly not necessary to sacrifice the parkland.

I have made the point before that the Expo Authority has to be finalised after the event. It has to be wound up and all of the books have to be balanced. However, the Government is not accepting a cash payment for the land in question; it is accepting time payment. I have also made the point before that either Expo is not to be paid money and does not need the money or the Government will have to pay to it out of cash reserves what money it needs.

In February, in answer to that question, the Premier confirmed that $103m would be paid to Expo. He did not immediately say from what source that money would come. On 9 March 1988, in answer to a question asked in this House, the Premier said that that $103m would be taken from the capital accounts of the State Government.

That clearly makes a lie of the statement that has been made throughout the proposition of Expo that it would be at no cost to the people. If the State Government is going to fund $103m from State resources, then later get it back from the developers, the money is being lent to the developers and the Government is funding part of Expo from State resources.

The position becomes confused because, on the same day, the Premier wrote to me—and I do not think he would mind my quoting from that letter—and said in the second paragraph—

> "The State Government has no intention at this time or, indeed, at any time in the future of making a payment of $153m to the Expo Authority."

I might say that the $153m was my figure. However, on the same day in this Parliament the Premier said that the Government would be paying $103m to Expo. It is no small

wonder that everybody is becoming rather confused. The Premier also stated in that letter as follows—

> "There are still uncertainties with the estimates which will not really be resolved until the Expo is concluded. These uncertainties could push either way the present forecast balanced result. However, ticket sales have been beyond all expectations and the management of the Expo financial affairs has been commendable."

I agree that the management has been commendable. Clearly, what the Premier is saying is that the Government should not be letting a tender for the sale of that land, because it is not known at this stage whether that sale will be necessary. I will quote the last paragraph of that letter to illustrate how confusing the matter is. The Premier states—

> "Instalments totalling $200m would, over the relevant 5 year period and at an interest rate of 12 per cent, equate to an up-front payment of $153m now. In other words, if $153m is owing at the end of Expo, a $153m up-front payment would pay the debt off, as will the instalment payment arrangement over 5 years at 12% interest."

The letter concludes—

> "I trust this clarifies the position for you."

It does not—not for me, nor for anybody else. Rather, it repeats the question. The question still remains: where is the money coming from to finance the Expo Authority so that it can balance its books at the end of this year? Why has the State Government agreed to finance the River City 2000 proposal, a privilege that was not extended to other developers?

In the statements that have been made about the redevelopment proposal, there is probably nothing more serious than the conflicts about the casino. Tenderers, other than River City 2000, who have put forward propositions have publicly and privately expressed their concern about the scandalous events that have occurred. I will deal quickly with some of those events.

On 9 January 1988, River City 2000 proposed an exhibition and convention centre, a river island, two hotels, serviced apartments, a boat club, office blocks, a cultural centre and a space and science centre. No mention was made of a casino.

On 3 February 1988, Mr Ahern said that River City 2000 had been told to allow space for a casino.

On 4 February 1988, Mr Moore, on behalf of River City 2000, said that the economic core of the project consisted of a world trade centre, an exhibition and convention centre, a casino, a 400-room Conrad International hotel, a second hotel and 250 serviced apartments.

On 22 February 1988, Cabinet chose the redeveloper before an evaluation committee had made a final recommendation. A report asked for directives from Cabinet on whether a casino could be considered as part of the development and whether a time-payment plan was acceptable. The CM Group was told that a casino could not be considered as part of the negotiations.

That was confirmed on 8 March 1988. *Hansard* records that Mr Ahern said—

> "The evaluation disregarded alternative offers, where made, which relied on the issue of a casino licence . . ."

The Premier said quite clearly that any of the developers who relied in their proposal on the issue of a casino licence were not even considered. The Premier further stated—

> "Government has taken the decision that the next casino in south-east Queensland will be located on the Expo site."

I point out that previously the Premier was at pains to indicate that approval for the inclusion of a casino had not been granted.

On 25 March 1988, Mr Wyeth, director of River City 2000, said—

"The casino is an essential part of the development . . . with this proposal the casino is included."

On 26 March 1988, Mr Ahern said—

"Brisbane will have a casino. It will be on the south bank on the post-Expo site."

In the space of a few months we have gone from a situation in which the Government itself said that those developers who wanted to include a casino in their proposal, no matter how much they were prepared to offer and no matter how good their propositions were, were disregarded because of their reliance on a casino. However, within a few months the Government has said, "The Government has accepted a developer who said that a casino was an essential part of his proposition."

I am sorry to have taken up so much time of the House on that matter, but I think it is very important. It illustrates the conflict and the scandal that has surrounded the agreement to accept the tender of River City 2000.

Finally, I refer to the future use of the Clem Jones Gardens. I understand that freehold title to that land is still held by the Brisbane City Council. I believe that an agreement was entered into between the Expo Authority and the Labor Brisbane City Council that that land would be made available to Expo and that it would be returned to the people after Expo was over. The proposition that has been accepted by the State Government clearly involves the use of that land. Has an agreement been reached with the Brisbane City Council to hand over that land to the Government? If no agreement has been reached, does the Government intend to resume that land from the Brisbane City Council? If the council refuses to hand over that land, will the Government resume it? What compensation has been or will be paid to the council?

The majority of the people of Brisbane and Queensland want to see that parkland retained. They do not support the proposition that it should be alienated. It is nonsense for this Government and a spokesman for the developers to suggest that an equivalent area of land is to be made available. Firstly, we do not want an equivalent area of ground; we want that parkland along the riverfront, which is the important part. It is ridiculous for those people to suggest that an equivalent area of land will be made available. In the calculations that have been made, the surfaces of the canal are included, together with the walkways. Fancy including a dock, which is nothing more than a wooden jetty that juts out over the river, as parkland! That is what the developers appear to have done. They intend to build a wooden dock out over the river and include it as parkland. I do not think that they even intend to put artificial grass on it. That represents a rapacious exploitation of that site which should not be allowed to proceed.

I hope that the Government will give second thoughts to the granting of that site to that developer. It should at least be held back until after Expo is over and we know exactly how much income will be required to be derived from the sale of that site.

Mr BURNS (Lytton—Deputy Leader of the Opposition) (10.30 p.m.): I am pleased to support my colleague Mr Shaw in relation to the Expo '88 (Modification of Laws) Bill. Expo is 11 days away. In 11 days' time we are going to show the world what a wonderful State and country we live in. I hope that Expo is a success and that the international visitors who come here will enjoy it.

I cannot understand why, 11 days before Expo commences, we have to introduce legislation that modifies the Liquor Act so as to facilitate the holding of an international Exposition in Brisbane during 1988. That indicates to me that, if the Liquor Act is not modified in some way, the Government suggests it will not be able to facilitate the holding of an exposition.

It seems to me that what we are really saying is that just about everybody who holds a liquor licence in Queensland can obtain permission, on the payment of a fee of $100, to operate 24 hours a day, seven days a week.

Mr FitzGerald: Could.

Mr BURNS: Could, yes. At the absolute discretion of the commission, the holder of a licensed victualler's licence, a tavern licence, a limited hotel licence, a club licence, a restaurant licence, a cultural centre licence, a theatre licence, a tourist park licence, a bistro licence, a packet licence or a cabaret licence can apply to operate 24 hours a day, seven days a week.

The Bill includes a rather strange clause—

"Upon the application of a holder of—

a limited license;

a club license;

a packet license;

or

a bistro license,

and on payment of a fee of $100, the Licensing Commission may in its absolute discretion, by its order—

(a) exempt the holder from the operation of all or any of the provisions of the Act that restrict the persons to whom, the places where or the circumstances in which he is authorized by the Act to sell or supply liquor or permit liquor to be drunk or consumed on his licensed premises;".

As I read that, on the payment of a fee of $100, the Licensing Commission may in its absolute discretion, by its own order, say to a publican, "You can sell to people under 18." It exempts the holder of a licence from the operation of all or any of the provisions of the Act that restricts the persons to whom, the places where or the circumstances in which he is authorised by the Act to sell liquor. That is a very important area of responsibility to hand over to the Licensing Commission in that way.

Mr FitzGerald: It has those powers now.

Mr BURNS: It should not be laid down that the Licensing Commission has the discretion to change the law in relation to the drinking age.

Mr FitzGerald: It can't.

Mr BURNS: It can. Under that provision it can. The provision states that the Licensing Commission may exempt the holder from the operation of all or any of the provisions of the Act that restrict the persons to whom it may sell or supply liquor. That appears on page 3 of the Bill. The Minister's second-reading speech contains no details about that. The Bill says that the Licensing Commission may do that in its absolute discretion, by its order. I would have thought that something would have been laid down about the drinking age. The Bill says that it may allow drinking 24 hours a day. It does not place any geographical restrictions on this. It does not relate just to the people on the Gold Coast or the Sunshine Coast. Presumably, without any restrictions, the Licensing Commission could say that the Thursday Island hotel could operate 24 hours a day, seven days a week for the period of Expo. It is at its discretion.

Mr Gately: Do you want to discriminate against the Thursday Island pubs?

Mr BURNS: No, I do not. Quite frankly, I think they would probably be better than any of the pubs in the honourable member's area and contain more sensible voters than the people in his area. The people on Thursday Island keep voting Labor. I do not know why people vote for the honourable member. But everybody makes his own mistake.

What I am saying is that this legislation provides a sneaky way of letting everybody have trading 24 hours a day, seven days a week. If that is what is wanted for the next six months over the whole State, it should be said. If this legislation is only being

introduced to facilitate the holding of an international exposition at Brisbane in the year 1988, why was that not said and why were some restrictions not placed on the area which would be affected by this legislation?

As I said, I hope that Expo is a great success. I know that we are on show to the world. As it is said, "Together let's show the world." Let's really show them something. We are told that ticket sales are beyond all expectations. As the Police spokesman on this side I am concerned where the Government will find the number of police who will be associated with Expo. For some time now the police force has told us that it requires an additional 1 200 police men and women. That relates just to the State's normal police operations. We are told that 108 policemen will be stationed inside Expo for its duration. We also know that some time ago the Police Minister sent out a circular to all police men and women asking them if they would like to volunteer to come to Expo. They were told that if they had relatives or friends who they could stay with in Brisbane, the Police Department would be prepared to transfer them to Brisbane for a month, six weeks, two months or three months so that they could be on duty at Expo. I am told that large numbers of policemen from all over the State applied to transfer. Some of the people who applied did not get a guernsey, but many people who did not apply did.

Mr Scott: Did they have to have green and gold cards?

Mr BURNS: I am not too sure.

Mr Scott: Are you aware that they can get a driver's licence with a photograph taken in a uniform?

Mr SPEAKER: Order! The honourable member for Cook will have an opportunity to make a contribution at a later time.

Mr BURNS: The original system was for police to volunteer to carry out duty at Expo. Yet a situation exists in which police stations in the suburban areas close at night, some at 4 o'clock. On week-ends some do not open at all. Many police stations on the Sunshine Coast and in the hinterland do not open at all on week-ends. Some country police stations close for five weeks of the year when the policeman or policewoman goes on leave and the department does not have any money to cover the cost of sending out a replacement officer. The situation in this State was that the administrators of the Police Department were prepared, under some system of volunteering, to make a decision on who would man or not man a station, or what stations would be reduced when Expo began.

Ms Warner: "Staff".

Mr BURNS: A decision would be made on who would staff or not staff some of those places over the Expo period.

I am concerned about what will happen to policing in this State during Expo. I am also concerned about Expo itself. The traffic police tell me that a large number of VIPs will be visiting the area and the traffic police will need motor bikes and facilities to escort them backwards and forwards. Those traffic police will be taken out of the normal traffic police arrangements. I am told that the Police Department does not even have sufficient money to provide those police with the metal staffs to go on the front of the bike to carry the flags of the visiting VIPs.

Mr Austin: Who told you that?

Mr BURNS: A policeman told me.

Mr Austin: Ha, ha!

Mr BURNS: The honourable member interjected. He should let me answer. I went to the stop-work meeting of the Traffic Branch the other day when the police officers carried a resolution attacking the Police Minister, Mr Gunn. At the meeting, policemen made that statement in the presence of 80 or 90 policemen, and nobody denied it. The

facilities are not available. They do not even have stickers to put on the side of police cars, yet the Government is talking about running an international exposition.

Mr Stephan: Do you think that the police have changed their minds since this morning?

Mr BURNS: The honourable member would make Bill Cosby turn white with a story like that!

I am concerned about police manning arrangements. I think it is important to know exactly what the plans are. Eleven days before Expo is due to open, this legislation has been introduced to extend the licensing laws. Approximately a fortnight ago, 50 bullet-retardant vests were purchased for police, to help them handle the terrorist attacks that are likely to occur at Expo. The total was 50, and apparently there are none available for the country areas. It will have to be a rather confined terrorist attack if a total of only 50 police in protective gear will be available to help the innocent people involved.

As I understand it, some of the pavilions, such as the New Zealand pavilion, will allow only 200 people at a time through some sections. However, hundreds of thousands of tickets have been sold. For some of the very good shows at night-time, I understand that crowds in some areas will be restricted to 12 000. If 50 000 people have bought tickets or indicate that they want to go to a certain show and they have paid for their three-day pass or a season pass, they will expect—as Queenslanders do—that they are entitled to see the show. When the crowds roll up and the doors are shut, and security guards are placed outside the doors, I think that the Government will find there will be a need for more than the few police officers that have been allocated to Expo.

In 1985, I went to Expo in Japan. For the first time, I think Queenslanders are going to learn to queue. I do not think that Australians have much patience as far as queuing is concerned.

Mr FitzGerald: There is a lot of entertainment for the queues though.

Mr BURNS: Let us hope that there will be, because the average Australian does not enjoy queuing.

As I walked around Expo in Japan, I saw long queues everywhere. Some of them were three-quarters of a mile long. The people accepted the arrangement and queued to get in. The pavilions closed their doors because exhibits cannot work properly if they are overflowing with people or so crowded that people cannot move. The amount of pedestrian traffic through the pavilions was restricted by closing the doors.

I believe that sensible people will wait a few months before they go to Expo because Expo will operate for six months. However, there will be nights that very large crowds will be atttracted to Expo when the most popular acts are staged. The young people will want to go. Most of the young people I know who are friends of my daughter tell me, "Oh, we're going to see Cher. We're going to see this and that." I hope they do.

Mr FitzGerald: You're going to see Cher too. You're going to look after them.

Mr BURNS: I am not going to go in with them.

Mr FitzGerald: You will probably have on a big hat and coat.

Mr BURNS: No. If I could get there, I would be there; but I am not joining a queue.

Before I embark on a more serious subject, let me make another point. In all of the hassles over accommodation because of Expo, there has hardly been a practical proposal put forward to do something about the people who were residents of the South Brisbane electorate—Anne Warner's electorate—who have been thrown out of their homes as a result of Expo, and about the action taken by landlords. Today someone suggested to me that the Government is currently offering for sale the police barracks at Petrie Terrace.

Mr Comben: There is a big sign outside.

Mr BURNS: Yes. A substantial number of rooms is available. For years, policemen lived in that building. Instead of selling it now, the Government could sell it when Expo is over. During the Expo period, practical, cheap accommodation could be provided for people who are excluded from West End but who wish to return there rather than be rehoused in a Housing Commission home at Loganlea, Beenleigh or Ipswich. The people I refer to would like to stay in the inner city area—an area they have enjoyed living in—and want to go back. Why not? It does not seem to me to be a difficult problem.

Ms Warner: The Government will probably rent out the police barracks for Expo, too.

Mr BURNS: It will be sold and will be in the hands of somebody else.

The Government ought to give serious consideration to not selling that building for six months. In that six-month period the Government could help many people through a very difficult period. It could then allow those people to move back into the West End area and from there on the problem would be overcome.

I wish to speak briefly about what I believe is the most serious evidence of the fact that Expo could be an anti-people event. This relates to the liability exclusion clause shown on the back of the ticket. With 11 days to go until Expo, time has run out for the Expo Authority to clarify its position on public safety. I am concerned about the fact that every man, woman and child who visits Expo will be without legal recourse if he or she happens to be injured on the Expo site. In that respect visitors to Expo will be in a worse position than if they were run over in the street, trampled in the new Myer complex or knocked over in the Exhibition grounds. In all those cases people who are injured as a result of the neglect of the owner or occupier of the premises can sue that owner or occupier for damages.

Mr Elliott interjected.

Mr BURNS: The honourable member should listen and let me finish.

A person who is knocked over on a pedestrian crossing by a hit-and-run driver is not left to bear all of his medical expenses himself, because the Govermment-funded nominal defendant picks up the tab. No-one helps people who are injured on the Expo site. If a person is hurt at Expo, that is tough. He cannot even rely on common law because the Expo Authority has excluded common law. If honourable members do not believe me they should look at the back of their tickets.

Today I am demanding an explanation from the Expo Authority as to why it has renounced its duty to take reasonable care for the safety of the public. Expo tickets carry an exclusion clause denying liability to any person suffering damage or injury on the Expo site. I see that Mr Speaker has his ticket and I will quote from section 2 of the conditions which states—

> "Presence on the Exposition Site is at the sole risk of the owner and the Authority shall not be liable (in contract, negligence or otherwise whatsoever) to the owner for loss, damage or destruction of property or for injury or sickness."

Mr Elliott: What about the subcontractors? They would be liable surely.

Mr BURNS: I will say this to the honourable member: Expo is excluded in that way and I will read a letter from the Queensland Law Society in a moment that bears this out. I was told by a working man in my electorate who wrote to me that this would exclude him from any normal protection that he would get at the QTC, BATC, QRL, the cricket ground and all of the other places that people go for public entertainment in this State. No other place has that kind of exclusion and this exclusion is more harsh and unreasonable than any other. At the time Neville Warburton, who was the Leader of the Opposition, raised the matter and an answer was given by Sir Llew Edwards. The exclusion clause on the ticket means that any member of the public going into the site

will have to insure himself or herself privately against injury. All honourable members are aware of the worries that Queenslanders travelling to New South Wales by car had about the law relating to third party insurance and the exclusions created by the law in that State.

Mr Elliott: Your mates did that.

Mr BURNS: It makes no difference who did it. Why does the honourable member alway come up with that sort of little, whinging excuse? I am talking about people. The honourable member always blames some other State or somebody else and never worries about people or what will happen to them. He worries about whether he can blame someone else so he does not have to worry about it any more.

This exclusion clause means that a completely innocent person could be injured on the site and left a quadriplegic but not be able to recover a single cent from anybody. A person would be better off being run over on the road outside the site than be injured on the Expo site. I want to know why the Expo Authority has taken this high-handed and mean-spirited approach. Where is its sense of public responsibility and concern for its patrons' safety? Where is this "Together, we'll show the world"?

The ordinary law on this matter is eminently reasonable. It does not impose a strict liability on the authority, but rather the authority need only take reasonable care to make the site safe for the purpose of its guests. Expo is refusing to admit patrons on that basis and instead it is insisting that members of the public will not be able to recover damages even for injury caused by Expo's unreasonable neglect. Most public venue authorities, and even many private home-owners, take out public liability insurance to protect themselves in the event of injury to their guests. Many of the honourable members in this House would have that insurance for their electoral offices.

There has already been fire and storm damage to the Expo site and, if that happens again and members of the public are injured, the Expo Authority is saying, "That's tough. You can't get anything out of us." After all the appeals that have been made to the people of Queensland to get behind Expo and support it, this repudiation of Expo's duty to ensure public safety is quite contemptible. For the cost of an insurance premium, Expo could have avoided such terrible risks to its guests. When my colleague Mr Warburton raised this matter in the press in January, there was an extraordinary response from the Expo chairman, who said, "Of course Expo is fully insured." What does he mean? Why has Expo paid a premium for insurance that it does not need? People only insure against the risk that somebody will sue. If the liability has been excluded so that Expo cannot be sued, why pay money for insurance? Remember this: people have their photographs stuck on the front of their tickets and they have signed them. That means that they accept the conditions that are on the back. It is not like any general ticket; it is different altogether.

Obviously the talk by Sir Llew Edwards about insurance is just a blind to keep the press off his back. Even the Queensland Law Society, not a body known for its fanciful fears for public safety, has expressed its concern about the issue to Sir Llew Edwards. Following Mr Warburton's press release in January, that society wrote to the Expo Authority chairman seeking clarification of his public hedging on the issue. Mr Speaker, I forgot to ask you for permission to have that letter incorporated in *Hansard.*

Mr Austin: There are no rude words in it, are there?

Mr BURNS: No. I am the member for Lytton, not the member for Currumbin.

Leave granted.

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Your Ref:
Our Ref: PDC:SSC:MM

Sir Llewellyn Edwards
Chairman,
Brisbane World Exposition 1988,
P.O. Box 1988,
Southbank,
South Brisbane. 4101

21st January, 1988.

Dear Sir Llewellyn,

A number of members of the Society have raised for consideration of the Council, press reports attributed to you relating to the disclaimer from liability which appears on the World Exposition tickets, which have been purchased by many thousands of Queenslanders.

The members of the Society have referred particularly to a press report which appeared in the "Daily Sun" on Monday, 11th January, in which you are reported as saying that the disclaimer is standard procedure, but that the Authority had negotiated very substantial public liability insurance.

That report suggests, by implication at least, that the Authority would not rely upon the disclaimer to avoid claims other than claims which were entirely unwarranted. Members of the Society and my Council are concerned that the effect of the disclaimer is much greater than your observations would suggest and indeed it appears that the disclaimer, which must be acknowledged as a term of contract by the signature of the owner of the ticket, will operate as a total abrogation of the common law rights of those people (both Queenslanders and visitors from interstate and overseas) who may suffer accidental injury as a result of the negligence of the Authority while visiting Expo.

On behalf of the Society, it is submitted that it is neither in the public interest nor in the interest of the Authority that the common law rights of people who may be injured at Expo as a result of the negligence of others should be denied.

The Council of this Society believes that the public is comfortable with the philosophy of the common law which provides a remedy in damages against any person who in breach of the accepted standards of care, causes injury to another.

The Government of this State is to be commended in recently re-affirming these principles in statements relating to proposals to restore the rights of Queenslanders which may otherwise have been in jeopardy as a result of the enactment of the Transport Accidents Compensation Act 1987 New South Wales. As appears from the press report referred to above, the Opposition also supports these basic common law principles.

On behalf of the Council of the Society, I would be obliged if you would clarify the implication referred to about in your remarks to the press. Is it the intention of the Authority not to rely upon Clause 2 of the conditions endorsed on Expo tickets in respect of any claim for damages for personal injury or other loss which may be sustained by visitors to Expo? If that is the case, then this policy, which amounts to a waiver of an otherwise binding condition, should recieve the widest possible promulgation so that the concerns raised in the community by the recent press reports may be allayed.

I look forward to hearing from you in respect of this matter.

Yours faithfully
Peter Channell
President

Mr BURNS: A number of members of that society raised with Sir Llew Edwards his response to statements on this matter. They referred particularly to a press report that appeared in the *Daily Sun* of 11 January in which Sir Llew Edwards had said that the disclaimer was a standard procedure.

I refer honourable members to the third paragraph of the letter I have incorporated in *Hansard.* The Queensland Law Society says that this condition excludes the rights of every Queenslander and all international visitors to sue the Expo Authority even if, as a result of its neglience, they are injured and become a quadriplegic. That is unfair, unjust and wrong.

If we are showing ourselves to the world and if we are inviting the whole of the nation to come here to enjoy our hospitality and our sunshine—I hope it stops raining—the first thing that the authority should do is ensure that our visitors are not being

placed at any undue risk, a risk they would not face if they were invited to attend meetings held by the QTC and the BATC, the cup that will be run in Toowoomba this week-end, the football to see the Broncos, the Bears, the soccer premiership, and things of that nature.

Why is the Expo Authority in this way demanding a change to people's common law rights to sue it? I am concerned, and I am sure that most people who have bought tickets will be concerned. I am assured by lawyers who have looked at the matter for me on a number of occasions that this is the case. On 2 January 1988 a Mr Holt of Wynnum Road, Tingalpa wrote to me about this matter after he read the conditions on his ticket.

Mr Elliott: Is that the law according to Braddy?

Mr BURNS: No, it is the law according to the Queensland Law Society. If the honourable member is critical of that body, I leave the matter to him. My view is that, instead of being a little smart about the issue, he should be concerned about it.

It is 11 days to Expo, and I believe that the Premier should be making some representations to the Expo Authority on this. Surely a substantial public risk policy would at least place our citizens and visitors in a position in which they could take the Expo Authority to task in the normal way and in the normal course of the law if they are hurt in an accident on the site and, as a result of their visit to our State, they suffer substantial loss both physically and financially.

Mr BEANLAND (Toowong) (10.55 p.m.): Expo 88 will commence in a little more than a week's time. It will be a great success not only for Brisbane and Queensland but also for Australia. It will be an event of which we as Queenslanders can all be proud. On behalf of the Liberal Party, I wish Expo every success. It is an event that will again place Brisbane to the forefront of the world stage. Thousands of visitors from all parts of the globe will visit Brisbane. Not only will the publicity that the event will attract benefit business during Expo, but the future benefits will be immense for both tourism and business in Brisbane, Queensland, and probably Australia.

The redevelopment of the post-Expo site will be a memorial to Expo 88. It will be a once in a lifetime opportunity. In the Royal Australian Institute of Architects' *Chapter News* of April 1988, in a column entitled "President's Notes on Memories, April 1987", the president reflects on a meeting that he held with the Expo chairman in March 1987. I quote from the interview a section that highlights my point about the memorial to Expo 88, which will be the post-Expo redevelopment. It states—

> "The design for the redevelopment of the site following Expo must be of a high order. The Authority had made the decision that all buildings, excepting historic buildings, be cleared from the site by 31 December, 1988, thus there would not be a permanent reminder to Expo 1988. It was considered the future of South Bank would be a memorial to Expo 88."

Instead of having a memorial, we are to have an intense development centred on a casino and a 56-storey world trade centre on an island cut into Brisbane's parkland. Brisbane and Queensland deserve something better. All Queenslanders deserve a development of which they can be proud and which will act as a memorial to Expo 88. I contend very strongly that the proposal put forward by the preferred developer does not do that. I call on the Government to stop the clock on this development process and start again. It is not too late. On 12 April, in this Chamber, I also called on the Government to do just that.

Mr Elliott: Did you support the Toowong development.

Mr BEANLAND: I am happy to take the interjection from Mr Elliott. I will get to that matter very shortly and I will soon straighten him out. He can go back to the Condamine River where he belongs. He should not be interjecting about the Toowong development. It was an utter disgrace, and Mr Elliott knows it. That development is a

blight on Toowong, as the Brisbane Transit Centre is a blight on the landscape of the city. I will come back to those developments. I am thankful to the honourable member for reminding me of them.

A worldwide competition should be held for the development of the post-Expo site, excluding the parkland on the riverbank. The site is of such significance that it requires world attention. I strongly believe that the Government undertook to set the parkland aside for the people of Brisbane. It said that the parkland would not be touched in the redevelopment process. Of course, that has not been the situation with the preferred developer—far from it. We owe it to future generations to have the very best development possible. That can come about only through a worldwide competition being conducted.

Last Tuesday, I challenged the Premier to to just that. That call has been ingnored. We are heading down the road to a catastrophe. I will highlight some of those features in a moment. We must do justice to the site. That can be achieved only by attracting worldwide interest in the site, with worldwide ideas as to ways in which it might be developed.

The Government should be considering not only some residential and retail development but also all types of major tourist attractions. Some people have proposed moving the College of Arts and the Conservatorium of Music to the site. I know that at least one of the developers who put in an expression of interest proposed the establishment of a private university on the site.

Those are all very worthwhile goals, but to arrive at an appropriate goal the Government ought to be calling a worldwide competition. That would bring out the very best from around the world, which is not the case with this very high-intensity development. I have talked to town-planners and architects around the city who have expressed a great deal of disgust about the intensity of the development.

On 2 February the Premier announced that River City 2000 would be the preferred developer. What progress has been made since the announcement of River City 2000 as the preferred developer? Last Tuesday, in this Chamber, I raised the matter and indicated that it is only eight months till 1 January, when the site will be handed over to the developer, when the development plan will need to be in place. However, the council has been unable to get the developer to enter into negotiations to resolve the overall development plan.

Today, the Lord Mayor issued a statement indicating her great concern about the matter that I raised last Tuesday—that time is running out. Yet the developer is not holding discussions with the council. No discussions have been held at all. I will quote a section of the statement by the Lord Mayor. It reads—

> " 'I am deeply concerned no detailed plans or studies have been submitted to Council.' Alderman Atkinson said.
>
> 'At this stage Council is not aware of who the chief negotiator for the consortium is. We would like him to be named and get on with the job.
>
> 'The successful tenderer was named early in February and here we are almost three months later with nothing more than a model of a vague concept,' Alderman Atkinson said.
>
> Alderman Atkinson said if developers intended starting work on the site in January 1989, Council would need to have the development plan finalised by the end of June to go to Council and public display in August and then to State Government in November to be gazetted by Christmas.
>
> Alderman Atkinson said all plans received so far from the River City 2000 group had been conceptual only and were not detailed enough for Council to prepare a Development Agreement and Development Plan.'
>
> 'State Government has accepted a concept. It is our responsibility to bring it to reality to the satisfaction to the people of Brisbane,' Alderman Atkinson said."

Of course, that highlights the other matter that I raised, that is the fact that the plan is very much a conceptual one and that a lot of detailed work needs to be put into the proposal.

At this stage honourable members are not aware who the chief negotiator is. Where are the detailed plans? Copies of the detailed plans as submitted by the CM Group and Hooker have been given to members of this Parliament and various people around the city. Those plans were very detailed indeed.

What of the River City 2000 consortium, the preferred developer? There appears to be very little from the consortium in the way of plans. While both the CM Group and Hooker spent hundreds of thousands of dollars on developing plans, how much did the River City 2000 consortium spend? Surely it came up with something more than this amended site plan, copies of which were posted out in the mail by the Premier and attached to his press release dated 2 February 1988 announcing the preferred developer. Surely there is something more than this sketchy concept plan. If there is, the community has not seen it.

The council and the community are at least owed the courtesy of having these plans presented. It is all very well to put forward concept plans, but one would have hoped that a great deal of investigation and detailed planning would go into the proposal. Like many other people in this city, I have grave doubts about the amount of detailed planning that went into this proposal.

The Brisbane City Council itself has more than 5 hectares of prime freehold land included in the site. The land was purchased as riverbank parkland, as I am sure all honourable members are aware. It was paid for by the rate-payers of this city. The most valuable piece of land in the whole site is that riverside land owned in freehold by the Brisbane City Council. The land was included in the Expo site on the Government's undertaking that the land would be returned to the people as parkland. The council received no compensation whatsoever for the land. It would now appear that the Government is refusing to include the council as a party to the heads of agreement between the Government and the developer of the site even though, as I pointed out, the council is a very significant owner of land included in the site. So much for the rights of land-owners and democracy by the Government in its actions!

Whether the Government is dealing with ministerial rezonings or with Expo, it cannot help itself when it comes to riding roughshod over local authorities. Under the Expo '88 Act, the Government has power to proceed with the development without the council's participation. If the council does not soon become involved in detailed plans for the site, it will certainly develop as a fiasco comparable with the world's tallest building fiasco. I know that the people of this city do not want that to recur. So much for the developer! We trust that it will not be long before the preferred developer begins discussions with the council. I call on the Premier to take the preferred developer in hand and to ensure that he commences those discussions forthwith.

I turn now to the architects. Recently I touched very briefly on the plan of Mr Wyeth, who is the architect for the preferred developer. Of course, Mr Wyeth's claim to fame is the Brisbane Transit Centre—the black box down the road. It is something about which every citizen in this city is horrified. In what significant projects of a high calibre has Mr Wyeth been involved? Of course, one such project cannot be found. I am not the only one who cannot find any such projects. Having checked with architects in Brisbane, I believe that nobody else can name any significant projects of a high standard in which Mr Wyeth has been involved. The only project, of course, is the Pioneer River mouth development that was approved by Cabinet back in 1986 and about which we have heard nothing since.

The CM Group involved a worldwide architectural group, the firm of Mitchell Giurgola and Thorpe. Mr Giurgola is the architect for the Federal Parliament House. He is well known throughout the world as an architect. The Hooker's group employed Peddle Thorpe and Harvey, a very well-respected and well-known Australian firm. Very serious questions are raised in relation to the architects involved with the development.

Recently I referred in great detail to the financing of the project. The financing for the project is utterly disgraceful because the people of Queensland will bear some of the interest payments. They are putting forward money to pay for the development in the short term while they wait for the developer to come forward with his funds, namely, $50m on 1 January 1989 and then $25m on 1 January for the next six years at a discounted rate of interest of 11.8 per cent. I am sure that all the other developers would have liked to have an arrangement whereby they could have become a party to the deal at 11.8 per cent interest. Of course, the commercial rate would be a figure of between 15 and 16 per cent. That is the rate that the developer should have been given, not 11.8 per cent.

In answer to a question on 9 March, the Premier stated—

> "... it would have been quite wrong and improper for the Government to make money the sole criterion for the post-Expo development; to hold a very large auction over there and say, 'Say whatever you like, but give us the maximum money and we will take it.' That would have been a very wrong decision in the interests of our children and in the interests of our capital city, our State and our nation, for that matter. It is an extraordinary real estate development that can yield for many years to come extraordinary economic development for the State. Other criteria were involved rather than up-front cash payment."

Other criteria were certainly involved.

Mr Ahern went on to say—

> "The Queensland Government, like all other State Governments in Australia, has certain cash reserves in trust and special funds of substantial variety. These are currently invested in commercial paper, long-term bonds and other investments and are lent to local authorities, statutory authorities and so on across the board."

It would appear that the Government is going to put its hands into its Trust and Special Funds pocket and take moneys out that are presently gaining 15 or 16 per cent interest in order to fund that development over the six years prior to the preferred developer's coming forth with the funds. What a shonky deal and a shonky arrangement that we are confronted with over that whole exercise! It is hardly one of a vision of excellence. When the Government is presenting such a shonky arrangement as that, the Premier can hardly claim that the wheels are back on the green and gold bus.

On 12 April in this House, I indicated that the Government, after disregarding any proposal that included a casino, had arrived at a short list of four. It put aside all of those applicants who included casinos in their applications. The Premier went on to state on the day that the preferred developer was chosen that Cabinet decided to give the tender to River City 2000 and on that day Cabinet had included a casino in the proposal.

It is common knowledge—it was reported in the *Courier-Mail* of 22 February—that the spokesman for the River City 2000 consortium, Sir Frank Moore, stated—

> "... after the announcement of the successful tender that River City's $200 million offer for the site was based on a casino being located there."

The *Courier-Mail* of 4 February indicated—

> "There would be a casino on the Expo site redevelopment, River City 2000 consortium chairman Sir Frank Moore said yesterday."

All honourable members are very familiar with the statements that were made by the Premier about the casino. He tried to pretend that the Government had made the decision that the next casino in south-east Queensland would be located on the Expo site. He stated—

> "The Under Treasurer has been requested to investigate all aspects of the granting of a Casino licence for the site and to report back to the Government."

On 8 March in this House, the Premier indicated—

"The successful Post Expo development consortium does not have a licence to operate a Casino on the site. It has simply been requested by the Government to provide a physical facility within the site.

No decision has been taken as to whom a licence might issue or indeed the mechanism by which a licensee might be chosen."

It has been made very clear by the River City 2000 consortium spokesman, Sir Frank Moore, that without a casino it will not be proceeding. That comes at a time when all of the other developers who were involved in the proposal have been told that they would not be considered if they included a casino in their applications.

Once again, it is clear that favouritism has prevailed; that cronyism has crept in. One might ask: why does the next casino have to be situated on the Expo site? Perhaps it should have been sited in Fortitude Valley. Perhaps that would be a more appropriate site for it, because at present there seems to be a lot of discussion around the State about casinos—illegal or otherwise—operating in the Valley. Why is the claim to fame the fact that a casino will be built on the south bank on the post-Expo site? There is no reason whatsoever. That casino could just as easily be sited in the Valley or in some other location. It has certainly provided a windfall for the preferred developer, River City 2000.

I have already mentioned the parkland. The technical documents that were issued to all parties interested in submitting expressions of interest contained a specific requirement. Item 4.02—public open space—clearly sets out—

"Public open space shall:—

- Be provided having regard to the area that existed pre Expo.
- Return to public ownership and public control on completion of development if not before.
- Strongly relate to the Brisbane River improving and enhancing the accessibility of the general public to the river and its banks.
- Be landscaped to a high standard.

A continuous open space network is to be developed along the entire river frontage of the site generally consistent in area to that which existed prior to Expo. It is pointed out that the proposed new Town Plan encourages low-key development which enhances public usability of riverfront open space.

Enhancement and landscaping of the railway embankment, if not used for development, is specified as a desired objective."

What do we have? Anything but that which is set out in the technical document. It was worthless—totally worthless— for people in this city to go to a great deal of trouble and effort to put those words into the technical documents in the first place. Whilst other developers largely complied with that requirement—and I particularly refer to the other developers on the short list—River City 2000 certainly did not. Instead, of course, some sort of parkland is proposed, a proportion of which appears to be on stakes, or stumps, along the riverfront. Some of the parkland around the World Trade Centre itself is in fact parkland that ought to be located around a building 56 storeys high. It cannot be said that it is parkland that is coming back to the people of this city. That undertaking has been clearly abrogated.

I will now deal with the canal area. In talking to a number of leading civil engineers in this city, I raised the matter of the River City consortium's canal proposal and Endeavour Island. They are all horrified and concerned. Those having any knowledge of canals and tidal flows are concerned about the silting effect. They believe that the proposal will not work; that only a minor canal or a minor cut in the riverbank at this location would work.

A major canal development is proposed. That has to be of concern to all people involved with that development proposal. Both the CM group and the Hooker group have clearly indicated that they have received from the Port of Brisbane Authority letters indicating no objection to their minor indentation into the riverbank at that location. But has the River City consortium received a letter from the Port of Brisbane Authority in relation to its major canal? Where are the letters from leading engineers to indicate that this canal development will not silt up and will not become a nightmare for the city in the future? Of course, not one word has been heard about that at all.

In relation to traffic—again, the technical documents spell out quite clearly that there is a need for an upgraded Grey Street connection from Melbourne Street to Vulture Street; yet no mention is made of that at all in the River City 2000 proposals. There is no link between Melbourne Street and Vulture Street. Certainly, the traffic proposal that that consortium proposes in its development scheme will not be able to take the enormous traffic flow that will occur there.

I know that the other two preferred developers proposed traffic schemes that would have coped with major traffic flows. One, I understand, proposed a six-lane tunnel under the route taken by Grey Street. The other developers did abide by the requirements of the technical document. Again I point out that the River City 2000 consortium just thrust those requirements aside—threw them in the bin—and went ahead with its own proposal. From the information available at this stage, I point out that its proposal will not cope with the traffic that it will generate.

The height of the buildings is very important when considered with the overall development and the way that it will look in the future. The technical document issued by the Government makes the following stipulation about building height—

> "No absolute requirement to limit building height shall apply.
>
> A positive attribute of any comprehensive development scheme would be to have a variety of architectural forms which implies some highrise structures.
>
> It is considered desirable, however, to ensure that highrise development is geographically distanced from the Performing Arts Centre to ensure that the architectural integrity of that building is maintained.
>
> It would be expected that geotechnic, economic and aspect considerations would lead to 'stepping back' of building heights from medium to low rise development towards the river to higher development towards the rail line."

All honourable members would know that both the CM Group and the Hookers group paid careful attention to the requirement, but that requirement was simply disregarded by River City 2000. It submitted a plan to build an island and put a 56-storey world trade centre on it at the very front of the development and in the very heart of the area. It completely forgot all about the building height requirement set out in the technical document.

The technical document in respect of heritage buildings also states that—

> "Every effort should be made to retain and enhance these buildings within an overall development"—

that is, Collins Place, the Plough Inn and the Allgas building. I reiterate that the document mentions "every effort" being made to retain and enhance those buildings. The Lord Mayor has indicated that that is a requirement of the council.

Yesterday, 18 April, I noticed that the National Trust issued a statement indicating its absolute opposition to the uprooting of those buildings. The statement read in part—

> "It would be sacrilege and a betrayal of what the community holds in trust for future generations"—

according to the President of the National Trust, Mr Hobson. He continued—

> "The National Trust is asking Queenslanders to persuade the developers to see reason . . . The River City 2000 developers must recognise that these are buildings

which become historically worthless if they are carted off like demountable sheds. The historical value resides in the relationship these buildings have with their sites, not just in the bricks and mortar."

Although one of the short-listed developers endeavoured to retain those buildings in a historic precinct site and whereas the other developer endeavoured to leave the buildings where they were, River City 2000 simply proposes to pick them up, cart them off and plonk them on the riverbank. It will simply place them down in any old fashion, under its proposal, which is clearly unacceptable to the council.

Again I challenge the Government and ask the $64,000 question: what will the Government do when the council refuses to go along with the proposals that have been put forward and the developer does not agree to change them in accordance with the council's requirements? The Government will ride roughshod over the council. I challenge the Premier to state clearly the Government's position on this matter here and now. It is not good enough to allow the matter to proceed. As I indicated earlier, the clock should be stopped. The Government should start again. Far too much cronyism and far too many business-as-usual practices have gone on. Only the players have changed. The Government needs to stop, and start again.

For redevelopment of the Expo site to have arrived at the position I have described, it is clear that a great deal of pressure has been applied to various members of the Cabinet and to other members of the National Party. I understand that Sir Robert Sparkes, Mr Maybury and Sir Frank Moore were very busy on the telephone to arrive at a position in which the evaluation committee was not given sufficient time to even make a recommendation.

I happened to notice a statement made by the Deputy Premier that appeared in one of the newspapers. He said, "Of course this is a recommendation of the evaluation committee." Nothing could be further from the truth! It is not the recommendation of the evaluation committee. The evaluation committee short-listed four preferred developers. From that group, one of the developers pulled out, which left three. The Cabinet then proceeded in a great rush and selected the preferred developer. What was the rush for? The developer has not contacted the council since it was selected by the Government.

I again call on the Government to reconsider this matter, in the interests of all people in this State and the city of Brisbane, before it is too late. It is not just a once in a life-time occurrence; it is an opportunity that will occur once in a hundred years or perhaps only once in a thousand years.

Mr FITZGERALD (Lockyer) (11.25 p.m.): It is with pleasure that I join in this debate. The previous speaker did not mention the Bill at all. This legislation is the Expo '88 (Modification of Laws) Bill and deals with a modification to the Liquor Act for the week before Expo, the duration of Expo and a short period after that time. I believe that some members of the Opposition who have spoken previously——

Ms Warner: Wind it up.

Mr FITZGERALD: The member opposite has asked me not to speak. I have listened for 30 minutes to the previous member speaking about everything to do with Expo and the propriety of the Government, and he knocked Expo from one end to the other. I am the first Government member to get to his feet. I have a list here of approximately seven Opposition members who will speak, and they are asking me to stop. I have the right to stand in this place, and you, Mr Deputy Speaker, have allowed the Opposition—and I accept it as your right—to speak about everything except the liquor laws. The honourable member for Toowong, ended up knocking Expo from one end of his speech to the other. That is all he did and it was the greatest bucket on Expo that I have ever heard in this House. He was attempting to take the shine off the glowing tributes that have been paid by all the visitors who have come to Queensland and the congratulations that have been given to this Government for putting Expo on and for having the gumption to go ahead. Congratulations also go to Queensland's former Premier, because he was the one who said that Expo would be held in Brisbane. The

other States in Australia did not want to host Expo, and Hawke did not want to support it at all.

Now all that the members of the Opposition do is tip bucket after bucket on this Government about all the little things that they believe will go wrong. I assure these members that thousands of people will come to Australia to see Expo. It will be a wonderful show and there is a great deal of excitement in the community. If the honourable member for Toowong thinks that he will get a little bit of political mileage out of bucketing Expo, he has another think coming, because people want to go along and see it. There will be excellent entertainment and it will be a great asset to the city of Brisbane. Anyone would think that Brisbane was going to lose out on it.

Mr Casey: There are no graphics in this. Please tell Hansard that you are pointing to the Liberals.

Mr FITZGERALD: I thank the honourable member for Mackay, who wishes to join with me in criticising the previous speaker. The honourable member for Toowong spoke for the whole 30 minutes and anyone would think that the city of Brisbane was going to lose out and that the Brisbane City Council is totally opposed to Expo. I do not believe that he is in touch at all with what the people really want.

Mr Palaszczuk: Get back to the Bill.

Mr FITZGERALD: The honourable member for Archerfield says, "Get back to the Bill". I certainly will get back to the Bill.

The honourable member for Toowong was concerned about the number of people who will attend Expo and wish to see entertainment. He talked about how they will be lined up in queues and it will be very awkward. I assure the honourable member that I have a very personal interest in this. It is well known by some members that last week's *Courier-Mail* showed an image of a large puppet called Papa FitzGerald. I understand that the Railway Department has paid a sum of money for the advertising rights on Papa FitzGerald. I inform the House that that does not refer to me; it is referring to my son. He is the designer of that puppet and he did not know that the Railway Department would buy it. I was pleased that the Railway Department bought it. This is some of the entertainment that will occur at Expo and when people are lined up in queues they will see puppets come out of Papa FitzGerald's red beard. If the honourable member for Lytton happens to be in the queues, he will see that. I know that he is rather amazed that any member of my family is artistic enough to provide entertainment for so many people, but I assure him that there is a lot of entertainment.

The Expo Authority is a very large organisation and it has had to wrestle with the problems of providing not only the pavilions for all the nations and corporate institutions who are attending but also the entertainment for thousands upon thousands of people who will come to the event.

I know that everybody is looking forward to the event. The Government is concerned about the large crowds that will be at Expo, particularly for some of the major events. I believe it will have to be a case of lick it and see what happens.

I wish to touch on the specific provisions of the Bill and tell the House that it is modelled on the Commonwealth Games legislation that was passed in this House in 1982. The honourable member for Lytton was critical of some clauses that are a direct mirror of that legislation. I was a member of the committee that considered modifications to the Liquor Act for the duration of Expo. People from the hotel and cabaret industries and from other liquor outlets lobbied the Government because they thought it was an opportune time for the Government to amend the Liquor Act. As the legislation is in the hands of the Minister for Expo, it is clearly identified as Expo legislation. There is no intention whatsoever to broaden the parameters to amend the Liquor Act permanently. A sunset clause ensures that the provisions of the Liquor Act will return to their previous state when Expo has concluded.

That an application be made to the Licensing Commission for variations is reasonable. When the Commonwealth Games legislation was in operation, 378 successful applications were made to vary the licensing provisions of the Act. People who adopt the view that the Government is allowing 24-hour liquor trading are stretching the imagination. In fact, that will probably never, ever happen. A couple of outlets obtained permission for 24-hour liquor trading during the Commonwealth Games, but that was an absolute disaster. Any person with a liquor outlet knows that a closing-time is necessary, even though it might be in the early hours of the morning. Some people have gained the impression that liquor outlets will be full of people who gradually get drunker and drunker and that the doors will be open and drunks will be wandering around the streets at all hours of the night.

We should look at what happened in Western Australia when the America's Cup competition was on over there. There was a lot of partying and jollity every day, and many people drank a lot of liquor and enjoyed themselves. However, I have been reliably informed that there was no appreciable increase in the number of road accidents or in arrests for drunkenness. I will admit that the police may have had more to do than run around picking up everybody who looked more than slightly inebriated, but the fact remains that the increased liquor trading did not cause any great concern to the people during that time. With the excitement of America's Cup racing, it is easy to understand that people would be either drowning their sorrows or celebrating victories.

At Expo I do not expect to see large groups of people drunk in the streets, but I admit that many Europeans will come here. Anybody who has had any experience with people from Europe, particularly northern Europe, will know that they enjoy their entertainment throughout the night. In fact, they do not go out until 10 o'clock at night and they are not ready to go home at 3 o'clock in the morning. That is not our life-style, but in modifying the liquor laws just for the duration of Expo the Government has taken a very responsible attitude.

Mr Davis interjected.

Mr FITZGERALD: The honourable member would like me to wind up. I have been the only Government member to speak to this Bill and I have spoken so far for only eight minutes. If that is reciprocated by members of the Opposition—I am getting an indication from the Whip that it will be——

Mr Davis: You will get only five minutes from me.

Mr FITZGERALD: In that case, I am certainly willing to co-operate with the honourable member.

I simply wish to say that I fully support this legislation. I believe that Expo will go down as a great achievement for this State and that the Government should be given great credit for what it has done. Those people who continue to knock, to whinge and to whine about every little thing that they can pick on will be found out for what they are.

Mr PREST (Port Curtis) (11.35 p.m.): I have great pleasure in speaking to the Bill. I am concerned as to the reason it was introduced. The Bill was introduced to modify the Liquor Act 1912-1987 so as to facilitate the holding of an international exposition at Brisbane in the year 1988. If the amount of alcohol consumed is the only reason why Expo will be a great success, and the members of this House will be part of it, Expo is skating on very thin ice.

I question the Government's motives in introducing the Bill. The Government is being hypocritical. Over the years, Ministers have said in this House that they are very concerned about road fatalities. When road accidents are discussed, members are told that alcohol consumption is one of the greatest causes of such accidents. Concern is expressed about violence in the home. Once again, members are told that alcohol consumption is the major cause. Concern is also expressed about the bashing and the rapes that take place. Members are also told that those offences take place as a result

of the consumption of alcohol. The accused always seem to plead that alcohol was the reason for their breaking the law, whether it be breaking and entering, rape, bashing or whatever.

One of the things that must concern members about the granting of 24-hour liquor licences throughout Queensland from a week prior to the start of Expo until the week after the completion of Expo is how the police will cope with the enormous number of visitors to the city from overseas and interstate. I am concerned also about how the other centres in Queensland will cope, because the police from those centres will be in Brisbane during the period of Expo. They will be fully occupied policing licensed premises. There will be insufficient police to attend to other areas of the State.

I am concerned at the number of deaths and permanent injuries that will be caused by drink-drivers. Statistics show that most serious accidents and fatalities occur after midnight. Alcohol seems to be involved in the majority of those accidents.

This legislation is not cutting back on the opportunity of young people and others to partake in liquor; it is giving them a longer period in which to drink more. Honourable members know that Australians are regarded as heavy drinkers. By making them out to be part of our life-style this legislation is contributing to the corruption of the morals of overseas visitors. Whilst I am talking about morals, I point out that I believe that any good-living person should be at home with his wife and family after a good night out, whether it finishes at midnight or 1 a.m. I do not see why it is necessary to extend liquor trading hours.

I would like to see tourists come to Queensland, enjoy their holiday and have a good time, but I would not like them to be bombed out of their minds during their stay. I am concerned about what goes on at these dens of ill-fame, night-clubs or whatever one wants to call them. If people are not bashed while they are at these places, they are bashed when they leave them. Of course, people are not just bashed; in many instances, young females are raped and, on occasions, young girls meet their deaths after attending some of these places.

I reiterate that I am totally against the extension of these liquor trading hours. As I have said, the police force is being pushed beyond human capacity to cope as it is now, let alone coping with all of these overseas and interstate visitors.

At present the liquor licences that are issued are for 10 a.m. till 10 p.m. or from 10 a.m. till midnight or 1 o'clock. Expo visitors will be able to drink 24 hours a day. I believe that these people will be coming to Australia to enjoy themselves but, as I have said, there are other ways to enjoy oneself than by being bombed—drunk—all the time. I am afraid that in many instances that will be the case.

Even now at cabarets and night-clubs a large quantity of hard drugs is being sold. All the Government is doing is allowing an extension of that unnecessary trade.

I would like to know the motive of the Government in introducing this Bill. Of course, the Government says that it is to facilitate the holding of Expo. I question what the member for Lockyer, Mr FitzGerald, said. He said that it is not the intention of the Government to extend this trial of extended liquor trading hours beyond Expo.

I have in my possession a newspaper clipping of this year headed, "Cabinet to decide on drink law." That article states—

> "State Cabinet would consider at its first meeting this year whether to have a 24-hour liquor law trial during World Expo 88, the Premier, Mr Ahern, said yesterday.
>
> He said no decision had been made, but this was something that should be looked at seriously at the January 18 Cabinet meeting."

Contrary to what the member for Lockyer said, it has been reported in print that the Premier, Mr Ahern, made that statement. The article continues—

> "The six-month Expo, starting in April, appeared to be a golden opportunity for a liquor trading trial because Queensland would be hosting so many overseas and interstate visitors, he said.

The Deputy Premier, Mr Gunn, who first tipped the liquor law change on Sunday, said yesterday Queensland had to cater for the demands of tourists in order to make them as welcome as possible and to reap the full benefits of the six-month tourism boom."

The Deputy Premier not only wants tourists to come to Queensland and enjoy themselves and get bombed; he also wants the dollars that the tourists will bring.

Unfortunately, as I have said, tourists will have to be very careful at some of these places where alcohol is consumed, otherwise they might not have many dollars left in their pockets when they return to their places of abode.

The article further states—

"But the Citizens Against Road Slaughter secretary, Mrs Phyl den Ronden, said any economic benefits created would be wiped out by increased health problems and crime.

'What Mr Gunn is proposing is absolutely insane,' she said.

'The police have been trying their very hardest, despite shortages of manpower and equipment, to clamp down on drink-driving,' she said.

'It is also significant to police and should be to the Police Minister, that alcohol almost always is involved, pack rapes, shootings and domestic violence.' "

That is exactly what I have said. The article continues—

"The Drug-Arm director, Mr Geoff Maskalyne, said Mr Ahern would be fully aware a national drug conference last year determined that the liberalisation of liquor laws not only increased the availability of alcohol but increased the amount of consumption and abuse.

'There has been nothing to indicate so far that consumers want extended liquor trading hours. The demand has come from the suppliers,' he said."

The hoteliers and the suppliers of liquor will reap the benefits, and the Government will do likewise.

In another article, under the heading "Drink less beer, says Leisha", the following statement appears—

"Queenslanders should drink less beer, according to Health Minister Leisha Harvey.

She said there was a need to encourage people to drink less alcohol to minimise the effects it has on their health.

. . .

'Legal drugs are a major problem and anything that can be done to minimise their ill-effects should be done,' she said."

The Government is making it easier for people to consume liquor and for longer periods during the day and night, yet at the same time, the Minister for Health is saying that alcohol causes health problems. I am concerned that when people drink more they tend to smoke more. Honourable members know many people who do not usually smoke. However, whilst those persons are drinking, they will smoke a cigarette. If those people were home in bed in the wee hours of the morning, as they should be——

Mr Elliott: You should take a leaf out of the book you are reading from and go to bed.

Mr PREST: I have no need to take a leaf out of my book. I have not had to go to Alcoholics Anonymous.

Mr SPEAKER: Order!

Mr Elliott: I am not talking about alcohol.

Mr PREST: That is all right as long as the honourable member is not trying to get personal. I do not want to get personal with him.

I believe that if a person has not had enough of one thing by midnight or he has not got the entertainment that he is looking for by midnight——

Honourable members interjected.

Mr PREST: That is right; I have 10 minutes to go. If they have not reached that stage by midnight, they are wasting their own time and the other person's time. That person might as well pack up and go home.

As I said, if those people were home in bed in the wee hours of the morning, they would be at least doing justice to their health, doing it a good turn and most likely they would live longer.

On 8 April this year, Mrs Harvey, who by all accounts is very health conscious, is reported in the press under the heading, "Queensland toll of smoking 10 a day—Minister", as saying—

> "Queenslanders were dying at a rate of 10 a day of smoking related-disease, the State Health Minister, Mrs Harvey, said yesterday.
>
> 'More than 900 Queenslanders have already died this year from diseases caused by smoking,' she said.
>
> Mrs Harvey said Queensland men were among the heaviest smokers in Australia.
>
> 'Brisbane men consume 13 percent more cigarettes each than the indexed national average of 6.29 cigarettes a day.
>
> 'The lifetime probability of contracting lung cancer should be in the order of one in 100, but because of smoking, these probabilities have increased to one in 14 for men and one in 61 for women.'
>
> Speaking at a Queen Street Mall function to mark World No Smoking Day, she said the work of the World Health Organisation and other contributing organisations was vital."

By liberalising and extending drinking hours, we are increasing the risk to a person's health, whether it be by drinking or smoking. At least if they are asleep, people are not smoking. That is what it is all about. I do not smoke. I believe that, rather than smoking, people are better off asleep. Many people would say that lots of other things can kill a person. There are more pleasant ways of dying than from cancer of the lungs, which is caused by smoking, or from alcoholism. I am concerned about the Government's motives in introducing this legislation.

A newspaper article of 10 January 1988 stated—

> "Pub and club licence fee rises to help balance Budget, Austin says.
>
> Hotels and clubs could face licence fee rises this year as part of State Government Budget-balancing exercises, the Finance Minister, Mr Austin, said last night.
>
> He said Queensland faced a deficit of at least $158.4 million in the 1988-89 financial year if present programs were maintained."

What is the Government all about? Is it introducing this legislation for the benefit of Expo—to ensure that it is a success? Is it to ensure that people from overseas and interstate will be able to drink themselves to death? Or is it because the Minister and his Government are short of money and want to try to wipe out that deficit that I have mentioned?

I am in possession of more newspaper articles in which the Minister supports moves to tax beer, fuel and cigarettes. This Bill will ensure that those people who will be entering Queensland from interstate or overseas will make a contribution to the economy—in particular, to the coffers of this Government—by the increased taxes that they will be paying during their stay here.

Mr FitzGerald stated that it was not the Government's intention to use this legislation as a trial. The Premier has already stated that it is a trial. It has been said that the pressure has come from the suppliers and the hoteliers, who are the ones with the cash to finance electoral campaigns. I am quite certain that, in the long term, those people will win.

Mr DAVIS (Brisbane Central) (11.54 p.m.): Mr Speaker——

Mrs Nelson: Are you sure you want to speak?

Mr DAVIS: I think that I should speak. As the member representing the electorate that includes the Expo site, I think that it is only fair that I should contribute to this debate.

I am very much concerned about the greed that has been shown by some sections of the community when Expo has been mentioned, particularly those landlords who are showing the battlers of West End and other areas how then can make a quid out of Expo.

I am very much concerned about what will happen to the Expo site after Expo. I was pleased that the honourable member for Toowong said that the Brisbane City Council should do something about it. From the past record of the Brisbane City Council, it will not be doing too much.

Mr Austin: Who wrote that speech for you?

Mr DAVIS: It is too clever to have been written by the Minister, anyhow.

It is bad enough that unscrupulous landlords, sharks and so forth in the area are making a quid—and my good friend the member for South Brisbane, who has been a leading light in the advocacy and the help and support for the ordinary people in that area, will be mentioning this later. What is worse is that, surprisingly, the great majority of people who are throwing out their tenants into the streets are members of the National Party. This has come out loud and clear. All the landlords have the green and yellow ticket. But it is not only the landlords whom I would like to complain about; it is also the Government departments. For instance, the Cultural Centre now charges $10 a day for parking. The price was $4 a day and it has now been jacked up to $10 a day.

Mr Borbidge: Do you know how much it is at Brisbane Airport?

Mr DAVIS: I do not care about the airport. I am talking about the Cultural Centre.

Mr Borbidge: $20.

Mr DAVIS: What does that have to do with the Expo site? This Minister would have to be the most stupid Minister we have. I am talking about the Expo site and he is talking about the airport.

Mr SPEAKER: Order! The honourable member may also note that the Bill talks about extended liquor hours.

Mr DAVIS: That is okay, too, Mr Speaker. I am sure that it does. I think it is also fair that every member who has spoken on this Bill has also mentioned the provision in the Bill relating to Expo and liquor licences.

Mr SPEAKER: Order! The Chair has been very lenient.

Mr DAVIS: I think so, Mr Speaker. You will remember, Mr Speaker, that when first-reading speeches were discontinued, an assurance was given that certain latitude would be given during the second-reading debate.

The most important point that I want to raise—and I am glad to see that the Minister for Police is in the Chamber—relates to a letter I received from a constituent concerning the problem that he will have with Expo and the Expo site. Honourable members should listen to this because it is most important.

Mr Randell: You wrote that yourself.

Mr DAVIS: I could not expect the Minister for Local Government and Racing, who has been a complete failure while he has held that portfolio, to know any different.

In that letter the constitutent states that he is writing regarding an amendment which was made to his itinerant vendor's licence. This chap is a battler. He is a fish-vendor.

Mr Austin: It's not like the letter you wrote out about the dentist's bill, is it?

Mr DAVIS: He owns a one-tonne Datsun truck which has a mobile fridge unit attached on the back. He has built up his business over 12 years. He buys fresh fish from the Colmslie fish market daily and delivers and sells fish to regular weekly customers around the West End/Highgate Hill area. Unfortunately he has just received notification—and he is another one of the small persons who have been hurt by Expo—that his itinerant vendor's licence has been modified. He states that he will not be allowed to operate within the boundaries of the Expo traffic area from 30 April 1988 to 31 October 1988, both dates inclusive. He received that notification from the superintendent of traffic of the Queensland Police Department.

Mr Borbidge: What sort of licence?

Mr DAVIS: An itinerant vendor's licence.

It so happens that more than half his customers live in the areas within the boundaries of Highgate Hill and West End. These customers are mostly elderly people.

Mr Austin: I am concerned.

Mr DAVIS: It is all right for the Minister for Finance to say that. One can always detect his sarcasm. I have already told the Minister that this man is a fish-vendor. The Minister might not be concerned about the little people, but I am.

Mr Austin: I am concerned.

Mr DAVIS: The Minister is not showing it.

In his letter this chap writes that he sells within those boundaries on Thursday afternoons for approximately two hours; on Friday afternoons for approximately one hour and on Saturday mornings for four hours. His stops consist of only approximately two to three minutes. Therefore, because of those hours, he has to work in those areas.

The Police Department—and the Minister is in the Chamber—has said that he cannot sell within those hours and he cannot work in those areas. For the life of me, I cannot see why, because Expo is coming, the rights of these people to work have to be taken away.

I sent a letter to the Minister. I feel sure that, even though he has many problems, he will look after this matter and make sure that the person concerned receives compensation or is allowed to trade and provide a service.

Previously, the Minister for Finance mentioned that I read a letter from the Australian Dental Association.

Mr Austin: It was not from the dentists. It was a letter to yourself.

Mr DAVIS: No. The Minister has mentioned a letter that I wrote to some dentists. By the way, I mentioned that I obtained satisfaction, but with no help from the Minister. I had to go to the Australian Dental Association.

I express the hope that the Minister will ensure that people who are affected by Expo will be able to obtain some form of support and assistance, because they are the ones who are suffering. I realise that the people affected are little people and would not be in the same category as people whom members of the National Party represent.

However, they deserve to have some form of support and compensation. I hope that the Minister will look after that matter.

Mr PALASZCZUK (Archerfield) (12.01 a.m.): In rising to speak on the Expo '88 (Modification of Laws) Bill, I state at the outset that I agree with the concept of the Bill. However, I will make some comments on the Bill, on Expo generally and also on the Expo redevelopment proposals.

The Bill endorses civilised drinking. I think everyone is pleased to see the end of the days of the public-bar swill. The community has now turned to relaxed drinking habits. The construction of taverns in pleasant surroundings and the provision of attractive food have brought this change about.

The hotels and taverns on the Expo site are to be examples of the customs and drinking habits of the country that is sponsoring the Expo exhibit. The restoration of the Ship Inn and Plough Inn hotels will give visitors to Expo an insight into Australian drinking habits. Unfortunately, they will not be able to experience the colour and atmosphere of the long-gone patrons of those hotels when the present Expo site was a colourful part of the Brisbane maritime industry. Much has been said about the proposed redevelopment of the Expo site after October, but I will mention that matter later during the debate.

The extended retail liquor hours were tried with success during the 1982 Commonwealth Games. One factor that must be recognised is that not every drinker is a 9 a.m. to 5 p.m. worker. I would hope that the clubs situated in the metropolitan area of Brisbane and its tourist-centre surrounds will take advantage of this legislation. The opportunity is being provided for them to experiment with changed drinking hours during the numerous sporting events that will be held in association with Expo.

Over the years, the southern States have proved that flexible 12-hour drinking periods are workable. Sydney, for example, has had the 6.30 a.m. to 6.30 p.m. hotels—the early openers near the old market site and in Chinatown in the Haymarket area—to cater for the shift-worker. The First and Last Hotel at Circular Quay catered for the weary traveller from Manly. Brisbane now has the opportunity to experiment with different trading hours that are more suitable to the needs of the long-neglected drinker.

A classic example of the need for more flexible drinking hours is at Rocklea, in my own electorate of Archerfield. There are two hotels at Rocklea that are both within walking distance of the Brisbane markets. Both trade during the normal hours, but I cannot understand why one is not an early opener to cater for the needs of the workers and patrons of the Brisbane markets. It seems to me that, instead of changing liquor trading hours to suit specific events such as Expo, the Government should be undertaking a complete review of liquor trading hours throughout the State.

One of the most civilising influences on drinking habits has been the acceptance of women drinkers. Equal pay and work opportunities have meant that women drinking in public is no longer taboo. Mr Speaker, they even take their turn at the shout, which is real equality.

Honourable members interjected.

Mr PALASZCZUK: Well, a generation ago, ladies were relegated to what was called the ladies parlour in the older-style hotels. The rebuilding and renovation of hotel premises has fortunately removed this facet of discrimination.

The next step toward civilised drinking would be the advent of neighbourhood taverns. I am aware that they have been suggested on numerous occasions in this House, but Queenslanders have yet to see one in operation. Over the years the Licensing Commission has stated on a number of occasions that it has no objection in principle to the concept of taverns. Recently I spoke to the head of a brewing organisation who thought that the idea was a good one, with the proviso that nearby publicans had to have time to recoup their investment.

At a time when Governments of all political colours are urging people not to drive after they have been drinking, the farcical situation exists whereby new licensed premises are required to provide acres of car-parking. That is blatant hypocrisy, but the present state of affairs suits the Government. The fines imposed as a result of the number of police arrests for driving under the influence considerably swell Treasury coffers.

I can see no earthly reason why new suburban shopping centres cannot have taverns incorporated in them. The new city shopping complexes are well catered for in that way, the new Myer Centre and the Wintergarden being good examples. A tavern in a suburban shopping complex would cater for the shopper who felt like a drink on a hot day.

My own suburb of Inala highlights how ridiculous the present situation is. Three licensed premises are situated on the perimeters of the suburb. The Inala Hotel, Richlands Tavern and Durack Tavern are not within walking distance for most residents. The Inala Civic Centre complex would be the ideal location for a tavern, as it is the main shopping venue for the 23 000 residents of Inala and is within walking distance for most.

A neighbourhood tavern would only need to be a Mum and Dad type of operation, trading during hours that would suit the shopping centres. I know that many people will shake their heads and hands will go up in horror at the suggestion of making more liquor available. However, moves to make more liquor outlets available should be encouraged so that people can drink without having to drive. That is the point that I am making tonight.

A recent welcome addition in my electorate has been a licensed premises called Snack Time. It has a restaurant licence and operates between 12 noon and midnight from Monday to Saturday and between 12 noon and 2 p.m. and between 6 p.m. and 10 p.m. on Sunday. Patrons must have a meal. The location of those premises is tailor-made for the local residents and the workers from the surrounding transport and trucking complexes.

This Bill will operate only until the end of Expo. What happens after that? Will the much-vaunted River City 2000 redevelopment for the Expo site operate under the present antiquated and anomalous licensing laws? Will the proposed convention centre and so-called 5-star hotels be able to offer patrons drinks between 10 a.m. and 10 p.m. only? Obviously in order to attract convention and tourist business, it will be necessary for them to offer their patrons recreational pursuits and relaxation facilities. Not all tourists or conventioneers have been trained by law to be hungry or thirsty during normal business hours only. It may shock you, Mr Speaker, to know that people from overseas often do not think about having a meal until after 10 p.m.

Honourable members have the opportunity to drag Queensland's licensing laws out of the nineteenth century and into the latter part of the twentieth century. Let us make the licensing laws relevant to the society in which we live and make it unnecessary to enact special legislation for one-off events. Why has the Government not brought in a totally new licensing Act? Why should it only be during Expo that the citizens of Queensland may experience civilised drinking hours? The simple answer is that this Government is so used to implementing special legislation to help mates of the National Party that it cannot get out of the habit.

Mr Gately: Henry, I used to think you were nice.

Mr PALASZCZUK: I think the honourable member for Currumbin felt the earth move on Saturday when the National Party polled so poorly. He should be quiet.

Mr Davis interjected.

Mr PALASZCZUK: Yes, the Broncos were beaten on Saturday, as well.

A great deal has been said about the use of the Expo site after October. Evidently the River City 2000 submission has received the nod from the Government. The concept includes quite a number of facets. One of the prime hopes is that, after the exposure Brisbane receives during Expo, marketing Brisbane as a convention centre will be

relatively easy. I hope that is true. The hope is that Brisbane will become a more important gateway entry into Australia and that, as such, it will be attractive as a convention venue.

To attract conventions it is necessary to have a convention centre that can cater for all sizes of conventions and that is conveniently located to the city centre and to delegates' accommodation. The city must also have tourist attractions for the after-hours enjoyment of delegates. Because these days all cities look alike, this is most important. Most high-rise building look very much the same. Attractions such as Lone Pine and river and bay trips are unique.

As part of the Expo site redevelopment, a Fishermen's Wharf type complex has been suggested. Brisbane is fairly well catered for in this regard. Breakfast Creek comes to mind and the old naval stores have also been mooted for a similar type of development. Just how many of them can a city the size of Brisbane support?

After Expo it has been suggested that the Plough Inn, the old gas company building and Collins Place are to be relocated. This is sheer madness. These buildings are attractive because of their historic significance to the area. History just cannot be transplanted.

Another part of the grand plan for the redevelopment of the site is the construction of a world trade centre. At the moment, trade centres seem to be the in thing. The World Trade Centre in Melbourne was supposed to be the main trade centre for Australia, but to date its success is open to debate. Both the Government of Victoria and the Federal Government have had to lease quite a deal of the space to make the centre viable. The suggestion of a trade centre for the Expo site has a familiar ring to it. Honourable members will recall the Kangaroo Point Land Development Bill of 1984, which related to the redevelopment of the old Evans Deakin ship yard site at Kangaroo Point. That was supposed to have had luxurious hotels and a world trade centre. Just as happened with the hydrogen car and cancer cures, that project never got off the ground.

The construction of more office space is also part of the Expo site plan, but does Brisbane really need more office space? A walk around the city, Spring Hill and the Valley will show "For Sale", "For Lease" and "Whole Floors Available" signs in abundance. This is now extending into the suburbs. The Toowong Village office building is a case in point. I suggest that it will be many a long day before it is fully leased.

Another part of the Expo site redevelopment is the integration of the River City tourist complex with the Queensland Cultural Centre and the Performing Arts Complex to attract tourists. The argument used to suggest that this will succeed is that 46 per cent of London West End theatre tickets are sold to tourists. I do not think it is fair to compare the London West End, with its dozens of theatres, first-run productions and leading artists, with our theatre scene. Sydney was also cited. Without being a knocker, I have to say that it has to be remembered that performances at the Opera House draw large crowds not only because of the quality of productions but also because the Opera House is a building of world renown. It also has to be remembered that, because of the cost of staging and the small theatre market, most of the big name shows do not come to Brisbane.

The tenderers had a misconception on whether a casino was to be part of the Expo redevelopment. It is still not clear if this will be so. At the moment Brisbane seems to be well catered for with casinos. As the honourable member for Toowong said, perhaps the non-existent illegal casinos in the Valley would be a tourist drawcard.

Another part of the site redevelopment will be a marina. How many moorings will there be in the marina? What will be the depth of the water in the marina and the moat surrounding the proposed island? What will be the rate of the tidal flow as opposed to the rise and fall of the tide? It has to be remembered that the tidal flow is swiftest on the north side of the river.

As far as residential apartments are concerned, there are 250 units proposed. It will be an elitest complex similar to Southbank and the other complexes on Lower River Terrace.

In relation to car parking—the plan for the Expo site redevelopment suggests car parking for 6 000 vehicles. Traffic congestion in the area is severe at the present time. To even suggest bringing more cars into the area, let alone 6 000, is being totally irresponsible.

In relation to five-star hotels—Brisbane has enough at present. It seems that we are following the path of Sydney.

Mrs Nelson: It does not.

Mr PALASZCZUK: For the benefit of the member for Aspley, I point out that Sydney hotels recently increased tariffs from between 25 to 40 per cent. That caused a very marked drop in tourist occupancy. The tourist industry seems besotted with the prospect of thousands of foreign tourists, with the Japanese the favourites. A point often overlooked is that the Japanese tourists do not contribute as much to the Australian economy as is generally believed. Most of the new five-star hotels on the Gold Coast and in the other major tourist developments are Japanese-owned. The result is that the Japanese tourists book their holidays in Japan, pay for accommodation at a Japanese-owned hotel, fly Japan Air Lines, and most of their holiday money stays in Japan. All that Australia receives is the money that is spent on souvenirs—if we can sell them.

In conclusion, I feel that the old Clem Jones Gardens should be returned to the people of Brisbane and should be administered by the Brisbane City Council. Our forefathers' lack of vision has meant that the citizens of Brisbane are denied public access to most of the river bank. A boardwalk as part of the River City 2000 concept is a very poor substitute for the open access and vista of the Clem Jones Gardens.

Ms WARNER (South Brisbane) (12.17 a.m.): Although I appreciate that it might be very nice for the rest of Brisbane, the rest of Queensland and, indeed, the rest of Australia to have a great big party on the south bank of the river, I urge honourable members—in particular the Minister responsible for running Expo—to spare a thought for the people who live in the area. To the member for Archerfield it might be civilised drinking that will emerge from the new legislation, but from the point of view of the people who live on the south side of the river there are fairly legitimate fears that we will be living basically in the centre of a Munich beer festival for some six months. That being the case, there has been very little attention paid to the plight of the local people.

At the time that Expo was first suggested, local residents met in fairly large numbers with a certain amount of horror and foreboding about what was to occur and suggested that an inner city area——

Mr Randell: That is not right.

Ms WARNER: Yes, it is. I went to the meeting. The Honourable the Minister would be aware that two large meetings took place. They were attended by over 600 to 700 people who talked about what it would be like living in West End, South Brisbane, Highgate Hill and Dutton Park during the Expo period. We were very concerned. We said that Expo would create a traffic funnel, because there are only three bridges over which people can cross the river into the city area. A large amount of the south-side traffic used to travel through that area into the city and it was already a congested area. When a fun fair or an exhibition is conducted there—which is what the traffic situation will resemble—I suspect that a number of south-side residents will not be able to make it across the river to their places of work on a daily basis. Considerable problems will arise on that score. I understand that great efforts have been made to persuade people to use public transport. I applaud that. However, I must stress the problems for people in the local area.

The local residents will no longer be able to park on the road in the Expo traffic area. A permit will be granted for two cars per house, regardless of how many people live in that house. A large block of flats that houses 50 families still only gets a permit for two cars.

That is a severe disadvantage to people who live in the area. In addition, the local residents will not be able to visit anybody in the area because they will not be able to park outside. Visitors will simply not get permits at all.

I have just heard today that the students at the Kangaroo Point TAFE college have been informed that that college will be in part of the Expo traffic area, so they will have restricted parking up till 10 o'clock at night.

Mr Davis: That's a long way.

Ms WARNER: Yes, it is a long way from the Expo site.

I find it difficult to understand why that particular part of my electorate should be part of the Expo traffic area. Nevertheless, that is the position. It will cause enormous problems for people in the course of their daily lives. That is a feature that is coming through time and time again.

When the Government decided that it would place Expo in that area, the Opposition asked why. The Opposition asked, "Why locate it at the most socially inconvenient spot in the city, where transport will be a problem, where congestion will be a problem, where fairly densely populated communities live in close proximity?" Of course, now all honourable members know the reason why the Government did it, and I think some suspicions were held at the time. The reason is that Expo has been part of, and has been tainted by, what can be seen as an unscrupulous land-grab.

The whole tendering process that has gone on, or the lack of the tendering process—and the concerns have been outlined well by other speakers—would indicate that the reason for the siting of Expo is that it was a way of appropriating a large block of land, to hive it off to developers at appropriate rates in the interests of big development and not in the interests of the people who live in the local community.

I will tell honourable members a bit about the people who live in the community of Highgate Hill and West End. They are the poor, the disadvantaged, the low-income families who have had to suffer what was predicted by those meetings to which I referred earlier, that is, a massive hike in property prices. The residents who are still living in private rental accommodation—the traditional residents of the area—are paying more than double the rent that they were paying before the Expo property boom. Of course, real estate agents are roaming the area like sharks, seizing upon any possibility of a sale because at present the prices are so incredibly high that their commissions are enormous.

There is a massive circulation and turbulence, could I say, in the area. People are getting justifiably very nervous and very frightened. Not only is there the prospect of people drinking at all hours of the day and night, but there is also the matter of the fireworks every night for six months. What about babies? Will they be able to sleep with the noisy fireworks going on every night? Then there are all the people who will be coming and going, toing and froing, and so on. It will be a giant nightmare for the local residents, and little or no consideration has been given to them.

No social impact study was carried out as to whether it was an appropriate area to put such an extravaganza, an extravaganza that will attract money, big business and all sorts of goodies and is said to be good for Australia and the rest of Queensland. I do not doubt that that will be the case. All I am asking is that the people who live in the area, who are the poor and the disadvantaged, are not the ones who are asked to pay the penalties for everybody else's good time. That is precisely what has been going on and that is what will happen over the next six months, unless the Government changes its attitude.

I remember when Bjelke-Petersen introduced the Bill into the House. He said that Expo would not cost the tax-payer any money whatsoever. That being the case, he said that no social impact study should be done because there would be nothing that the Government could do to alleviate any of the envisaged social problems that may emerge. As a result of that, social planning has not been undertaken.

A short time ago reference was made to the America's Cup. With some justification, people were comparing Expo with what went on in Western Australia with the America's Cup. An enormous amount of social planning was undertaken in Western Australia. A social impact study and an environmental impact study were carried out. The Western Australian Government and the Federal Government knew what they were doing. Appropriate amounts of money were allocated to assist those people who were disadvantaged by increases in property values and rental charges. In that case $4m was spent on housing alone.

All honourable members know that it took until January 1988—three months before Expo was due to commence—for the Queensland Housing Minister to come to the conclusion that the Government had a problem with people being evicted and that, as a responsible Government, it should do something about it. Why did the Government not think about that problem three years ago? It was raised at that time by the residents and by members of Parliament.

Mr Davis: It was only because of pressure by the churches and the people.

Ms WARNER: That is so.

I suggest that the only reason that the Minister came into the argument at all is that in this new form of so-called small "l" liberalism that the present Government seems to have decided will be its keynote—even though it does nothing it tries to speak nicely—the Government tries to say that it is looking at the problem and that it will do something when it has worked out what it is going to do. That was the position adopted by the Minister in January. He was abiding by that type of consultative and nicely democratic policy. He said that he would actually ask the Federal Government for some money, and he did. Of course, the Federal Government was a little bit amazed that suddenly, three months before Expo the Queensland Housing Minister would be saying, "Can we have some money quickly to deal with what is basically a Queensland housing problem?" It is basically because of the Expo legislation that the housing problem in my area has been created.

Mr Borbidge interjected.

Ms WARNER: In proper negotiations, in a properly worked-out assessment of what was to be done with the money over two years before the America's Cup, a housing worker was hired for 11 months. Do I need to go on about the infrastructure, the planning and the forethought that went into the allocation of money for the America's Cup and the lack——

Mrs Nelson: A financial flop.

Ms WARNER: Yes; about $12m was given by the Federal Government to the America's Cup, $4m of which was spent on housing!

A massive amount of money was spent here, and the Queensland Government did not want any money. In the lead-up to the allocation of Commonwealth funds last year, it had an opportunity to foresee the problem. However, it failed to do so. It is unreasonable for the State Housing Minister to simply blame the Federal Government. The Federal Government did not think about what the Queensland housing needs were because it received no advice from the Queensland Housing Commission. It is not the Commonwealth Government's responsibility to seek that information.

Mr Davis: They told them to keep their nose out.

Ms WARNER: Yes.

The Queensland Government cannot have it both ways. On the one hand, the Minister says that the Federal Government should just hand over the money and then mind its own business. On the other hand, he is saying that when the Queensland Government gets into trouble the Federal Government should bail it out. He cannot have it both ways. That is what is happening; the Government wants it both ways. Regardless of the stupidity and the lack of foresight by the Queensland Government, I will still be urging the Federal Government to note that the people of Queensland, who are also Australians, deserve some governmental support in housing. I will be urging that further funds be made available for that purpose and will support that endeavour. In fact, I have already begun discussions and pleadings with the Federal Government for that particular purpose.

I reiterate that the basic problem with Expo in the South Brisbane/West End/Highgate Hill area and that general part of the world is that very few benefits will flow to the local residents. Because the prices are too high, many of my constituents cannot afford to attend Expo. They cannot afford to take part in that great extravaganza. They are excluded not only from attending Expo because of the high prices, but also from the general activity and enjoyment of the occasion. They have also been turfed out of their homes, been refused parking in their own streets, and had their fish and fruit supplies cut off. What kind of a way is that to treat the hosts? The people who will be most disadvantaged are those who will have to pay the penalty, all because this Government refused to consider what would happen to the ordinary people, the most disadvantaged people who cannot protect themselves because they do not have vast amounts of money or the ear of this National Party Government.

Mr CAMPBELL (Bundaberg) (12.31 a.m.): I wish to mention some of my reservations concerning the Expo '88 (Modification of Laws) Bill and the Liquor Act.

Some of the greatest changes or relaxations in the Liquor Act have been made under the Expo '88 (Modification of Laws) Bill. Many drinking problems exist, especially with under-age drinking, not only in Brisbane but also in many provincial centres, including Bundaberg. I am concerned that this Bill allows for any or all of the provisions of the Liquor Act to be exempted anywhere in Queensland.

One of my concerns is that people in Bundaberg and other provincial centres will say, "We want those exemptions because we are going to sell Expo tourist packages as part of the Expo deal. Our Government's money is going into Expo and we want those exemptions and extended hours." Once those provisions are in place, people will want them retained. Although a sunset clause exists, people will want those provisions retained. Tourist packages will include Bundaberg and resorts or other entertainment areas that have been granted extended trading hours, and people will want those provisions retained. Once those concessions are allowed, extra pressure will be applied to retain them.

I am particularly concerned about entertainment licences. At present, no-one under the age of 18 years is allowed in an entertainment area under an entertainment licence. This Bill allows changes to all types of conditions. I am concerned that this Government will say, "We want an entertainment area on the Expo site. Therefore, we will allow families in, and they can take their children with them." Those children will become used to that adult entertainment. Once they get used to it, families will want the extended hours to be retained. The existing problems will be exacerbated.

I wish to voice my reservations about the extensions to the liquor laws, especially those relating to under-age drinking. This Government should be very concerned about that aspect.

Hon. W. A. M. GUNN (Somerset—Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police) (12.34 a.m.), in reply: I thank all honourable members for their contributions to this debate. It has already been stated that this is not the first occasion on which legislation such as this has been introduced into this House. Similar legislation was introduced for the Commonwealth Games in 1982. It was very successful on that occasion. The legislation is again necessary for Expo.

Brisbane will be playing host at Expo 88, which will be the major international event of our bicentennial year of 1988; there is no doubt about that.

When the holding of Expo in Brisbane was first considered, I visited New Orleans which, during its Expo, was host to 26 countries. This Government considered that it would be doing very well indeed if it attracted approximately 30 countries to Expo. Present indications are that Brisbane will be staging the second-biggest Expo in the world. Fifty-two countries will be participating. The number of corporate bodies attending will be the biggest to attend any Expo. Vancouver, at which 55 countries attended, staged the only Expo bigger than Brisbane. It was estimated that 7½ million people would pass through the Expo gates during the six months. That figure has been amended to 11 000 000 people.

The multiplier effect of Expo will be marvellous for this State. It will bring millions and millions of dollars into Queensland. We must benefit from that.

The fact of the matter is that this legislation is absolutely necessary. It has a sunset clause. I do not envisage any of the problems that members opposite have been talking about. I commend the Bill to the House. It is absolutely necessary.

I have just returned from Eurpoe, where one can get a drink 24 hours of the day. The Government wants to bring Brisbane into line with 1988. That is what this Bill does.

Motion agreed to.

Committee

Hon. W. A. M. Gunn (Somerset—Deputy Premier, Minister for Public Works, Main Roads and Expo and Minister for Police) in charge of the Bill.

Clauses 1 and 2, as read, agreed to.

Clause 3—

Mr GUNN (12.37 a.m.): I move the following amendment—

"At page 3, line 14, after 'limited' insert—

'hotel'."

Amendment agreed to.

Mr D'ARCY: Clause 3 actually contains the whole interpretation of the Bill. Although I have no objection to the Bill or to the outline of the clause, the fact is that this Government, in doing what it is with this clause, is doing exactly the same as it did when the Commonwealth Games were held in Brisbane. It introduced a successful piece of legislation, the provisions of which worked during that period. In introducing this legislation, the Government is allowing Queensland, in this short period, to be subjected to the lobby that this Government has always been subjected to, that is, the hotel lobby.

As to changing liquor laws in this State—this Government has been a gutless wonder. Every time that laws are changed for a limited period, such as this clause does, the Government never continues with it for any further period. In fact, Queensland still has the most draconian liquor laws of any Australian State and probably of any civilised part of the world. For example, do honourable members know that on a Sunday in a restaurant it is impossible to even get a drink after a certain time?

Because of this clause, the hotel lobby will have available a total expansion of the Liquor Act for a limited period, but it will say to any tourists who return after Expo and who want a drink on a Sunday after 4 o'clock, "Sorry. The drinks are off." Because this Government has not had the guts to change the law in Queensland, a person will not be able to get a drink even in a licensed restaurant unless he brings his own.

When change is suggested to the Justice Minister, Mr Clauson, he refuses it for the restaurateurs for one reason and one reason only, namely, that his Government takes too much money out of the pocket of the hotel lobby. That is what this law is all about.

Just laws do not exist in Queensland. We have a gutless Government that will not accept real change or changes.

Clause 3 will apply for the limited period of Expo. What happens when it is all over and the people go home? Queensland will change back to its draconian laws because at election-time the Government gets too much money from one particular group, the hotel lobby. It is time that the laws were changed. The times have shown that Queensland is out of date.

In 1970, the law was changed to allow extended trading hours for drinking because of a by-election result on the south coast. In that by-election, the voters registered a 28 per cent swing against the Government. Last week-end, the voters recorded a 30 per cent swing against the Government. Surely the Government must begin to realise that Queensland people want up-to-date laws. The people do not want hit-or-miss laws or partial amendments for periods that are too limited.

Let us return to a civilised state in Queensland. In the twentieth century, the Government should be introducing comprehensive legislation to change the Liquor Act but not in one particular respect, or for one specific reason. The Government ought to provide wide guide-lines for a change to liquor laws in Queensland because they have been needed for some time.

I can remember the last time that amendments were proposed. The previous Justice Minister, Mr Harper, made announcements that he would be introducing fair and equitable laws. What happened? He was swiped by the very people who occupy the Government benches and who are attempting to introduce this legislation for a limited period. The Government knows that previous amendments to the liquor laws have been successful and it knows that these amendments will be successful. In Queensland today, why can the people not have civilised, reasonable drinking laws that are not subjected to one particular lobby that donates large amounts of money to the National Party?

Mr GUNN: I am a little confused because the honourable member for Port Curtis said the opposite of the comments by the honourable member for Woodridge, whose speech was at variance with what has been said previously. However, the honourable member wanted to get that little speech in *Hansard*, and he has achieved that.

Clause 3, as amended, agreed to.

Clause 4, as read, agreed to.

Bill reported, with an amendment.

Third Reading

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

ADJOURNMENT

Hon. B. D. AUSTIN (Nicklin—Leader of the House) (12.44 a.m.): I move—

"That the House do now adjourn."

Disposal of Toxic Waste, Kingston

Mr D'ARCY (Woodridge) (12.44 a.m.): I rise to discuss an issue that is probably one of the most serious problems confronting the developed world today. Unfortunately, it is a problem that confronts an area in my electorate. I refer to the disposal of toxic waste.

A problem has arisen that I have been rather quiet about. I expected the Government of this State to have adopted a moral approach towards a toxic-waste dump that was established at Kingston in the late sixties and early seventies. The background to this matter is that an old gold-mine was used by the councils in those days as a toxic-waste dump. Because no-one knew at that time what is known about environmental conditions today, the councils had no concept of what might occur if the material that was dumped

in the mine was allowed to permeate through the ground. Waste disposal companies were not given any specific directions about what they dumped into the massive holes in the ground in the hope that the material would be buried for all time.

The fact of life is that this toxic waste is coming back to haunt the people involved. When the Premier was Minister for Health he admitted to me and a deputation that it is a moral problem for the Government and the council, but that the Government must actually bear the end responsibility for it. I have given this Government every possible opportunity to deal with the matter. First of all, the Government palmed the problem off on to the council. One must remember that the council involved in the original dumping was the Albert Shire Council. This Government changed the council boundaries by an Act of Parliament and formed a new council area. The Government said that the new council had to be responsible for that area in which the waste was dumped.

The Albert Shire Council was aware of what the Government did. From 1972 to 1974 I was the member for Albert, and I was aware that toxic waste and other waste was being dumped in the area and being fired. At that particular time the big problem for the residents—who were not aware of the consequences—was the massive clouds of smoke that passed across the area.

At that particular time the council promised me— and I have letters to prove it— that there would be no development on that land. Today there is a shopping centre, housing estates and associated development. The land is permeated by the waste to such an extent that last week a large cyanide tank surfaced in a resident's yard. The people involved were told that the tank could not be touched and that no oxy-acetylene gear should be used near it in case it exploded. At that time the Premier told me and the residents during a meeting that the Government was morally responsible. Not one thing has been done. The present Minister for Health has sent people out to the area to conduct tests which are no more than a joke. In fact, the latest person from the Health Department to come to the area indicated to residents that if he found anything he would not tell the truth because it would be politically embarrassing for the Government.

This Government should make the necessary money available to ensure that information on the parameters of the disaster is available to the public of Queensland. The Government has to become involved and do something about changing its approach to the problem. The Government should not merely identify the problem, but should remove it.

Because it is a wealthy organisation the Howe Corporation Pty Ltd, which currently owns the shopping centre that is situated on top of the main mine shaft, is conducting its own testing. It has told me privately that it has found PCBs under the site. If that is the case, this Government must be aware of the long-term destruction that could occur in the area. The health problems to the residents of the area are horrendous and the possibilities of what could happen must be taken seriously by the Government. This Government has had more than six or seven months to do something about the problem and it has done nothing but talk. It is time that something was done by this Government.

Time expired.

Sale of Autumn Leaves/Pine Forest Complex

Mr FRASER (Springwood) (12.49 a.m.): Tonight I rise in this Adjournment debate to clear the record in relation to the proposed sale by one Baptist Romano of the Autumn Leaves/Pine Forest residential complex in my electorate.

Mr Romano has had this complex for sale for in excess of 12 months and during this period he has held the rents constant at $125 per week for a two-bedroom unit and $145 per week for a three-bedroom unit. Further, he has always instructed the letting agents not to sign any long-term leases and only let the units on a month-to-month basis. Consequently, that is why he allowed the reduced rentals to remain for this extended period. The complex is definitely not being sold because of Expo, as has been claimed by the honourable member for Chatsworth.

On 17 March 1988, Mr Mackenroth asked a question of the Premier relating to a person named Garry Elzahar. Mr Romano was accused by Mr Mackenroth of being instrumental in having Mr Elzahar sacked from his position with Ted Stringer Real Estate. This is a load of rubbish. Mr Romano had no involvement with the alleged sacking of Mr Elzahar.

For the benefit of the House I will list some of the long history of Mr Garry Elzahar. He has previously been a bankrupt; a number of banks, including the National Australia Bank, are interested in locating him in respect of his indebtedness to them; Telecom is also endeavouring to locate the gentleman in relation to unpaid telephone accounts in various names—

Mr De Lacy: Why do you kick a man when he is down?

Mr FRASER: I am going to put him down a bit further.

The Deputy Commissioner of Taxation is apparently a creditor of Mr Elzahar and, indeed, has investigated the employment details of the Beenleigh office of L. J. Hooker. Insurance companies are investigating false insurance claims made to them by Mr Elzahar.

Mr Veivers: The only thing he has paid is his Labor Party dues.

Mr FRASER: That is correct.

Federal police are believed to be currently carrying out investigations into actions of Mr Elzahar. One of his methods of evading creditors was to move from unit No. 4 at Forest Pines to unit No. 34 at Autumn Leaves and to use the name of his wife, Nifita Darwish, at the second address.

Fincorp Pty Ltd, which was located at Darnick Street, Underwood, and which retailed watches, jewellery and small electrical goods, was part owned by this gentleman and failed some months ago.

Mr Veivers: He is as shifty as a bag of marbles.

Mr FRASER: That is correct.

In view of the foregoing details, unfortunately it would appear that Mr Mackenroth asked the question of the Premier for purely political purposes and not for the reasons he would have the House believe.

Mr Austin: He is a mate of Mr Mackenroth's.

Mr FRASER: Yes, that could well be.

Finally, I wish to place on record that Mr Romano has done everything in his power to help the residents who have had to vacate his units to enable him to conclude a successful sale. In these hard times he has offered to help residents find aiternative accommodation and, where he can, also has offered to arrange the removal of their furniture and belongings.

Brisbane's Housing Crisis

Mr SHERLOCK (Ashgrove) (12.53 a.m.): I welcome the unexpected opportunity to speak in this debate tonight about the housing crisis in Brisbane generally, exacerbated by Expo, which the House has heard about earlier. I wish to draw attention to an article written by the Reverend Ray Barraclough entitled "One Thing We Are Showing The World", which was published in the April edition of the *Anglican Focus*. He draws attention to the plight of pensioners, low-income families and other relatively poor people who are being evicted from houses around the south side. He clearly highlights the lack of action by both the Queensland Government and the Federal Government, despite what happened in Fremantle when Federal funds were made available and a social impact study was done to provide houses in advance of the America's Cup so

that minimum disruption was caused to residents. The House has heard that what the State Government has done has been too little and too late.

I wish to quote from the article that I have already mentioned, as follows—

"I live in an area next door to Expo. For the past three years the West End Residents' Action Group has warned of the negative social affects Expo will have on the poorer residents of Brisbane.

Our efforts to alert the Expo authority were largely dismissed. I distinctly remember a well-researched and valuable social impact study of the area being rejected by a leading official of Expo. He did not even have the courtesy to read it!

Sad to say, we have been proved right. However, there is no delight in our hearts over the fulfilment of our prophesy.

. . .

The State Government's emergency accommodation agency, Crisis Care, is turning away homeless people because there is nowhere to send them.

. . .

Secondly, there has been solid irresponsibility from the Federal and State Governments, as well as the Expo authority, as regards the provision of alternative accommodation for those hit hardest by the Expo catalysed housing crisis."

The accommodation crisis caused by Expo is well set out in the *Courier-Mail* article of 10 March entitled "The Dispossessed". I draw that to the attention of honourable members because it canvasses the problem very well.

Mr Davis: Have you read the *Catholic Leader* article?

Mr SHERLOCK: I have not read the article in the *Catholic Leader.* I will take the opportunity to do that. I thank the honourable member for Brisbane Central.

I wish to refer to the agency Lifeline, for which my wife is a telephone counsellor. She tells me that whilst on a shift this morning, she spent a large part of her time dealing with people all over Brisbane who are faced with an accommodation crisis. Lifelife is just one agency, I remind honourable members, which is dealing with that problem. At the moment, it has an Expo audit, which is brought up to date each month. I would like to cite some figures from its audit taken out at the end of March.

In the city of Brisbane, in the area from Aspley to Beenleigh no caravans are available to displaced persons. In Goodna, rents on caravans have increased to between $200 and $300 a week.

I turn to rental housing in the north-side suburbs. In the Nundah/Toombul area 15 families were seeking crisis accommodation in three days. However, none was available. In the suburb of New Farm, bonds have been increased to $500 and rents are up to $125 a week for a one-bedroom flat. In the inner city, boarding houses are charging up to $80 a week for shared room and facilities. On the south side, the picture is no different. In Holland Park, 50 to 60 inquiries a week are being received by Lifeline alone. In Salisbury, I understand that rent increases have been from $80 to $170 a week. In Logan City, low-income families and social security recipients are being turned away from caravan parks.

Turning to agencies—the tenants' union comments that 250 calls per month are being received. At the Kelvin Grove BCAE, 11 out of 15 of the hostels usually used for students are unavailable. At the Queensland Cancer Fund, the rental accommodation usually used by country patients is no longer available. So it goes on.

On the Sunshine Coast, Lifeline is receiving 180 telephone calls a week, with 70 per cent of those relating to housing problems. In Brisbane, on the week-end of 25/26 March, 14 people were placed in hotel accommodation to meet the crisis.

If we act decisively and take action now, the needs can still be met. Business people are used to taking action. This Government today has not done well and the Expo Authority has not done well.

Time expired.

Provision of Telephone at Oakey Airport

Mr ELLIOTT (Cunningham) (12.58 a.m.): I wish to raise an important matter in my area. It is not only important to the people who are using the airport at Oakey in terms of commerce and so on, it is also important to tourists and to people from the west who may be diverted to Oakey in cases of sickness or accident.

Vandals pinched the new gold phone from the Oakey airport. In the usual fashion, the Federal Government, through the Department of Aviation, decided to be vindictive and would not replace the gold phone.

Mr Palaszczuk: What rubbish!

Mr ELLIOTT: It is not rubbish. Unfortunately, it is true. The Department of Aviation will not replace it. It says that a gold phone is not a viable proposition and it may well be that, if a new one is installed, someone will take that.

We have already seen some disastrous consequences of that absolutely ridiculous action. It is unbelievable in this day and age that the Department of Aviation is not prepared to replace that phone.

Mr Palaszczuk: Have they asked for it?

Mr ELLIOTT: Of course the people have asked for it. It has been requested from a number of different sources.

I will recount a couple of unfortunate instances. As many members would know, the Toowoomba airport often gets fogged in. Therefore, aircraft are diverted to Oakey. An incident occurred in which an aircraft was diverted to Oakey, it landed in pouring rain and there was no phone at the airport. The people who got off the plane could not ring a taxi. The whole party had to walk several miles through pouring rain into town. Honourable members can imagine that they were not very impressed. People who think that that is the way to attract tourists or indeed any visitors to an area have another think coming.

I am reliably informed of an incident in which a sick person was being brought to Toowoomba by aircraft and the aircraft was diverted to Oakey. The pilot landed, only to find that no telephone was available. He needed to call an ambulance. If he had realised that there was no telephone, he probably would have radioed ahead and perhaps could have made some arrangements before the plane landed. However, when the pilot got to the airport he found himself in this dilemma. He had to carry this sick person on his back into town.

Do we have to wait for the ultimate disaster? Do we have to wait until someone falls in the Carnarvon national park? All honourable members are aware that that happens from time to time. The only way of getting injured people to hospital quickly is to put them in a light aircraft. Aircraft can take off from the strip at Carnarvon and fly to the Toowoomba hospital. As many honourable members who fly in such areas would be aware, sometimes the radio reception is not what it could be. There could be an occasion on which a critically ill or dangerously ill person is on board an aircraft and the pilot has to divert to Oakey but is not able to contact the ambulance or the hospital.

People might say that the air base is there. That is fine. If an incident occurs in the middle of the day, someone could probably be signalled at the air base. However, at night-time—with some justification—the air base is guarded by dogs. The situation could arise in which it would be impractical for a person to try to raise the alarm at

the air base. He would have to go right around the other side to the guardhouse. He probably would not know the place as well as the locals do, anyway.

There is the potential for an absolute disaster and danger to life and limb, not to mention the terrible impression that is gained by people who travel to Oakey and land at the airport.

The local taxi-driver in Oakey has been greatly disadvantaged by the loss of that telephone. He used to get a lot of work from people landing in Oakey and needing a taxi to take them into town or to Toowoomba or whatever.

I implore the Federal Government to investigate the matter and ask itself whether it is practical to expect people to operate under those conditions——

Time expired.

Low-flying Aircraft, Archerfield Area

Mr PALASZCZUK (Archerfield) (1.03 a.m.): The matter I wish to raise is similar to that raised by the member for Cunningham. However, the matter to which I refer involves the air space above my electorate.

I draw to the attention of the House the spate of recent light plane crashes and in particular the tragic incident at Park Ridge last Sunday, which prompts me to make some observations on the Archerfield airport, which is in my electorate.

I am the first to admit that in recent years there has been a marked improvement in the operation of that airport. Unfortunately, a number of accidents had to occur before any action was taken.

Last Sunday in particular, I received a couple of phone calls from residents of Acacia Ridge concerning the number of planes flying in the poor weather conditions. The concern expressed centred on the fact that the week-ends, and Sundays in particular, are mainly given over to training and joy flights. Naturally, the residents become a little concerned at the amount of activity, especially in poor weather conditions.

One of the main complaints was that of low-flying aircraft. Some years back the main runway ran in an east-west direction. As a consequence, the air traffic was directly above the suburb of Acacia Ridge. Numerous complaints were received of low-flying aircraft. Unfortunately, supervision at that airport was not as tight then as it is today. The children of the local schools directly in the flight path developed their own version of the old nursery game of ring a ring of roses. Each time a plane flew low over the school, the children would just drop down in the playground. Motorists travelling along Mortimer Road witnessing this performance were startled, to say the very least. It looked as though some very deadly virus had descended on the children. The patrons in the bar of Souths Acacia Leagues Club, who were also directly in the flight path, were more critical of the low fliers.

In January 1972, a light plane flying from Bankstown, New South Wales, to Archerfield ran out of fuel and crashed into the side of a house at Dellow Street, Acacia Ridge. The pilot, a British knight of the realm, was killed and his three passengers were taken to hospital. Fortunately, the occupants of the house, who were watching television at the time, were uninjured. As most of the houses in Acacia Ridge are of timber construction, had the plane been loaded with fuel, the consequences of fire for the whole suburb would have been quite horrific.

My predecessor in Archerfield, the late Kev Hooper, made the airport reform one of his many successful projects. Needless to say, Kev and his committee were very unpopular with the flying community. However, the locals persisted in their agitation for change. The fliers, particularly the week-end fliers who did not live in the area anyway, were surprised and upset by the local criticism. They fell back on the argument that the airport was there first so the locals would have to put up with the noise and the low flying. Unfortunately, that was not true as the area was settled well before, when

the Wright brothers were still making their kites. Several more crashes were to occur before action was finally taken. One accident in January 1982 claimed five lives.

New runways have been constructed to give greater flexibility for landings and take-offs. The appointment of an airport manager has ensured that flying and safety regulations are observed. The whole episode was a triumph for people power. However, a lesson has to be learnt from last Sunday's tragedy. On week-ends, the skies above my electorate have once again become "the kindergarten of the air". There is only one solution to maintain the safety of residents of my electorate—transfer the training school to another less populous area!

Proposed World Heritage Listing of North Queensland Rainforest Areas

Mr BURREKET (Townsville) (1.08 a.m.): The fate of the north Queensland timber industry and of about 2 000 workers in north Queensland is being determined by three representatives from the International Union for the Conservation of Nature and Natural Resources, IUCN, who are presently visiting north Queensland.

The IUCN is the organisation that acts as the technical adviser to the World Heritage committee. That committee will make the final decision on whether or not to include the north Queensland rainforest on the World Heritage listing, but its decision will be based on the advice that it receives from the IUCN. The importance of the visit by the IUCN representatives is therefore readily apparent, as the World Heritage committee is unlikely to reject the advice that it receives from the IUCN.

The IUCN representatives are visiting north Queensland under the sponsorship of the Federal Government, which has organised a series of inspections from Saturday, 16 April, to Friday, 22 April. The itinerary is well known to the conservation movement. Indeed, I understand that it has been prepared in consultation with the rabid southern greenies.

No doubt the aim of the Commonwealth and the greenies is to convey a biased one-sided view to the visitors, completely ignoring the true position. Why else would Aila Keto and a bunch of greenies be included in the group accompanying the IUCN representatives to north Queensland?

Aila Keto parades herself on the public stage as an expert on rainforest management. She is nothing of the sort. She has no qualifications whatsoever in forestry management. Her qualifications are in biochemistry, and these do not give her any great expertise to speak with authority on north Queensland rainforests. But this is the type of person on whom our illustrious Senator Richardson relies for advice. He is completely ignoring the expertise of Commonwealth officers who are skilled in rainforest management. It is not difficult to understand why. They would give him advice that he does not want to hear—advice that is completely contrary to what he is getting from Keto and her political followers and advice that would confirm Queensland's magnificent record of rainforest management for the past century.

At the meeting of the TUCN that was recently held in Costa Rica, Keto was rebuked by the chairman of the conference for issuing blatantly false reports regarding the proceedings of the conference. How the Commonwealth can rely on her for advice defies imagination.

It is increasingly obvious to discerning people around Australia that the World Heritage nomination is not about protection of the north Queensland rainforests; it is about a Commonwealth grab for power. The Commonwealth lusts for more and even more power, and it will do anything to achieve that aim.

The Australian Constitution means nothing to the power-hungry members of the Labor Party in Canberra. Centralism at any price is their motto. The abolition of State powers is their ultimate aim.

The banning of logging in the north Queensland rainforests is not a requirement of World Heritage listing. It is a dubious Richardson requirement. Most of the areas around the world that are on the World Heritage List are multiple-use areas. In Australia, the

Great Barrier Reef is quoted by the Commonwealth as a successful example of Commonwealth/State management of a World Heritage listed area. But that area is not locked up and all activity banned. Major commercial fishing takes place there. Tourist resorts are situated on at least 15 of the Barrier Reef islands. There is even a defence training area, including live ammunition firing ranges, situated there.

Why then has Senator Richardson banned logging in north Queensland? It is simply to appease a group of ill-informed, biased conservationists. Those people do not realise that our forests are a renewable resource. Areas of the rainforest that have been previously logged are included in the area that is proposed by the Commonwealth for World Heritage listing. If logging does so much damage, as the Greenies claim——

Time expired.

Motion agreed to.

The House adjourned at 1.13 a.m. (Wednesday).