Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 11 APRIL 1989

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

ASSENT TO BILLS

Assent to the following Bills reported by Mr Speaker—

Rental Bond Bill;

Scartwater Station Trust Extension Act Amendment Bill (No. 2).

PAPERS

The following papers were laid on the table—

Proclamation under the Forestry Act 1959-1987

Orders in Council under—

Public Service Management and Employment Act 1988

Beach Protection Act 1968-1986

River Improvement Trust Act 1940-1985 and the Statutory Bodies Financial Arrangements Act 1982-1988

Water Act 1926-1987

Water Act 1926-1987 and the Statutory Bodies Financial Arrangements Act 1982-1988

Forestry Act 1959-1987

Report of the Privacy Committee for the year ended 31 December 1988.

MINISTERIAL STATEMENT

Allegations by Leader of Opposition against Touche Ross

Hon. M. J. AHERN (Landsborough—Premier and Treasurer and Minister for State Development and the Arts) (10.04 a.m.), by leave: I rise to inform the House about what I consider to be one of the most damaging and serious allegations levelled against one of Australia's most reputable business operations by the Leader of the Opposition. To begin with, Mr Speaker, I seek leave to table a copy of the latest edition of *Business Review Weekly*, which incorporates an article entitled "Touche Ross feels the heat on Prisons".

As members will see from this article, the boy lawyer who seeks to ingratiate himself with the business world has made a scurrilous accusation of business impropriety against Touche Ross, an accounting firm of considerable international reputation which also has a significant prisons management consultancy. This company was hired to conduct an investigation into the recent break-out of prisoners at Boggo Road gaol, and the Opposition Leader, in a scandalous attack, has sought to make a political football out of its work.

The article contains the allegation by the Leader of the Opposition that the security inquiry has been compromised because of an alleged close association between Touche Ross and the Queensland Director of Corrective Services, Brigadier Doug Formby. The Leader of the Opposition goes on to say—

> "It is wrong that they have been hand-fed the task of investigating a mass escape that he (Formby) should have known about."

The article goes on to say that the debate engendered by the Leader of the Opposition moved to a personal level and quotes the Opposition Leader as saying—

> "It is entirely inappropriate for Touche Ross to carry out the inquiry into the breakout. The army connection . . . represents a serious conflict of interest in this firm."

Among other comments, this ill-informed, ill-advised seat-warmer for Peter Beattie adds—

> "Touche Ross simply isn't equipped to extract the information needed to determine the circumstances involved in the execution of this mass breakout."

There is more. The Leader of the Opposition says of Touche Ross that they are accountants, and adds, "How are they going to investigate a gaol breakout?" then someone from the Opposition Leader's office chips in with this comment—

> "It needs someone who has a knowledge of the prison system and who has the confidence of the prison officers to delve properly into exactly how the breakout took place."

Well, as the *Business Review Weekly* then rather belatedly points out to the Opposition Leader, Touche Ross has considerable experience in the prison system in Australia and overseas. In the United States it has 30 prison consultancy specialists on staff, advising prisons around the world on how to operate more efficiently. It has carried out extensive reviews of prison management in the Labor States of South Australia and Victoria and, of course, it was involved in the Kennedy commission of review. It undertook development of the top Yatala prison in South Australia—a prison about the same size as Boggo Road. It also advised the South Australian Government on prison security and management, following which two new prisons were built and two others altered.

This article will have serious repercussions in the business world. It is contained in one of the nation's most respected business journals. It could seriously damage the future operations of an internationally known company, all because our friend over there wanted to score some cheap political points. His reputation as a friend of business is shot to bits and once again his inexperience and inability to cope with serious issues is exposed for all to see.

I do not think we have heard the last of this latest episode of foot-in-mouth disease from the Opposition Leader. Unfortunately for him, he made the mistake of uttering his comments outside the protective walls of this House, which is somewhat amazing for a man who is supposed to be a trained lawyer.

In conclusion, I call on the Leader of the Opposition to present evidence on the so-called conflict of interest to this House or, alternatively, to offer an unequivocal apology to Touche Ross. It is the least he can do, bearing in mind the damage he has done to this company.

Mr SPEAKER: Order! Is leave given to the Premier to table the document?

Leave granted.

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

MINISTERIAL STATEMENT

Australian Broadcasting Tribunal's Ruling on Sir Joh Bjelke-Petersen's Defamation Action against Alan Bond

Hon. P. J. CLAUSON (Redlands—Minister for Justice and Attorney-General and Minister for Corrective Services) (10.07 a.m.), by leave: Considerable speculation in the media and the public has arisen since the Australian Broadcasting Tribunal's ruling that Mr Alan Bond's payment of money settling a defamation action to Sir Johannes Bjelke-Petersen was improper. I therefore bring the matter to the attention of the House.

The former Premier, Sir Johannes Bjelke-Petersen, was questioned before the Fitzgerald commission of inquiry, giving a significant body of evidence on this aspect of the inquiry.

The Special Prosecutor Act was passed in November 1988 by this House of Parliament. Mr D. G. Drummond, QC, was appointed the Special Prosecutor under that Act, and his duties include preparing, instituting and conducting criminal proceedings arising out of evidence taken at the commission of inquiry chaired by Mr Gerald Edward Fitzgerald, QC.

Mr D. G. Drummond, QC, indeed was the person who examined Sir Johannes Bjelke-Petersen for a large portion of his evidence-in-chief. He is now an independent, statutorily appointed officer who has responsibility for the necessary consideration and conduct of any future proceedings. Thus, in the circumstances, this issue is already in the appropriate arena for consideration and there is no need for any further action on my part at this time.

I thank all the members of this House for their wisdom in supporting the Special Prosecutor Bill when it passed through this House, thus ensuring the mechanism for any necessary action to be already in place.

MINISTERIAL STATEMENT

Visit to China by Leader of Opposition

Hon. R. E. BORBIDGE (Surfers Paradise—Minister for Industry, Small Business, Technology and Tourism) (10.11 a.m.), by leave: Yesterday on the ABC and today in the *Courier-Mail,* the Opposition Leader, Mr Goss, gave details of his forthcoming visit to China. While I am happy to acknowledge the Opposition Leader's general support for our efforts to increase trade with China, it would appear he is a little lacking in his knowledge of the current state of play.

For a start, to correct what he claimed to be the latest trade figures with China, he stated that our exports had decreased between the 1985-86 financial year and last year—from $214m to $152m.

However, in the first six months of this financial year, July to December 1988—the most recent figures—our exports totalled $91m, or 17 per cent of the Australian total—our highest percentage ever. Much of this improvement has occurred because of the substantial efforts of the Ahern Government. As Mr Goss pointed out, the Premier will be formally signing a sister-State relationship with Shanghai Province in May. However, contrary to Mr Goss' statement in which he said it had taken three years to arrange this relationship, in fact it took closer to three months.

For the honourable member's information—it was in August last year that the initiative was approved by Cabinet with initial negotiations taking place in Shanghai prior to Christmas. As a result, four senior Shanghai officials visited Queensland in mid-February to satisfy their requirements, as a sister-State relationship is not entered into lightly by either party. And, already, even before the official signing of the agreement, I am pleased to announce that a senior trade mission from Shanghai Province will visit Queensland in mid-May to examine opportunities for investment. As far as other trade initiatives with China are concerned, may I suggest that Mr Goss first check with officers of my department's International Business Centre or the Queensland-China Council to save himself from future embarrassment.

In the mean time, for his information, may I briefly outline what the Queensland Government has achieved in this area—

- In April 1986, the Premier, the then Industry Minister, signed an agreement on behalf of the Queensland Government with the Chinese State Commission of Machinery Industry for technical co-operation in the metal and machinery fields with a view to technology transfer.

- In February 1987, a Memorandum of Understanding was signed with Fujian Province to foster greater economic links.
- In October 1988, as the result of a business mission to Liaoning Province, its capital, Shenyang City, established a trade office in Brisbane.
- And in November last year, the State Government formed the Queensland-China Council, with the specific aim of developing further commercial, cultural, educational and sporting links with China.

From his comments in the *Courier-Mail* this morning, it is obvious the Opposition Leader is oblivious to the role of the council and the fact that it comprises, in a senior advisory role to the Government, people of the calibre of Professor Hugh Dunn, a former Australian Ambassador to China, appointed by former Prime Minister Whitlam.

In summary, the Government welcomes the Opposition Leader's bipartisan support for our initiatives, but would hope that before he leaves on his visit—at the expense of the Chinese, as he pointed out—he is a little more aware of what has already taken place, or is in the process of taking place.

As for the Liberal Party—I notice the member for Toowong has been busying himself again making ill-informed statements, this time on China. At least Mr Goss has the intelligence to understand and mildly support our trade initiatives. Mr Beanland's inane comments are not worthy of response and only serve to reassert his irrelevance.

I am pleased to make available departmental officers and representatives of the Queensland-China Council to fully brief the Opposition Leader to ensure that the best interests of the State of Queensland are served.

QUESTIONS UPON NOTICE

1. Issue to Mr B. Jeppesen of Licence to Take Trochus Shell

Mr SCOTT asked the Minister for Primary Industries—

"With reference to advice I received from his predecessor regarding the issue of permits which allow the taking of trochus shell, as this applies in the Torres Strait—

(1) How was it possible for a licence to be issued to an applicant, Bjarne Jeppesen, in 1986 who could only be described as a transient person of unknown background?

(2) Is it true that the said Mr Jeppesen was in the country on a tourist visa?

(3) Is it correct that shell was returned to Mr Jeppesen after initial impoundment when it was known that the meat was extracted from the shell for human consumption on a boat not licensed for that purpose?

(4) Were departmental officers aware that the shell meat was being extacted by means of a machine whose patent was held by another?

(5) Were departmental officers aware of the illicit processing of any other trochus shell by similar machines whose patent is held by Mr Arthur Carpenter?"

Mr HARPER: (1) Mr B. Jeppesen was issued a pearl dealer's licence in 1986 under the pearling provisions of the Queensland Fisheries Act. The licence provided for Mr Jeppesen to buy and sell trochus shell.

(2) Mr Jeppesen's status within Australia was indicated on his application for the pearl dealer's licence only by his Danish nationality.

(3) I am advised that a consignment of trochus shell belonging to Mr Jeppesen was detained on the understanding that he was not a licensed person. This shell was held pending resolution of outstanding licence issues. Mr Jeppesen was allowed to continue the transaction with this shell when these licensing issues were resolved.

(4) The removal of meat from trochus shell has been the subject of a number of trials with different types of equipment. These included a high-pressure water-coil for which a patent application was made in the early 1980s. It is understood that final patents for this equipment were only recently obtained. There is no information available on whether this particular equipment was used by Mr Jeppesen or other persons.

(5) I am aware that, in the period since 1984, Mr Carpenter has discussed with fisheries officers his development of equipment for the purpose of removing meat from trochus shell.

My department has a responsibility to control the harvesting and marketing of trochus shell. The responsibility does not extend to the area suggested by the question. If the honourable member is in possession of factual evidence which would suggest any illegal action by a departmental officer, I suggest that he make that evidence available to me personally.

2. Greenhouse Effect

Mr STEPHAN asked the Minister for Environment, Conservation and Forestry—

"With reference to continuing concern and estimates about the possibility of the greenhouse effect on water levels in the future—

What departmental action is occurring to monitor all reports about this greenhouse effect and its implications for Australia?"

Mr MUNTZ: The honourable member is aware that, in response to concerns in relation to the greenhouse effect, in early 1988 Cabinet decided that an interdepartmental committee, representative of appropriate departments and chaired by the Premier's Department, would be established to examine this issue. The honourable member's interest in this sensitive environmental issue has always been responsible and balanced.

The interdepartmental committee is comprised of members of the following—

Premier's Department;

Department of Primary Industries;

Water Resources Commission;

Queensland Energy Advisory Council;

Department of Environment and Conservation;

Department of Local Government;

Department of Harbours and Marine;

Health Department;

Works Department; and

Bureau of Meteorology.

The interdepartmental committee receives reports from working groups which have been set up to examine functional areas that require immediate attention. There are working groups to examine—

rural industry policy;

engineering public works;

energy and mineral resources;

conservation and environment;

coastal issues; and

public health issues.

The reports of the individual working groups have been presented to the interdepartmental committee, which is currently preparing its report to present to Cabinet.

It must be made clear that there remains considerable debate within the scientific community about the impact of the greenhouse effect, particularly in relation to any

rises in sea level. However, we would be foolish not to plan for a possible worst-case scenario.

This is a global problem, largely dictated by the major industrial nations, but we do have a part to play. As a State Government, the Queensland Government is committed to pulling its weight and giving a lead to the rest of the nation and the world in planning for a minimisation of any impact of the greenhouse effect. The Government consults with a wide range of scientific and other bodies, including the CSIRO and the Bureau of Meteorology, and responsible officers closely monitor and review the latest scientific literature on the issue.

The greenhouse effect has generated considerable debate. Opinions range from those who refuse to concede that it exists to those who predict that it will spell disaster. This wide range of uncertainties must be reduced. We must establish without any doubt its existence and its possible impact on Australia, particularly on the seaboard areas where the bulk of the population lives.

It is vital that research be conducted, and that is occurring at James Cook University in Townsville. My northern colleague Mr Martin Tenni is to be supported in his comments that funds should be made available by the Federal Government to the experts in the field at James Cook University for research into the greenhouse effect.

3. Queensland Treasury Corporation Property Transaction

Mr INNES asked the Premier and Treasurer and Minister for State Development and the Arts—

> "With reference to his expressed reasons for introducing the Queensland Treasury Corporation Bill in April 1988, with the intent of using Queensland Government funds, including superannuation funds, more adventurously for developments in Queensland, and to his recent announcement of expenditure of $300,000 to explore the creation of a major Queensland-based financial institution to invest in Queensland-based operations and to an article in *The Financial Review* of 6 April in the Property Section which says the Queensland Treasury Corporation is negotiating its first property transaction by way of a major investment in a $250m mixed office and retail development in that monument to public sector spending and antagonism to Queensland—Canberra—
>
> Is there any truth whatsoever in that report and, if so, how does he justify this investment?"

Mr AHERN: I do not propose to either confirm or deny potential investments by the Queensland Treasury Corporation. To do so would only jeopardise negotiations, if any are in progress. However, I am committed to the funds of the QTC being used to the maximum benefit of the Government and members of the various superannuation funds. Given the size of the QTC portfolio, there will inevitably be investments interstate, in both shares and property, in the same way and for the same reasons as they are made by other fund-managers.

I strenuously deny that it was ever the intention to use the funds "more adventurously". What was proposed and is now being implemented is the investment of the funds on a prudent, managed portfolio basis.

4. Freeholding of Starcke Station; Freeholding of Special Leases

Mr INNES asked the Minister for Land Management—

> "With reference to my question in 1988 concerning the imminent freeholding of approximately 20 000 hectares of land on Starcke Station in Cape York—
>
> (1) Was my legal argument that freeholding was not available because conditions of the special lease had not been complied with vindicated by the Solicitor-General's opinion which the Minister properly requested?

(2) What is the current position with regard to that landholding and with regard to its probable future status?

(3) Are there any similar instances where improvements done prior to the issue of a special lease requiring the performing of improvements have been accepted in lieu of that condition?

(4) If so, where have those other freeholds taken place and what area of land is involved?"

Mr SPEAKER: Order! Before the Minister begins answering the question, I point out that there is far too much audible conversation in the Chamber. The member for Nerang and the member for South Coast!

Mr GLASSON: (1) The question on Thursday, 29 September 1988, did not contain any legal argument. The Solicitor-General has given advice on two occasions, and his latest advice is a prudent course to follow.

(2) As mentioned in (1), the Solicitor-General's advice has been obtained, and consideration is being given to a future course of action. It is not appropriate to elaborate on matters under consideration at this time.

(3) Yes, there would have been somewhat similar instances under previous administrations a number of years ago. It was a concept that was adopted, I believe, in cases to encourage investment and development in more remote and isolated areas of the State.

(4) It would now be very difficult to identify individual cases which occurred a number of years ago. One instance would be Southedge, details of which I have already provided to the honourable member.

QUESTIONS WITHOUT NOTICE

Recovery by Queensland Government of Payment Made to Sir Joh Bjelke-Petersen by Alan Bond

Mr GOSS: In directing a question to the Premier, I refer to civil action being taken by the Queensland Government in the Supreme Court to recover money received by the sacked corrupt police officer, Noel Kelly, on the basis that such payment was improperly obtained by Kelly, and I ask: given the clear finding by the Australian Broadcasting Tribunal that the $400,000 payment to Sir Joh Bjelke-Petersen was improper, will the Premier consider taking similar action to recover from the former Premier that money so improperly obtained?

Mr AHERN: The whole issue is properly before the Special Prosecutor at the present time. If there is any other action, that is a matter for consideration—

Mr Goss: Civil and criminal?

Mr AHERN: It is not a matter I am competent to answer. As I understand it, the whole issue is before the Special Prosecutor, who has complete independence of action. As to the fine point raised by the Leader of the Opposition—that is a matter that should be directed to the Attorney-General.

Toowoomba Hotel Incident Involving Police Officers

Mr GOSS: In directing a question to the Minister for Police, I refer to the editorial in today's *Courier-Mail* in which it is stated that the barrister conducting the special investigation of the Toowoomba police rampage has run into a "wall of silence" and that he and the Government's senior legal counsel, Mr Callinan, are expected to withdraw from the investigation today, leaving further inquiries to police. I ask the Minister: is that correct; and, if so, is he satisfied with the situation, which means that police alone are conducting investigations into police misconduct, that the majority of approximately

50 offenders involved in the rampage will escape detection, prosecution and punishment, and that, apart from three officers to be charged with failing to pay for breakfast, only a handful will be charged with relevant offences?

Mr COOPER: The Leader of the Opposition seems to trivialise the matter somewhat, and that is extremely unfortunate.

Mr Goss: Is the editorial correct?

Mr COOPER: I have read the editorial, and I will come to that. In fact, I think that it was an extremely good editorial, which was accurate, but I still have some comments to make about it to clarify the situation.

The Government acted very swiftly with the investigation. When that very unfortunate and very unexpected incident took place in Toowoomba, the Government could not have acted more swiftly. The incident was something that the police needed like a hole in the head. Nevertheless, it occurred and the Government acted, and it acted very properly not only by conducting a police investigation but also by enlisting someone with the qualifications of Mr Callinan, who, with Mr Carrigan, will report to me. During the Easter period that team worked very hard and diligently. It never stopped. Under very difficult circumstances it has handled the matter extremely well. So far, something like 11 policemen have been the subject of a total of 17 charges. As the incidents took place at night and in the early hours of the morning on a Tuesday and a Wednesday, it was extremely difficult to get reliable witnesses to come forward. In the circumstances, about 80 witnesses have come forward. All the evidence must now be collated.

As I said in a ministerial statement last week, this morning I will be receiving the final report from Mr Callinan and Mr Carrigan. The police investigation of police matters involving 40 or 50 other cases will continue indefinitely.

The matter in the editorial on which I would like to elaborate further relates to a matter on which I commented last week. My instructions are that the Acting Commissioner, Mr Carrigan and I will monitor the continuing——

Mr Goss: Monitor?

Mr COOPER: Will monitor the continuing investigations on a weekly basis.

The Government has demonstrated its bona fides and how utterly determined it is, in conjunction with other members of the police force, to deal with the matter. The Government has received tremendous support from the Queensland Police Union, and I commend it for that. The Government is going out after those people. It does not want a witch-hunt; it wants justice. The Government is determined to see that justice is done.

Effect of Federal Government's Decision to Deregulate Grain Industry

Mr FITZGERALD: I ask the Premier: what are the implications of the Federal Government's decision to deregulate the grain industry?

Mr Comben interjected.

Mr SPEAKER: Order! The member for Windsor was not asked the question.

Mr AHERN: There are substantial ramifications of the Federal Government's decision that are not immediately apparent to disinterested onlookers, so I guess there are some persons who would say, "If there are substantial benefits, why doesn't the Commonwealth Government override the issue of State control in this area and deregulate?" In recent years in this State new investment by the grain industry in infrastructure has totalled $85m. In co-operation with the industry, a mechanism has been put in place whereby those loans would be recouped by the industry on an equitable basis Statewide.

If the whole industry is to be deregulated, who will pay for the cost of the $85m for structures up and down the coast? That is the question that has not been answered.

The only answer that can flow from that is that, firstly, those members of the grain industry who do not have an alternative will be the ones who will pay, and they will pay many times what they would be paying under the current arrangements, and/or the issue will fall back on the Queensland tax-payer to meet the shortfall. The other issue is that——

Mr Casey interjected.

Mr SPEAKER: Order!

Mr De Lacy interjected.

Mr SPEAKER: Order! I warn the member for Cairns under Standing Order 123A.

Mr AHERN: I can give an unequivocal assurance that this National Party Government will certainly oppose the Federal Government's decision—and for good reason! The issue that has not been answered by Labor around the country and now requires an answer is: what about all the heavy transport that will be dragged down through the city streets? What about all the product that will be drawn down from Ipswich along the Ipswich to Brisbane road? What about the product that will be drawn down through the suburbs to Fisherman Islands? What about the extra traffic on Route 20? What about the future transport of grain in 30-tonne lots along Kingsford Smith Drive through the Merthyr electorate to the main grain terminal? My advice is that 720 685 tonnes of grain currently are exported from the port of Brisbane.

Mr FitzGerald: That was a low year.

Mr AHERN: That was last year, which was a low year.

If all of the grain is transported along that route in the future—which could occur under the new proposal—that will involve the use of 24 000 trucks.

Another issue which should concern people is that today Mr Kerin said, "I have done grain. The next one is coal." Mr Kerin says that the Federal Government would consider using its powers in other industries, including coal.

Honourable members will remember the absolute debacle that occurred here in Queensland when coal was dragged from Ipswich, through the main streets of Brisbane, through the Merthyr electorate to be exported from the Maynegrain facility on the northern bank of the Brisbane River. That is what Labor is doing today. That is what it is advocating.

I want the Leader of the Opposition and his colleagues to say where they stand on this issue. They should stop dithering and say what they think about the matter. The Leader of the Opposition should not duck the question. This is a very serious issue that will impact very heavily on the suburbs of Brisbane and the grain-growers of Queensland.

Home Loan Interest Rates

Mr FITZGERALD: I ask the Premier: has his attention been drawn to claims by the economist of a leading bank that 18 per cent home loan interest rates may follow the Hawke/Keating economic statement that is to be announced tomorrow?

Mr AHERN: My attention has been drawn to the comment by a director of Citibank, and the unfair personal denigration to which he has been subjected by the Federal Treasurer. That gentleman is entitled to have his views known and he is entitled to warn his investors and borrowers of the consequences of Government action and what it proposes in the future.

The best summary of the current situation is contained in today's *Australian Financial Review*, which should be compulsory reading for all honourable members and many other people. With your permission, Mr Speaker, I intend to quote from an article which is headed "A 1989 Economic Statement that didn't fall off the back of a truck". The column titled "On The Other Hand" by David Clark contains a speech that he

says is to be delivered by the Honourable Paul Keating, Treasurer of the Commonwealth of Australia, to the House of Representatives. It is alleged to be embargoed until 7.30 p.m. on Wednesday, 12 April 1989, and states—

"Madam Speaker,

The Australian economy stands tottering on the edge of a precipice. But tonight's Economic Statement will take it a giant (leap) forward.

The wage rises it contains will produce an increase in our unit labour costs—average earnings divided by output per worker—of only about 10 times that of Japan and five times that of France and West Germany over 1989-90."

Inter alia it says—

"Such achievements will be loudly applauded by all thinking commentators and we are confident that the Industrial Relations Commission will once again show its statutory independence by swiftly rubber-stamping all aspects of the deal."

It goes on to say—

"However, the Government will set up a monitoring body composed of a wide cross-section of Australian society, including bishops and actresses, to ensure that these payments do not produce mass unemployment among this section of the workforce."

The article continues—

"While real Commonwealth government outlays are forecast to fall by 1.8 per cent over 1988-89, total Commonwealth tax revenues are expected to rise to 25 per cent of GDP and total Commonwealth revenue will be the second highest on record—27.3 per cent of GDP.

As a result, almost 50 per cent of taxpayers are currently facing a top marginal income tax rate of over 40 per cent."

The whole issue is a farce. The Australian community want to know what all of this is going to do to their home loan interest rates and the interest rates that they pay through their small businesses.

Today Labor is acting irresponsibly in relation to this matter by irreparably forcing up costs to small business and home-owners in Australia.

Employment of Paedophiles at Expo 88

Mr BURNS: I ask the Minister for Police: at any stage during last year did police alert Expo authorities that suspected child sex deviants were working in positions as clowns at the world fair, which gave them daily contact with young children?

Did a situation exist in which one, and possibly two clowns at Expo were able to work in this State for six months without police action and then, only 18 days after the end of the fair, be charged in Canberra with offences relating to child pornography?

If child sex offender suspects who are known to police were working in high-risk jobs at Expo, why was action not taken against them while they were in Queensland rather than waiting until they left the State and returned to Canberra?

Is the Minister able to confirm reports that police now believe that known paedophiles are frequenting the Transit Centre in Brisbane where young travellers are almost continuously arriving or departing?

In view of grave public concern following evidence indicating evil national child sex networks, which include Queensland, and allegedly involving people in high public and professional positions, I ask: will this Government initiate a reference to the National Crime Authority and ask that the Commonwealth and other States make similar references so that that filthy depravity can be tackled at an Australiawide level?

Mr COOPER: I take it that the question is without notice?

Mr SPEAKER: Order! That is what I heard.

Mr COOPER: The honourable member's question is fairly involved and I am not sure if I can remember it all.

When dealing with this type of incident or any other type of incident, the police obviously have their methods. Gathering evidence is one part of their operations. As I said last week in a ministerial statement, police started to gather their evidence in July of last year. Their investigations did involve a clown. I believe that police have been in the process of gathering evidence during the past nine months and that they have acted very properly in everything they have done.

Mr Burns: Who left them with the kids over nine months?

Mr COOPER: The Deputy Leader of the Opposition was probably one of those who were quite happy to begin measures last week to try to turn these people loose on the community when the police were trying to do their job and apprehend them after nine months of painstaking operations. The actions of those who were happy to take those measures were absolutely reprehensible. I have said so before; I will continue to say it.

Mr Burns interjected.

Mr SPEAKER: Order! The Deputy Leader of the Opposition!

Mr COOPER: The honourable member's question was quite obviously far too long. If he wishes to put the rest of it on notice, I am quite happy for him to do so.

Mr BURNS: I do so accordingly.

Employment of Mr K. Byrne in Cairns Northern Development Office

Mr BURNS: I ask the Minister for Mines, Energy and Northern Development: does he have full confidence in the north Queensland area officer in the Northern Development office, Kevin Byrne, who is the National Party candidate for Leichhardt? Did the Minister recently promote Mr Byrne from a classification I-8 with a salary of less than $30,000 to a classification I-14 with a salary of approximately $50,000? Will he investigate whether Mr Byrne has any tertiary qualifications for that position? Is it true that he has none? Does Mr Byrne's wife, Amanda, have a key to the Northern Development office in Cairns and does she use the office's computer for National Party work, even though she does not work there? What project has Mr Byrne started while he has been employed in that office? Is it true that there is none? I put it to the Minister that Byrne leaves the office at 12 noon every day and goes drinking at the game fishing club and that 70 per cent of his work is National Party work. Does the Leichhardt campaign committee of the National Party meet at the Northern Development offices under the direction of Mr Byrne?

Mr TENNI: Although that question contains many parts, I will endeavour to answer it. I am afraid that I am absolutely disgusted to be associated with a member of the calibre of the Deputy Leader of the Opposition who makes statements of such a nature.

Mr SPEAKER: Order! Does the Minister wish the question to be placed on notice?

Mr TENNI: If the honourable member wishes, but I can answer it. No, Mr Speaker, leave it to me. I will answer it.

One part of the question that I can remember was: does Mr Byrne knock off at midday and go drinking at wherever it was? I can assure the honourable member that quite often Mr Byrne is at the office at six and half past six at night when I ring him. He does not knock off at midday and go drinking anywhere at all. That is a terrible statement for any member of this House to make. Mr Byrne is a very reliable and very dedicated officer, a man who works very long hours, including Saturdays and, at times, Friday nights, when I request him to do so.

Mr Scott interjected.

Mr SPEAKER: Order! The member for Cook!

Mr TENNI: I can assure the honourable member that in the present situation enough staff are not available to handle the workload that is coming into that office. Mr Byrne is doing an excellent job in every respect.

Mr Scott: interjected.

Mr SPEAKER: Order! I warn the member for Cook under Standing Order 123A.

Mr Burns: Did you reclassify him?

Mr TENNI: At this stage, he has not been reclassified, and certainly not to a classification I-14, to which I think the honourable member referred. So he is wrong again.

Let me assure the House that Mr Byrne is doing an extremely good job in Cairns, a lot better job than is being done by the candidate whom the Labor Party has chosen for the electorate of Barron River and who, as the honourable member would probably know, is also a teacher. She spends most of her time attending council meetings and looking after environmental issues when she should in fact be at the university in Cairns, where she is being paid by the tax-payers of this nation to work.

If the honourable member wants to hear some of the truths about what is happening up there, I will tell him. It is no good his trying to spread a furphy to protect Mrs Clark, who spends most of her time at council meetings, council inspections and different things, being paid by the tax-payer. All I can say to the honourable member is that again he is wrong, wrong, wrong.

Attempt by Federal Government to Override State Legislation Concerning Grain Industry

Mr STEPHAN: I ask the Minister for Primary Industries a question supplementary to that which was asked of the Premier earlier. I ask: will Queensland resist the Commonwealth Government's decision to attempt to override State legislation in respect of the storage, handling and transportation of grain within Queensland?

Mr Casey interjected.

Mr SPEAKER: Order! The member for Mackay!

Mr HARPER: This matter may not be of much moment to the Labor Party or the Liberal Party, which has been significantly silent on it. As the Premier indicated when he answered a question, the fact that something like 24 000 trucks will trundle down the streets of the Merthyr electorate does not seem to interest the Liberal Party and does not seem to interest the Labor Party.

The Premier also made the point that John Kerin is now talking about even more trucks trundling down those very same streets carting coal. That may not be significant; but surely the Liberal Party in this House, in Queensland and in Australia generally should recognise that what is happening is an attack on the sovereignty of the States of the Commonwealth of Australia. It is not simply a matter of regulating wheat-marketing in Australia; the Federal Government has indicated a determination to override the rights of the States in relation to the storage, handling and transportation of wheat. The Federal Government's proposal is another move down that track. It is the determined policy of the Labor Party in this House as well as in the Federal House to do away with State Government. Surely, if the Liberal Party is not worried about the effects of road transport on our roads, after seeing the trucks travelling through the Valley and through the streets of Merthyr, it should be concerned about that. Clearly, that action should be recognised for what it is—an attack on the sovereign rights of the States. The storage, handling and transport of grain within a State is clearly a State responsibility.

Mr Comben interjected.

Mr Casey interjected.

Mr SPEAKER: Order! I warn the member for Windsor and the member for Mackay under Standing Order 123A. Their constant interjections are annoying.

Mr HARPER: Thank you, Mr Speaker.

The member for Mackay did not oppose the wheat legislation that was passed in this Parliament the other night. Queensland law makes provision for a determination to the effect that wheat will be the property of the State Wheat Board. Therefore, under those circumstances any decisions as to its storage, handling and transport will be the responsibility of the State Wheat Board.

The Federal Government is still attempting to force Queensland to accept what are discredited recommendations of the Federal Government's brain-child, the McColl royal commission. The Queensland Government does not accept the royal commissioner's unsubstantiated claim of "resource cost savings" in a deregulated handling and transport system. Through John Kerin, the Federal Government seeks to implement its real objective—to deregulate domestic wheat marketing.

Of course, the Federal Government is determined to also deregulate export wheat marketing. The announced intention of the Federal Minister to deregulate the export licensing of feed grain also can only be seen for what it is—a decision that will lead to total deregulation and total disruption in the export wheat market. At present, Hawke and Keating and the rest of the Federal Labor Government in Canberra are determined to deregulate domestic wheat marketing to bring down the price of milling wheat to export parity levels.

I noticed a report published in the *Sun* newspaper yesterday which stated—

> "If legislation is passed through Federal Parliament on July 1 for deregulated wheat marketing, taxpayers would no longer subsidise the board, farmers would not be guaranteed minimum grain prices and wholesalers could buy direct from farms."

None of those things will happen in this State. The report continues—

> "The National Party blocked the legislation claiming it would jeopardise farmers' livelihoods.
>
> But Federal Opposition Leader John Howard scored a victory over the Nationals when a meeting of Liberal and National MPs reached a compromise."

I think that regard should be paid not only to that report but also to the role of the Senate which protects the wheat-growers of Australia.

Another report published in *The Land* appeared on 6 April. In the opening paragraph of the editorial, the following was stated—

> "... hopefully Primary Industries Minister, John Kerin, will now have to provide much more of the fine detail for his wheat marketing reform package."

In July last year, the Australian Agricultural Council told John Kerin that it would not consider his recommendations until it had the facts. It deferred consideration until February this year. What happened in February this year? The Federal Government was still not able to state what its plans were. The Prime Minister is now saying that the Federal Government will override the sovereign responsibility of State Governments for primary production marketing. The Federal Government is still not prepared to make available to the States even a draft of what its true intentions are—certainly not to this State. The policy that it intends to adopt could well cost Australian wheat-growers at least $30m annually.

Again and again and again, the Australian Labor Party attacks primary production. It is no good the Opposition in this Parliament dissociating itself from those attacks, because it adheres to the same policies as are dictated by the same caucus of the same

party. The Australian Labor Party is determined to attack the primary production sector of Australia and the Australian economy. Surely we must ask ourselves why. What is really behind the attack on the primary production sector, primary producers and the coal-miners? What is really behind the Federal Government's attack on the sector that provides the dollars for the Australian economy?

As the Premier has said, this State is determined in its intention to fight this type of activity—this determined course of the Federal Government to do away with the responsibilities of the States. This latest incident is yet another heavy-handed attempt by the Federal Government to force discredited economic dogma down the necks of Queensland wheat-growers.

Australian Broadcasting Tribunal Findings Against Alan Bond; Payments by Hotel Licensees to Bond Brewing Corporation

Mr INNES: In directing a question to the Premier, I refer to his separation of himself from the ramifications of the Australian Broadcasting Tribunal's findings relating to Mr Bond and Sir Joh Bjelke-Petersen and to the Government's actions for which he and the majority of his colleagues as Cabinet were directly responsible. I ask: did the Bond Corporation avoid approximately $8m worth of stamp duty that would have been payable if the Castlemaine shares had been transferred in Queensland? Did the Government attempt to use its legitimate influence on the Bond Corporation to ensure that that transaction was consummated in this State? Why did the Government not listen to representations made by hotels that were obliged by the Bond Brewing Corporation to pay key money of up to $1m a hotel to that company as opposed to the Licensing Commission in order to remain licensees of the hotels for which they held the licence?

Mr SPEAKER: Order! Before asking the Premier to answer the question, I point out that it is an extremely long question which appears to have two distinctly different parts to it. I draw the attention of honourable members to the necessity of keeping questions to one single topic.

Mr AHERN: I am advised by my deputy, who was Minister Assisting the Treasurer at the time, that the stamp duties were paid. In respect of the balance of the matters contained in the honourable member's question, it is a matter for the company concerned to deal with its retailers as it thinks fit. The company has done that and accepted the consequences of its actions.

Media Campaign to Attract Investment; Queensland Treasury Corporation Investments

Mr INNES: In directing a second question to the Premier, I refer to the enormous publicity campaign in both newspapers and on television in which the Premier asserts that Queensland is the best place in which to invest in Australia, and to his answer to me this morning regarding the QTC's investment policies, when he stated, "It is not necessarily the best place in which to invest in Australia", and I ask: does not the Premier's answer about the investment policy of the QTC—that it will go interstate when it thinks fit because sometimes that is the best investment—make a mockery of his advertising campaign, which is purely political?

Mr AHERN: The honourable member's question is froth and bubble. The publicity campaign is working well. I have detailed to the House the benefits that are flowing to this State in terms of investment opportunity. I draw the attention of the honourable member to the statement I made this morning in answer to his question and ask him to read it carefully. At this time attention is being given to investments in Queensland because this is the market that this Government knows and understands best.

It is nonsense to say that there must be an iron-clad rule that all investments must be made in Queensland, because, for example, under that rule investment in BHP would be ruled out. Today most companies have share-holders from all over Australia and some have very substantial international share-holders. To restrict investment to that

narrow base would not be in the interests of the funds concerned. Investments are made in the interests of the funds and priority is given to Queensland. To completely restrict it to investment in Queensland would be unnecessarily discriminatory against the interests of the funds for whom the Government is managing the investments.

The honourable member should do some homework and take some advice. If he wishes, I will arrange for the chairman of the Investment Advisory Board to have a chat to him about it so that he can better understand it.

Bond Corporation Payment to Sir Joh Bjelke-Petersen

Mr WARBURTON: In directing a question without notice to the Premier, I refer to the fact that he is on record as saying that the $400,000 pay-off by Bond to Petersen was never raised in Cabinet after it was revealed in 1986 and when Petersen finally admitted to receiving the $400,000—which rightly resulted in public outcry—and I ask the Premier: as he was a Minister at that particular time, why did he not raise the matter in Cabinet?

Mr AHERN: The honourable member's hate is showing through. Obviously he is blaming my predecessor for the fact that he is not Leader of the Opposition in this Parliament today. He is carrying through some sort of vendetta, which I suppose he is entitled to do. As far as I am concerned, these matters must be dealt with totally appropriately and properly, with due regard to all the systems and processes of law. This was a private action by a private individual who believed that a defamation had taken place. The matter was not raised in Cabinet at all, but was settled privately.

The issues flowing from the ABT decision are being appropriately considered by an independent professional person, which is how it should be dealt with. The honourable member has hate in his heart, is carrying through a grudge and has a totally unbalanced view of the matter.

Terms of Reference of Mr Drummond, QC

Mr WARBURTON: In directing a question without notice to Mr Clauson, the Minister for Justice and Attorney-General, I refer to the decision of the Australian Broadcasting Tribunal being referred to Mr Drummond, QC, and to his ministerial statement to this House this morning, and I ask: would he advise as to Mr Drummond's terms of reference and will the Minister table his letter to Mr Drummond so that honourable members can see what Mr Drummond has been asked to do?

Mr SPEAKER: Order! The time allotted for questions has now expired. I direct that that question be placed on the notice paper.

MATTERS OF PUBLIC INTEREST

Labor in Queensland from the 1880s to 1988

Mr INNES (Sherwood—Leader of the Liberal Party) (10.59 a.m.): For the last 12 months the Labor Party has tried to claim that it has a mortgage on moral purity and that it is the font of openness and honesty in politics and on righteousness and justice. Repeatedly, the Opposition Leader, Wayne Goss, backed by his virtuous Labor Party, has stated that he will bring openness and accountability to this State and will clean out corruption from politics. My advice to him is to start at home with his own party.

I will look at a sliver of ALP history and a very large slice of political hypocrisy. This year saw the publication of a book entitled *Labor in Queensland from the 1880s to 1988*. The authors are Dr Ross Fitzgerald, who is a widely respected academic, and Mr Harold Thornton, who is a long-time member of the Labor Party, a former ALP candidate and now private secretary to Federal Labor Minister Stewart West.

The book has been widely reviewed. Professor Robin Gollin, an expert on the Labor Party, reviewed it very favourably in the *Australian* in January this year. Dr John Carmody, in a Sydney review, said it was "a splendid book for audiences far wider than Queensland and everybody interested in Australian politics should read it." The reviewers in Queensland newspapers have said variously that it is "extremely well researched and contains an impartial analysis of the subject matter" and that it is "nothing less than fascinating". The *Herald*, which is the official newspaper of the South Australian Labor Party, contained a review by one of its Labor correspondents who said it was "an excellent exposition of the triumph and tribulations of the turbulent northern branch of our great party". In the *Bulletin*, Quentin Dempster said, "Queensland Labor does not want to be reminded of its past in an election year. The authors will not be thanked." That is indeed so. In Queensland how a person welcomes the book depends on which faction he is in.

Remarkably, the *Courier-Mail* asked the campaign manager of the ALP in this State, Wayne Swan, to review the book. Not surprisingly, that particular author panned the work, criticising it for its scholarship, for its factual inaccuracies and its bias. He panned the book particularly for its chapters on the modern period of Queensland Labor, from 1957 to date. Mr Swan is particularly incensed by the authors' conclusion that Labor is impotent, that it cannot win the 1989 election and that it is going nowhere.

Apparently Dr Fitzgerald must have got some inkling of this review because, some weeks ago on an ABC program, he said that the book had been favourably reviewed but he understood that it was about to be reviewed by Wayne Swan, which he said was like giving a biography of Adolph Hitler to Eva Braun for objective analysis.

The former ALP secretary, Mr Peter Beattie, in fact launched the book and described it as an excellent history of the Labor Party in Queensland. Even more remarkably, a few short years ago Mr Swan himself contributed to a book on the Labor Party throughout Australia by providing the Queensland chapter, which was entitled "Queensland: Labor's Graveyard". Intriguingly, Mr Swan's contribution to that book, called *Machine Politics; A Study of the Labor Party*, itself was characterised by grave factual inaccuracies. In fact, he could not even get right the union of which Mr Peter Beattie was then the general secretary, such is the nature of factional politics in this State.

I shall now deal with more of the hypocrisy of the Labor Party's demands for openness and accountability in this State. This book, like the true history of the State, details rampant factionalism and vote-rigging and brawling, which has bedevilled the Australian Labor Party for the last 100 years.

What was the reaction of the Australian Labor Party to the book by Mr Thornton and Dr Fitzgerald? It was to attempt to have it withdrawn from sale. Armed with unlimited union funds, Trades and Labor Council President Harry Hauenschild, a senior figure in the ALP, threatened legal action against Fitzgerald and Thornton unless the book was completely withdrawn. He offered the spurious reason that he had been defamed and held up to ridicule by a quotation in the book that was attributed to the ALP's current secretary, Terry Hampson, of the socialist Left. No such denial or threat has come from Mr Hampson, who is quoted as saying that Mr Hauenschild had been heard to remark to Mr Burton at a State conference, "What rules will we break today?"

As I say, Mr Hampson has not challenged the accuracy of this quotation, but that has not stopped Mr Hauenschild, who has had the backing of the ALP, threatening legal action. The net result is the deletion only of the quotation attributed to Mr Hauenschild, a quotation which is clearly correct.

Significantly, there was not one word of protest about this attempt to stifle freedom of speech by Mr Goss or any of the other gaggle of Labor lawyers and civil libertarians in this State. Hauenschild's bully-boy tactics were partly successful—but only partly. The true nature of the ALP and its operations and machinations are detailed, and detailed accurately, in the book.

Anyone foolish enough to consider voting for the ALP at the next State election should read *Labor in Queensland* before he makes a grave mistake. The book chronicles the corrupt practices of the ALP in this State, the establishment of the gerrymander in 1949 to stave off the defeat of the Hanlon Government, its rorts, its ministerial corruption and its trade-union domination that eventually led to the expulsion of Premier Vince Gair.

A direct parallel exists between the 1957 split and the events of today. The only difference is that, unlike Vince Gair, Wayne Goss is not prepared to stand up to trade-union thuggery. Instead, Goss backs a union campaign that is aimed at bankrupting any Queensland business that has the audacity to reach a private agreement with its employees. He is backing the Liquor Trades Union, a union that is under investigation by the Federal police for rorting its own election, a common practice in the Queensland trade-union movement, and a practice increasingly revealed now that those elections come under the scrutiny of an independent party.

The union's assistant secretary, Mr Col Hardie, has been fined $200 on each of five charges of having obtained a ballot paper without lawful authority during a union election. Charges are pending against eight other union officials. It is one thing to preach accountability and honesty in this Parliament; it is something totally different to live with it, without objection, as a reality in the Labor Party and its vital trade-union links in this State.

Wayne Goss goes on and on about the gerrymander, but turns a blind eye to these corrupt voting practices in the Queensland trade-union movement. It was the Labor Party that invented phantom voters. It was the Labor Party that invented the multiple voting systems on polling day. We remember little instances from all around Australia, whether it was local authorities in Melbourne or the ALP in New South Wales. It is instructive to note that the only imprisoned Minister in Australia today was a Labor Party Minister. Indeed I recall another union thug, the well-known criminal figure, Mr Tommy Domican, being imprisoned in New South Wales, and it is a Labor Party branch under investigation in Canberra with regard to the shooting of an assistant commissioner of the Federal police.

Goss sat by and did nothing to protect his colleague Bob Gibbs, whom the Liquor Trades Union has tried to have disendorsed because he drank from the union's poisoned chalice a pint of Power's beer. At least the late Kev Hooper had the guts to stand up to the ALP machine, calling its members "Trades Hall troglodytes" and "power-drunk megalomaniacs". As Mr Goss is a member of no faction, he is beholden to the unholy alliance of the Socialist Left and the AWU. At least Nev Warburton was in charge of a conservative bank of trade unions. That puts him under the total Trades Hall dominance, as the dominant faction in the parliamentary Labor Party is the Old Guard.

Mr Goss must pursue the union agenda. He must seek to outlaw all voluntary employment agreements. He must insist on making union membership not only a condition of employment but also a condition of promotion. He must introduce laws to allow unions and their members to interfere in any business management decision. He must give trade unions key positions in Government and force private business to include trade union leaders and organisers in their boards of directors. Those are the agendas. That was in the documentation presented to the Labor Party's last conference after a total rewrite for the purpose of the 1989 election.

In 1969, the Labor Party did a secret preference deal with Russ Hinze to get him into Parliament. The Labor Party has not changed—hypocrisy is the order of the day.

Time expired.

Australian Economy

Mr HYND (Nerang) (11.09 a.m.): I rise today to express my disgust at the way the Federal ALP Government has lost control of the Australian economy. All the hot air in the world from Mr Hawke and Mr Keating will not keep Australia afloat.

If the Prime Minister was serious, he would immediately sack Paul Keating for his total incompetence. Mr Keating has continued to blunder and to gamble with our economy until it is in absolute ruins.

The gross foreign debt is the single most damaging aspect of Labor's administration of this great country. In March 1983, Australia's gross foreign debt was $36 billion, or 20.9 per cent of gross domestic product. Today, it has risen to a staggering $121 billion, or 40.4 per cent of gross domestic product. This means that every man, woman and child in Australia is effectively contributing $7,000 a year, just to pay the interest bill on our debt. It is a national disaster and a national disgrace.

The Federal Government has actively supported higher interest rates, to the point where home loan interest rates are at all-time records. It has kept our inflation rate way above that of our major trading partners, eroding our international competitive ability. These record levels of interest rates will cause further concern to all sectors of the community. The Hawke Government has literally thrown home-buyers to the wolves, allowing household budgets to be savaged as Mr Keating presides over record housing interest rates. This level of interest will halt the building and construction industry and put a stop to the great Australian dream of young people owning their own home.

This economic spiral, which has been brought about by Paul Keating's lack of understanding, means that many families will be doomed to the life of high interest rates, high rents and no likelihood of ever owning their own home. To own one's home has always been a dream of the Australian family. The current economic situation means that the Australian battler is in a no win situation.

Home mortgage interest rates are completely out of control and look like reaching 17 per cent within the next few weeks, and 18 per cent before the end of the year. Mr Keating's J-curve forgot to curve—it is still on its way down. Individual tax revenue this year alone——

Mr Henderson: "J" stands for "joke".

Mr HYND: "J" stands for "joke"—the honourable member is quite right. That applies equally to the Keating ability to control the finances of this country.

This year, the coffers in Canberra will receive $47.5 billion compared with $22.9 billion for the 1982-83 financial year. Living standards have fallen under the Hawke Labor Government. Today, in real terms, a tax-payer on average weekly earnings with a dependent spouse and two dependent children is $58 a week worse off than he was in March 1983.

An urgent need exists for a fundamental change in economic policy and thinking, aimed specifically at increasing Australia's export competitiveness, at reducing costs and charges to the private sector and at increasing individual incentive to work harder and to save.

The Federal Government's wage/tax package, if implemented, will blow the business and export market out of existence. It really is time for Bob Hawke to grab the nettle and take a look at where Australia is going under his direction.

This Federal ALP Government has set about the destruction of the whole fabric of our community during the last six years of "hard Labor". In the Whitlam years we all stated that we were doing time with "hard Labor".

Gough Whitlam was an amateur compared with Bob Hawke and Paul Keating. They really have their act together. They are keeping us doing time with "hard Labor".

Mr De Lacy: Come on, put a bit of life into it.

Mr HYND: The honourable member for Cairns had better realise that, because he is part of the "hard Labor" crew.

Mr Henderson: We're all experiencing "Labor" pains.

Mr HYND: The honourable member for Mount Gravatt is quite right. We are all experiencing "Labor" pains.

Let us look at the Federal ALP Government's economic record. It has certainly created a number of records—

1. lower productivity;
2. higher current account deficits;
3. substantially higher inflation rates;
4. record bankruptcy rates; in 1985-86, the highest current account deficit ever, record levels of public sector outlays and taxation revenue, both absolutely and as a proportion of the gross domestic product, decline in the value of the Australia dollar against major world currencies; and
5. record levels of home loan repayments and public housing waiting-lists.

International assessments of the Government's economic policies are nowhere near as rosy as the Government constantly claims.

I mentioned record bankruptcies from 1982-83 to 1987-88. The Hawke/Keating bankruptcies average 7 138 per annum compared with the Fraser average of 4 717. That is certainly an ALP record, and it represents all levels of bankruptcies. A major factor for that is undoubtedly high interest rates, particularly for small and new businesses. New businesses often face a cash flow problem in the early years—

- establishment costs are high, returns are delayed and often have to be ploughed back into the business; and
- the high interest rates of recent years and poor returns on investment have exacerbated cash flow problems.

Another record is the number of new taxes since 1983—

- fringe benefits tax;
- capital gains tax;
- entertainment tax;
- initial removal of negative gearing provisions—since restored;
- original foreign tax credit system—since modified;
- original lump-sum superannuation tax—since partially removed;
- increased company tax rate—now to be reduced in return for removal of industry tax concessions;
- new wholesale sales taxes;
- increased petrol excise from 6 cents to 22 cents per litre;
- automatic biannual indexation of produce excise rates;
- wine tax;
- excise tax on "intermediate" and "new" oil;
- tax on superannuation fund income;
- gold tax; and, the greatest tax of all
- graduate tax.

It is a fantastic Government that runs this country at present. The introduction of the capital gains tax and the initial removal of negative gearing is proof positive of the Federal ALP Government's lack of understanding of what makes the Australian economy tick. Members of that Government should hang their heads in shame. They are totally responsible for the shortage of housing accommodation in Australia today.

This is just one more area in which the Hawke/Keating Government has demonstrated its inability to control Australia's economy. When was the last time this socialist Federal Government did anything for the pensioner or the war veteran? These people are

becoming the forgotten section of Australian society. Their pensions are being eroded daily.

At least members of the Queensland Government can hold up their heads. The Queensland Government is the only ray of light at the end of the tunnel. This year the Queensland Government will spend some $300m on housing, of which an estimated $150m will be devoted to the provision of public rental stock. This State has initiated land ballots for first home buyers and only recently moved to buy Commonwealth land on which cluster dwelling units, including public rental stock, will be built.

The Queensland Government makes no apology for its emphasis on home-ownership because each home-buyer who succeeds in purchasing a home subsequently reduces demand on rental housing. The Queensland Housing Commission is consistently seeking suitable homes and land on which to boost its rental stock. A systematic cut-back by Labor in this area over the last five years has reduced both the benefits and the number of applicants that qualify for them.

I cannot overemphasise my disgust at the way in which the Federal Labor Government is handling Australia's economy today. It is high time that members of the Queensland ALP told their Federal counterparts that they are ruining Australia's economy, that they are devastating Australia for future generations and that they are showing a total lack of competence and care for Australian society today.

Australian Broadcasting Tribunal Decision regarding Bond Defamation Payment

Mr WARBURTON (Sandgate) (11.18 a.m.): Last Friday the Australian Broadcasting Tribunal brought down its "decision on facts" as a result of the Bond inquiry. The tribunal said that it adopted an extremely high test that has demanded a level of certainty required, in its view, by the importance of the issues and the seriousness of the consequences of adverse findings. The tribunal's decision concentrates to a large extent upon the $400,000 paid by Bond to Petersen.

I will now examine what the tribunal said in its decision. It said that Bond endeavoured to hide any impropriety inherent in the $400,000 payout by proposing that $50,000 be paid in cash with the balance to be paid by one of three methods. Bond executives expressed concerns about the $400,000 and, as the tribunal found, their concerns were always driven by their view as to the perceived impropriety of the payment.

In relation to the Bond/Petersen agreement, the tribunal found that Bond dealt personally with Petersen because Bond believed that Petersen was in a position to affect his group's interests, and Bond believed that a failure to settle the action might result in Petersen causing adverse consequences to his group in its commercial activities.

The tribunal found that Bond had no belief in 1985, or subsequently, that the $400,000 paid to Petersen was an amount justified by the defamation claim alone. The tribunal holds the view that the arrangement to pay the $400,000 and the subsequent payment of that amount was improper and that Bond's attempts to conceal the payment were improper.

In regard to Bond's comments made on Jana Wendt's program of 21 January 1988, the tribunal holds the view that Mr Bond intended to convey the meaning that he had been placed in a position of commercial blackmail by Petersen. Everybody knows that it takes two to tango.

New evidence given at the 1988 tribunal hearing showed that Bond and Petersen met on a number of occasions in early 1986. Under oath, Petersen was asked at the tribunal what he discussed with Bond at the 17 February 1986 meeting. Petersen said that it could have been Greenvale, the fertiliser plant or the Bond University. Petersen admitted that Bond's suggestion about splitting the $400,000 payment was also discussed, for example, an initial payment of $50,000, the balance of $350,000 being lent to Petersen with no obligation to repay.

So why did Bond pay the $400,000? Bond believed that it was needed to guarantee a free hand in Queensland. The assumption was that he needed to appease Petersen, to get him on side. After all, it was Petersen who ran the show, and Cabinet Ministers like meek Mike Ahern did what they were told.

What honourable members see today is a logical extension of what Premier Ahern did during his eight years as a Cabinet Minister. He let Petersen run all over him, and he is still doing the same thing today.

In the pre-Fitzgerald days of August 1986, in this Chamber, I described the $400,000 pay-off as "the most serious political scandal in Queensland's history". I also asked whether the payment was a "You scratch my back and I'll scratch yours" payment or whether it was "a more specific sling for particular political favours".

It is now known that Bond and Petersen discussed the Bond business interests in Queensland at the same time as they discussed the pay-off of $400,000. It is known that there has been commercial blackmail; it is known that the $400,000 was an improper payment; and it is known that Bond misled the tribunal at the 1986 hearings. What must now concern all Queenslanders is that Premier Ahern has already closed his mind to any action of consequence in relation to this serious matter that goes directly to the heart of integrity in Government.

For the Premier to somehow suggest that his Government is aloof from this form of political corruption is sheer hypocrisy. Before he knew of the details of the tribunal's "decision on facts", he was out and about saying that any charges would not stand up in court. He was pre-empting any supposedly independent assessment of the tribunal's findings as they relate to the behaviour of Petersen. It is grossly improper for the Premier to claim that any action would not have "a snowball's chance in hell of succeeding". Yet a day or so ago he had the gall to tell honourable members that he had referred the matter to the Crown law office for an opinion. Or has he? He has not given an explanation here today why he has changed his mind.

Today the Minister for Justice, Mr Clauson, told honourable members that the matter is now with Mr Drummond, QC. We already have an instance in which the Premier told the world that Don Lane's accusations about Ministers rorting the system were before Fitzgerald. We found then that the Premier was not telling the truth. What is the truth of the matter on this occasion?

Members of the Opposition will support the Drummond move, provided that we know the terms of reference, bearing in mind that we believe that the possibility not only of criminal action but also of civil action should be considered to recover the improper payment—provided that there is a reasonable timetable and provided that we receive an assurance that the Drummond report will be released immediately it becomes available. It all amounts to what most honourable members expected—Premier Ahern was prepared, until pressured, again to sit blindfolded and gagged, with corks in his ears, when it came to doing something about evidence of corruption in Government in our State of Queensland. Premier Ahern was prepared to hide behind the fallacy that it was a private matter between Bond and Petersen. Honourable members saw him hiding behind the same excuse this morning. It was far from being a private matter between Bond and Petersen. Petersen was the Premier of Queensland when the $400,000 payment was made. We now have conclusive evidence that the payment was improper and amounted to commercial blackmail.

Despite this scandal, Petersen is to join Don Lane and 16 others who Premier Ahern has agreed will have legal costs awarded against them in respect of withdrawn defamation actions paid from the public purse. At least the bulk of the Bond pay-off of $400,000 must be seen as income to Petersen accruing from the discharge of his political authority—income that in less tasteful language must be seen as a bribe or a hefty sling.

The crooked cop Kelly, who is in gaol, is being sued by the Ahern Government for money he allegedly received in bribes. Yet Premier Ahern sees a $350,000 sling that

Petersen extorted out of Bond as something private—something that the Ahern Government can dismiss and is, hopefully from its point of view, forgotten.

In contrast to Premier Ahern's original soft option, I called on him to instruct his Attorney-General either to refer the matter to the Director of Prosecutions for action under chapter 13 of the Criminal Code, which deals with improper practices by people in public office, or to direct the Attorney-General to proceed with an ex officio indictment, which brings the matter directly before a jury.

Premier Ahern is very fond of forming committees to examine problems. There is one committee that I will support, and that is a committee of 12 persons called a jury. Let a jury of Queenslanders finally decide Petersen's fate where it should be decided—in the court—not by 18 ditherers sitting around the Cabinet table. For the first time in his term as Premier, let us see if Premier Ahern can make at least one hard, decent decision. What the tribunal has bared for all to see is how to do business in Queensland National Party style.

What about the business-operators who became victims of this National Party system by refusing to play the game? How many businesspeople had Government doors slammed in their faces once they refused to pay for what should be their right to do business in Queensland? How many victims of this system fell by the wayside while Ministers such as Mike Ahern did nothing to help them? He never raised a finger. Bond became a very willing victim of this National Party system. Other business vultures who would indulge in commercial blackmail in Queensland are hovering around at present waiting to see if the combination of Sparkes and "Middle-aged" Mike is any different from the old Sparkes/Petersen combination.

When Premier Ahern took office, he promised to abolish the word "cronyism" from the Queensland vocabulary. Only hard decisions and positive action by Premier Ahern will send a clear message to the vultures that his promises are not just empty words.

Petersen was the architect of political intimidation by way of writs. In 1986 he took out a number of actions against me and other members. The problem now is that now he is to join Premier Ahern and confessed crook Don Lane in having costs awarded against him paid out of the public purse. It seems that it is not sufficient that Petersen made money out of commercial blackmail; it is not good enough that Petersen is still living high on the Ahern Government's golden handshake; we now see his hands further in the public purse ably assisted by none other than Premier Ahern.

Insurance Claim by Mr R. Richardson

Mr HOBBS (Warrego) (11.28 a.m.): Today I raise the position of Mr Robert Richardson, one of my constituents from Blackall in central-western Queensland. In May 1984 Mr Richardson was involved in a serious three-car accident. Two stationary vehicles were hit by a third vehicle from behind. Mr Richardson and three of his workmates were crushed between the two parked vehicles and were seriously injured.

The men were returning from the afternoon shift at the CSR South Blackwater mine at approximately 11 p.m. Mr Richardson's car had broken down and he was being assisted by the occupant of the second car who had turned his vehicle around to face the headlights onto Mr Richardson's car. That was when the third car hit them from behind. The broken-down car and the car belonging to the person who was assisting were both parked well off the carriageway.

At 2.30 a.m. that morning Mr Richardson, who was in a semiconscious state with serious injuries, was air-lifted by aerial ambulance to the Rockhampton Base Hospital. Mr Richardson suffered a compound fracture to the left tibia and fibula, a compound fracture of the left femur, closed fractures of both collarbones and facial lacerations to the head, jawline and ear lobe. There was extensive bruising to his body. He was in the Rockhampton Base Hospital in traction for three months and was discharged in a hip spika on 12 August 1984.

On 17 October 1984, an orthopaedic nail was inserted into Mr Richardson's left leg, and an infection set in soon after. In February 1986, the nail and a chip of bone, the cause of the infection for almost two years, were removed, and the infection had cleared by March 1986.

In June 1986 Mr Richardson was fitted with a full-leg calliper. In his report, the orthopaedic surgeon, Dr Naidoo, doubted whether Mr Richardson would return to the work-force. Mr Richardson was granted the invalid pension on 21 August 1986.

On 21 November 1986 Mr Terry Lewis, a trustee of the Combined Mining Unions, South Blackwater mine, filled out a permanent and total disablement claim form. The company's report states that Mr Richardson will not return to work on medical advice and that he was already granted an invalid pension. The Department of Social Security considered him to be permanently incapacitated for work to the extent of at least 85 per cent.

I point out that the compulsory insurance is operated by the Combined Mining Unions and is called the Combined Miners Union Blackwater Group Life Plan No. 601613-3. Mr Richardson has paid into that insurance since commencing work at the mine, and the pay-out which is controlled by the trustees can be determined by the attitude of the CMU at the time. In other words, a person has an insurance but, then again, he may not.

On 12 March 1987 Mercantile Mutual Limited in Brisbane requested the names and addresses of all doctors and specialists whom Mr Richardson was consulting. That information was forwarded to Mercantile Mutual Limited on 16 March.

On 1 April Mercantile Mutual Limited again requested the very same information, which again was forwarded by registered mail on 4 April—three days later—to a Mr Whitlock.

On 27 May of the same year Mercantile Mutual Limited refused the claim and deferred the decision for 12 months. The reason given was that the company wanted more up-to-date information on a liver complaint—active chronic hepatitis—which has nothing to do with the claim. For a number of years Mr Richardson's liver complaint has been controlled by tablets. Mr Richardson's claim was in respect of permanent and total disablement as a result of injuries received in the car accident, and nothing else.

On 27 May 1988 the 12-month period had elapsed and there had been no news from Mercantile Mutual Limited. Once again Mr Richardson contacted Mercantile Mutual Limited in Brisbane, who denied having any records of the claim. A number of telephone calls later, no records had been found and the matter was referred to Mr Terry Lewis.

During early June 1988 contact was made with the mine. Mr Lewis had departed, and contact was made with a Mr Peter Castle—his replacement. Mr Castle advised that records were nowhere to be found on the file and requested that all information relating to Mercantile Mutual Limited be forwarded to him. So they had to start all over again.

On 28 July Mr Castle wrote to Mercantile Mutual Limited requesting a review of the case. At that stage the 12-month period had definitely elapsed.

On 12 August 1988 Mr Whitlock of Mercantile Mutual Limited in Brisbane contacted Mr Castle and informed him that the company was requesting copies of all reports from Mr Richardson's doctors and specialists. At that stage the Richardsons had been tearing out their hair for long enough. They contacted my office and forwarded all correspondence relating to the claim.

Contact was made with Mercantile Mutual Limited in Brisbane, only to find out that, for almost 12 months, the claim had been in the Sydney head office of the company. I was advised to contact a Mr Don Bonnet who was the manager of the claims section. I found Mr Bonnet to be a very aggressive character whose main role appeared to be preserving company assets rather than meeting his commitments to policy-holders.

Mr Bonnet intimated that because of Mr Robert Richardson's other medical complaint—active chronic hepatitis—which has been controlled for years, Mr Richardson would more than likely lose his claim. Mercantile Mutual Limited in Sydney then rang Mr Richardson and told him that no medical evidence to support his claim had been provided.

In June 1988 Mr Bonnet stated that once again the claim had been refused. The Richardsons were not informed of that decision. The claim was expected to be reviewed in December 1988. Mercantile Mutual Limited asked if Mr Richardson had been rehabilitated back into the work-force. Mr Richardson was still unable to walk unaided; the company did not want him back, and he was pensioned off—literally.

Mr Richardson was also a member of the FED and FA, which was also administered by the CMU. On 24 August 1986 Mr Richardson was paid a lump-sum pension of $31,717. Mr Richardson commenced work at the South Blackwater mine on 2 April 1984 and was in the mine's employ until he was pensioned off.

Dr Naidoo's second report was forwarded to Mr Bonnet at Mercantile Mutual Limited in Sydney. Mr Richardson then received a call from the company saying that it wanted a report from the local GP in Blackall, a Dr Godfrey. Because that GP had nothing to do with Mr Richardson's treatment, that report was useless. Mr Richardson was not sick; he was disabled.

Eventually, out of frustration, Mr Richardson again contacted Dr Godfrey in Blackall, who agreed to write a letter to Mercantile Mutual Limited stating that he was not writing a medical report because he had nothing to do with Mr Richardson's treatment.

In February 1989 Mr Richardson forwarded all correspondence to the FED and FA care of Mr Barry Gannon. In March 1989 Mercantile Mutual Limited in Sydney wrote to the South Blackwater mine saying, in short, that there was no medical evidence to support Mr Richardson's claim of permanent and total disablement.

In March of this year the union put the whole matter into its solicitor's hands. At last, it, too, had had enough—and it was about time. On 16 March 1989 Mercantile Mutual Limited in Sydney forwarded to the South Blackwater mine a letter regarding the permanent and total disablement claim. In short the letter referred to the fact that Mr Richardson had chronic hepatitis which related to his claim. That is absolute nonsense. The claim was for injuries that Mr Richardson suffered and is still suffering from a three-car motor vehicle accident in May 1984 on his way home from work. Mercantile Mutual Limited has refused the claim on the basis that Mr Richardson could not support his claim with medical evidence.

I am not aware of any worker who has had his claim paid out by Mercantile Mutual Limited under that policy. Mr Richardson has been left with a substantial disability. His left leg is two centimetres shorter than his right leg and is fragile in the way that it has knitted. Mr Richardson has restricted knee and ankle movement and his left collar-bone has not knitted. He is unable to work—his injuries will not allow him to—and no company will insure him. Throughout this long, drawn-out affair, surely the workings of Mercantile Mutual Limited must be investigated as well as the fact that only in the past six months has the union shown any interest in Richardson's battle.

I call on Mercantile Mutual Limited to expedite the outstanding claim of Mr Richardson and finalise the matter once and for all.

Sugar Industry in Queensland

Mr CASEY (Mackay) (11.38 a.m.): Queensland's greatest agricultural industry, the sugar industry, is slowly being destroyed by an arrogant, uncaring and unresponsive State Government through an arrogant, uncaring and unresponsive Primary Industries Minister, Mr Neville Harper.

Mr McPhie interjected.

Mr CASEY: In the absence of any protests to the contrary, I can only assume that he is aided and abetted by National Party back-bench members who now scream out in protest at my criticism. I refer especially to those members from electorates covering the sugar areas of this State. I refer to those representing the far-northern sugar district, Mr Tenni and Mr Menzel, and to Mr Row and Mr Stoneman from the northern districts of the Burdekin and the Herbert. I refer also to Mr Muntz and Mr Randell from the central district areas, not forgetting, of course, Mr Slack, Mr Powell, Mr Alison, Mr Austin, Mr Simpson and Mr Gibbs, who represent parts of sugar electorates in the southern zone of the sugar industry. As Government members, they are all equally to blame. I have not heard them speaking out in protest against Mr Harper's actions. Indeed, as Government members they are following Mr Harper's lead and trying to disguise their own lack of action under the criticism of the Federal Government's decision to lift the sugar embargo. It is a convenient smoke-screen for them.

On the one hand, Mr Harper claims that the lifting of the sugar embargo will ruin the sugar industry. This contrasts with his own decision to expand the industry by a 5 per cent assignment increase throughout the State. Of course, the industry said that it should have been 10 per cent. The industry knows that it is going well at the moment.

The way in which Mr Harper has gone about the increase and proposed changes to the legislation in this State has brought about enormous concerns throughout the sugar industry. The Premier, himself a former Primary Industries Minister, should sack Mr Harper and replace him with someone prepared to enter into meaningful discussions with the industry.

Mr Menzel: They haven't gone through yet.

Mr CASEY: One back-bench Government member says that the proposals have not gone through yet. I sincerely hope that Government members in their own caucus stand up and be counted on this particular matter, because it is most important to stop the ruination of this industry. That must be done before Mr Harper damages irreparably 70-odd years of successful structuring within that industry. He is deliberately deceptive in his claim that his legislative proposals to this Parliament last week came after what he called "extensive consultations with all sectors of the industry". I am reliably informed by the various sectors of the industry that such has not been the case.

In December 1987, which is almost 18 months ago, but six months before any announcement whatsoever was made about the change of the sugar embargo in Australia, the industry itself made a joint submission on Mr Harper's Green Paper and presented it to him. That submission was compiled after considerable discussion right throughout the industry with representatives of the various sectors of the industry, millers and the two grower organisations.

What have been the Minister's "extensive consultations" since that time? One industry leader was prepared to go to print. In the *Australian Canegrower* of 27 March 1989, Mr Jack Smith, the acting general manager of the Queensland Canegrowers Council, was quoted as saying that the only time that Mr Harper had given to Queensland's most important agricultural industry was three half-hour meetings in five months. Worse still, the Minister has paid no attention to the industry whatsoever or to its position and has legislated to provide for the greed of certain big companies and persons who are dictating the National Party policy. If local members are prepared to stand by and let him do that, they will bring the industry crashing down around their ears. Unfortunately, it is pretty obvious that Mr Ahern is prepared to let him do that.

On 9 March 1989, at the annual sugar milling council meeting, the Minister claimed that he was having difficulty in establishing a collective industry position. What a load of rubbish! How can he get a collective industry position if he is not talking to people in the industry? Mind you, that collective industry position was given to him in December 1987.

The same Minister is claiming credit for review of the productive capacity of the industry; yet when a review should have been undertaken back in 1985, it was he who

withdrew the proposal from the central board without consultation with the industry. What about the current productivity increase? In 1988 the Sugar Board was short by 300 000 tonnes of saleable commodity, and a 9 per cent to 10 per cent increase was needed. That was the industry position. But Mr Harper approved only 5 per cent and then set his own ground rules on how it would be brought about, which was again contrary to the industry's position.

From almost every sugar-growing area I have received protests and copies of submissions to the Minister begging him to change the industry position. The Minister has been told that his position is not practical. The average increase will be about 3 hectares per grower—a pocket handkerchief. The Minister wants growers who do not have land to enter into commercial arrangements in other mill areas or even other districts. That will only provide legal arrangements for people of the like of Mr David Cox, who is operating a system which, to use commercial terms, I suppose could be called franchising in reverse. Last year, by manipulating the roaming provisions of Mr Harper's administration and jurisprudence, he grew 30 000 tonnes of cane in the Burdekin on a farm with a 4 500 tonnes peak.

I believe that the current moves and measures are merely a ploy to arrange preferential additional assignment into the Burdekin area. If that is what the Minister wants and if that is where he wants the expansion to take place, let him go ahead and do it. We do not want any back-door approaches to satisfy a handful of big National Party supporters. At this stage that is all the Minister is doing. Of course, he is also satisfying his great love, the CSR company, which has the Minister in its pocket, and has had him there for quite a considerable period.

Let us have a quick look at CSR and some of its current activities. As soon as the lifting of the embargo was announced, it should have been locked up as an Australian refiner by the Queensland Sugar Board representing the Queensland Government. But that did not happen. It should have been locked up under the existing price arrangements to get a better return to the industry. That did not happen. For donkey's years it has been playing on the toll refining system and making substantial money out of it. But no, the Minister and his colleagues have been too busy playing politics with the embargo question to worry about what CSR was doing. Through the Minister, CSR has had a running fight with the Sugar Board for nearly three years. Mr Harper has had considerable fights and rows with various members of the Sugar Board over his attitude towards CSR compared with what the Sugar Board thought was good for the industry.

Initially, Mr Harper would not support sales through other agents, but after an overseas trip last year he said, "We ought to be looking at these people." He realised that CSR wanted to change and what would happen when the changes took place in Australia. In August last year when the announcement was made to lift the embargo, the Minister started to talk to other buying agents but it was all too late. At that stage, CSR had stated its position and had indicated that it would not go ahead with toll refining. It decided to become a commercial operator. In other words, it intended to force down the price within the industry itself.

What happened when a change of Government occurred in New South Wales? At that time, rumours had commenced to spread and the industry in New South Wales began looking to its refining position. The Minister reacted by warning the Sugar Board against holding discussions with the industry in New South Wales. He said that it was a Government-to-Government matter and not a matter for the industry. The result is that the industry in New South Wales will go its own way with its own refinery. The Minister was either caught with his pants around his ankles or he had again deliberately deceived the industry. Worse still, he would not allow discussions within the industry at the grower, miller or Sugar Board levels on this particular matter.

The Minister supported the Senate inquiry. What a great waste of time it is! However, Minister Harper wanted it so that he could play politics with the livelihood of those in the sugar industry. Those I have spoken to who presented a written submission and followed that up with an appearance before the Senate committee came away with

the impression that the committee had not read the submission. I defy any honourable member to find enough senators from all political parties who know enough about the sugar industry to even form a committee.

The biggest problem that the industry has had to put up with over the last 40 years is the lack of leadership of this State Government. There has also been a lack of initiative by Ministers for Primary Industry in this State, especially on the part of the current Minister. This Government's lack of understanding has been borne out by the answer to the question I asked last week that related to the balance of the Savage committee's report. One industry authority offered the solution of increasing the representation on the Sugar Board by two members. The new initiatives proposed by the Minister for the sugar industry were that, if the industry wanted new initiatives, it could have them—but never mind about changing the habits of the consumer.

Already CSR is up to its tricks and is capitalising on the review of toll refining arrangements. The Minister intends to replace the cane-testing service and do away with examinations. Obviously, the industry's greatest need at present is a new Minister. The industry needs a Minister who is interested, informed and intent on keeping this great industry strong, modern and up to date with the rest of the world.

Time expired.

Appointment of Mr Justice Macrossan as Chief Justice; Defamation Payment by Alan Bond to Sir Joh Bjelke-Petersen

Mr HENDERSON (Mount Gravatt) (11.48 a.m.): During this debate, I will raise a number of matters. At the outset, I take this opportunity to congratulate the Honourable Mr Justice John Macrossan on his elevation to the position of Chief Justice of the Supreme Court of Queensland. Over a period of three years, I had the pleasure of working with His Honour when I was a member of the Griffith University Council. During that period, His Honour was Deputy Chancellor and, more recently, Chancellor. Since then my place on the council has been taken by the honourable member for Springwood, Mr Fraser, who has conveyed to me his feelings of respect for Mr Justice Macrossan.

Honourable members may not be aware that Mr Justice Macrossan is the third member of the Macrossan clan to become Chief Justice of Queensland, which is certainly an eminent record of public service by one family to this State. I can think of a no more worthy inheritor of the mantle of Chief Justice than Mr Justice Macrossan.

As a member of the council of Griffith University, I can recall that a number of very difficult and touchy situations were faced by the council during that period. The students and staff of that university follow a particular model of participatory democracy and were not slow in bringing a number of highly controversial incidents to the attention of the council. During your period as Education Minister, Mr Speaker, you would have been well aware of some of those controversies.

One of the characteristics I always admired in Mr Justice Macrossan as Deputy Chancellor and Chancellor was his very quiet and dignified approach to the various problems confronting the council. With total honesty I can say that I cannot recall that he ever displayed any annoyance or indications of being unhinged when these problems arose. His Honour is a very casual and unflappable type of individual. I particularly admire His Honour for his unique ability to be able to see the central issue in any debate and to ignore peripheral or unimportant matters. Whenever students were jumping up and down and wanting to hold discussions here and there, His Honour's guidance was along the lines of presenting to the council the central issues and pointing out the issues that should be pursued. Much of the success of the council is due to following His Honour's advice.

Mr Scott interjected.

Mr HENDERSON: At the outset I wish to congratulate His Honour. I am sure that he will become an eminent Chief Justice. I wish him all the best for the future as he carries out a particularly demanding role.

I turn now to deal with another matter that concerns me. Although I did not intend to deal with the comments made previously by the honourable member for Sandgate, his speech is worthy of some comment. He referred to the $400,000 pay-out by the Bond Corporation to Sir Joh Bjelke-Petersen in settlement of the defamation action that was initiated against the company. I agree with the stand taken by the former Premier because the action was entirely personal. It involved Sir Joh Bjelke-Petersen and Alan Bond. Because it was a private action, I would have thought that it was purely an issue that had to be settled by Sir Joh and Alan Bond themselves, in association with their legal advisers.

Mr Scott interjected.

Mr SPEAKER: Order! The member for Cook is warned for the second time under Standing Order 123A.

Mr HENDERSON: The honourable member for Sandgate mentioned that in evidence given to the Australian Broadcasting Tribunal and in comments made to Jana Wendt on *A Current Affair*, there is at least persuasive evidence that would suggest that Sir Joh Bjelke-Petersen attempted to blackmail Alan Bond into paying $400,000 in defamation damages. As I said earlier, that matter is currently being pursued before the Australian Broadcasting Tribunal.

I find it interesting that the Opposition has asked the Premier to initiate certain action. One thing that is wrong with the requests made by members of the Opposition and the demand made by the member for Sandgate is that either they betray a lack of understanding of basic civil legal rights of individuals or, alternatively, they show a total lack of confidence in the Australian courts and quasi-courts system. The fact is that Sir Joh Bjelke-Petersen or the Bond Corporation has every right to pursue an appeal against those findings. That is a basic principle of jurisprudence in this country. I would have thought that the fact that Mr Bond intends to appeal would have made the matter eminently suitable for hearing and canvassing before an appeal court.

Mr Menzel: You know Neville Wran got $500,000 out of the ABC?

Mr HENDERSON: Yes, that is probably true. However, the ABC, under the jurisdiction of the Hawke Government, did not bother appealing; it simply paid out the money.

I believe that, in order to preserve centuries of legal tradition, the forum in which this matter should be next canvassed should be an appeal court. However, the Opposition wants to pre-empt the right of individuals under the laws of this State to take the matter to appeal. What can be achieved by politicising this whole issue and suddenly turning this Parliament into a court of appeal? Can anyone seriously imagine what sort of justice there would be if the issue were to be decided in this House? This is probably the last place where such a highly emotive and difficult political personality such as Sir Joh Bjelke-Petersen should have a matter heard. I support the right of the parties involved to take the matter to a court of appeal.

I cannot understand why the Opposition cannot accept that simple principle. Why is it that the Opposition apparently has no confidence in the courts of appeal to adjudicate on such matters? Instead, the Opposition wants the matter to be brought to some sort of a committee—as I understand the honourable member for Sandgate—or it wants the State Government to initiate some sort of action against Sir Joh Bjelke-Petersen to recover this money for criminal blackmail or something along those lines. How can the Opposition maintain that, when at this point in time Alan Bond is appealing in the matter and therefore no statement whatsoever has been made which assumes that the conclusions arrived at by the Australian Broadcasting Tribunal were correct?

Mr Ardill: He's not appealing in that matter.

Mr HENDERSON: I understand that he is. In any case, it is up to him to decide whether or not he appeals.

All these matters were canvassed before the Fitzgerald inquiry and the State Government has rightly said that these matters are best dealt with by that inquiry. The people of Queensland have enormous confidence in Tony Fitzgerald, yet, by demanding these courses of action, the Opposition appears to have no confidence in Mr Tony Fitzgerald or Mr Drummond, QC, to pursue these matters. The Opposition wants to take the matter out of their hands and have it pursued by some other body. I believe that amounts to a vote of no confidence in the Fitzgerald inquiry and Doug Drummond. That is intolerable.

If I understand the statement made by the honourable member for Sandgate correctly—in spite of the action taken by Mr Bond at this time to decide whether or not the findings of the tribunal were correct and above and beyond any findings by the Fitzgerald inquiry or action Mr Drummond may care to take—the Opposition is not satisfied with all that and wants extra action taken, whether in the form of charges against Sir Joh Bjelke-Petersen, investigations or whatever.

I challenge the Parliament to answer this question: why would those demands be made if the Opposition had confidence in the system of justice and in an appeal from the broadcasting body, or confidence in the Fitzgerald inquiry and Mr Doug Drummond, QC, to pursue these matters correctly and legitimately? I have lectured students on the principles of counselling, and one thing I have learnt is that if a person has hate or bitterness in mind, the hate or bitterness never destroys the person it is directed against; it inevitably destroys the person harbouring the hate. The tragedy of all this is that this issue has consumed the honourable member for Sandgate to the extent that it is destroying him.

Federal Government's Economic Statement

Mr McPHIE (Toowoomba North) (11.58 a.m.): I wish to speak briefly about the ACTU/Federal Government accord and the announcement that will be made tomorrow night by Treasurer Keating concerning wages and tax cuts. The document that will be put forward is deceitful because, in granting a pay rise to the workers of Australia, Treasurer Keating will take extra money in taxes away from them and use that money to finance the Federal Government's tax cuts.

If the Federal Government wants to do something for the workers of Australia, it should give them straight-out tax cuts and nothing more. It should not increase their wages so that they pay more tax; it should give tax cuts to the people so that they can take more money home in their hands. Pay rises increase costs, inflation and interest rates, but tax cuts result in cuts in Government spending, which is of benefit to the whole of Australia. If workers take home more pay, they can cope better with their mortgage repayments and the cost of running their home. The end result will be that more Australian families will stay together. Tomorrow night Keating will force a straight-out deception upon the people of Australia and must be condemned in the most strident manner. It is completely unacceptable to Australia.

Mr SPEAKER: Order! The time allotted for debate on Matters of Public Interest has now expired.

HARBOURS ACT AND OTHER ACTS AMENDMENT BILL

Second Reading

Debate resumed from 4 April (see p. 4064).

Mr BEANLAND (Toowong) (12 noon): These amendments cover a wide range of issues and I will speak briefly on several of them. Firstly, one of the key parts to the

amendments is the funding of the Department of Harbours and Marine. To fund that department, the Government placed a 5.5 per cent tax on port authorities and the Harbours Corporation of Queensland.

In 1987, when this tax was levied on port authorities and the Harbours Corporation by the Government, we were told that it would come from increased efficiency within the operations of port authorities. Since 1987 we have seen that the Government has introduced those charges and that, in fact, for the financial year ending 30 June 1988, it received a considerable sum of money from those port authorities and the Harbours Corporation. We have not heard, and we are not enlightened by the Minister in his second-reading speech, what increased efficiencies have been brought about by the various port authorities and the Harbours Corporation to enable them to pay these taxes, which is what they are; they are taxes on those port operations.

I shall look at the taxes that the Government has placed on port authorities. The Port of Brisbane Authority paid some $2.1m; the Gold Coast Waterways Authority, $110,000; the Bundaberg Port Authority, $101,000; the Gladstone Port Authority, $2.7m; the Mackay Port Authority, nearly $200,000; the Rockhampton Port Authority, $52,000; the Townsville Port Authority, $393,000; the Cairns Port Authority, $226,000; and the Harbours Corporation of Queensland, $3.6m. That adds up to quite a considerable sum of money, yet we have not heard a word from the Minister or the Government as to what efficiencies have been effected by the various port authorities to enable them to pay this tax.

If one moves around the State and talks to the various people involved with the port authorities, one finds that there has been a slowing-down of development by the various port authorities and that, because of this tax, they have not been able to get on with a series of developments that they had previously proposed. It is having an effect on provincial cities in particular, because the port authorities to which I have referred relate to the major provincial cities of Queensland, and the Harbours Corporation controls a number of the other major bulk-handling ports along the coast of this State.

This is clearly another tax on Queensland cities and a tax on exporters and small-businesspeople. I can understand that the Government is looking around for various ways in which to self-fund the operations of the Department of Harbours and Marine, but it embarked upon a funding arrangement that does not require the Department of Harbours and Marine to look to itself and say whether or not it can increase its own efficiency. The Government's decision places on port authorities and the Harbours Corporation this tax, which is largely a hidden tax. It is a bit like the coal freight tax placed on coal companies by the Railway Department. It is not a tax that will attract a great number of headlines in newspapers, not even in provincial newspapers up and down the Queensland coast, or on television or radio stations. People will say about it that it is just another Government charge, but nevertheless it is a very significant and substantial tax on Queensland exporters, small-businesspeople and the operations of those port authorities. I feel that we ought to hear from the Minister in his reply just what efficiencies the Government has seen come about in the various port authorities to enable them to pay these taxes.

As I have indicated, what I hear is that the money is coming from the money for the port authorities' works and that the authorities are having to consider the various charges that are presently levied on goods that are handled through those ports and increasing those charges to enable them to pay this increased tax.

What the Minister is doing today is giving the Government power to change the method from the set rate of 5.5 per cent tax onto another basis, a basis which is left to the Government to decide. In his second-reading speech the Minister said—

> "The amendment in the Bill will allow the Governor in Council by Order in Council, on the recommendation of the Minister, to determine the amount of the levy to be imposed on each port authority and the Harbours Corporation of Queensland. This will be done by adjusting the 1988-89 levies according to the

varied needs of the Harbours Marine Fund and the relative changes in the capacity of each authority or, as the case may be, the corporation to pay the levy."

So we have gone from a flat 5.5 per cent charged on the revenue of the port authorities and the Harbours Corporation to the Government's proposing a basis as may be determined by the Minister. That is what the Minister is really saying: the decision will ultimately be determined by him and by the Government of the day, that there will be no flat rate across the board.

As we are now moving to the middle of the month of April, I would think that the Minister has informed the port authorities and the Harbours Corporation of the sort of tax that he is expecting them to pay for the financial year 1988-89—I have already given the House the figures for the year ended 30 June 1988—and of the sort of changes that might be made. There will be some increases and some decreases. I hope we will hear from the Minister what changes there will be for the port authorities and the Harbours Corporation, because in his second-reading speech he said that the figures would be arrived at by adjusting the 1988-89 levies according to the varied needs of the Harbours and Marine Fund. I presume that the Government has set a similar overall figure to the one for the financial year ended 30 June 1988, but there will be some increases and some decreases. The Chamber has not been informed of what those figures might be. It could very well be that the figure for Brisbane will increase substantially, that those for Gladstone, Bundaberg and Cairns go down, that the figure for Rockhampton goes up, and so on. They could be all over the shop. We have not heard from the Minister what might happen in relation to that, but I am sure that the port authorities and the Harbours Corporation have some indication of what the figures might be.

It is interesting to note that the Rockhampton City Council pays a substantial subsidy to the Rockhampton Port Authority, yet it also has to pay a tax to the Government of Queensland. I am sure that the Rockhampton City Council is not too happy in the first place at having to pay this subsidy to ensure that Port Alma functions effectively and, in the second place, that that subsidy for Port Alma plus some more is being paid to the State Government via the Harbours and Marine Fund.

The tax that has been levied will allow the Government to reap substantial increases in the near future. The Minister ought to inform the Chamber of the steps he has taken to ensure that the Department of Harbours and Marine works efficiently. Without having to substantiate the increases—the taxes—that he will impose upon the port authorities to pay for the operations of the Department of Harbours and Marine, it will be much easier for the Minister and the department—it is all within the department's operations—to increase the amount the department wants and to increase its operating costs. However, the department will not have to show that it has improved its efficiency. That is another important point that must be dealt with.

The tax will increase pressure on the provincial cities. The development that has taken place over the years in the provincial cities has had a major effect on the employment growth and the development of industries in those cities, which this tax will significantly affect. It is important for us to understand the Government's philosophy and the manner in which the tax will be imposed in future years. If port authorities are not able to carry out proposed developments required by industry, development will be held back significantly. Therefore, this hidden tax could have a substantial effect on the development of major provincial cities throughout the State. I am sure that members representing those cities—and the Government—would not like to see that. However, that is the effect that this tax on port authorities and the Harbours Corporation of Queensland could have.

I turn now briefly to coastal land management. Recently, this aspect has gained a great deal of publicity. Regularly we hear Labor politicians coming out against developments along the Queensland coast. They seem to think that the 122 proposed developments that are on the drawing-board will all go ahead. Of course, we know that only a fraction of those developments will occur.

Mr De Lacy: Do you support the Trinity Point development?

Mr BEANLAND: I have noticed that members of the Labor Party have had much to say on this issue. Shortly, I will hand out a few juicy pieces on that aspect. Therefore, I suggest that Opposition members listen to what I am saying.

The State Labor Party is on record as supporting a single coastal management authority. It has also received support from the Federal Government. The Federal Local Government Minister, Senator Reynolds, has supported strongly the State Labor Party proposal to have total control over coastal management along the coast of Queensland.

No-one has been more vocal about the matter than the chairman of the coastal management committee, Mr W.T. D'Arcy, the member for Woodridge, who has led the debate on this aspect. Mr D'Arcy formerly resided at 34 Highview Terrace, Daisy Hill. He may have moved recently. In view of the fact that this Bill was coming forward, I visited the canal development at Raby Bay. The Minister will be interested to know, if he is not already aware, that Mr W.T. D'Arcy, together with a Mrs Lois M. D'Arcy, owns a property at 29 Masthead Street, Raby Bay, Cleveland, which is right in the centre of the Raby Bay canal estate. That is the same Mr D'Arcy who has championed his cause around the State and attacked continuously coastal management and canal development. Hardly a day goes by on which Mr D'Arcy is not in print in the *Courier-Mail* in an attack on canal developments. However, what does one find? Mr D'Arcy owns a property in a canal estate at Raby Bay, Cleveland, on which I understand a home is about to be constructed, if it is not already being constructed. So much for all this hot air from the Labor Party about being opposed to canal developments! The Labor Party has attacked vigorously canal development throughout Queensland.

Clearly, one should not take too much notice of statements about the attitude of the Labor Party; one should take notice of its actions. Its actions speak volumes for the hypocrisy that it carries on with in relation to canal development around the State.

Another point that should be mentioned about the Labor Party's policy on coastal management and coastal canal development is that it continually attacks local authorities. Everyone knows what will happen if we end up with one coastal management authority under the auspices of the State Government. Local authorities will lose any say whatsoever. Local people will lose any say about developments in those areas.

Of course, everyone knows about the Labor Party's wish to centralise power and to take power away from local councils. A coastal management authority, I suggest, would be just another very convenient attempt to do so. It would certainly centralise power away from the State's major councils, which function along the coastal belt of Queensland.

Several local authorities have already expressed strong opposition. Some months ago, when this was first announced, the Gold Coast Mayor expressed his strong opposition to a coastal management authority because he could see what would happen to local authorities. The Liberal Party is strenuously opposed to it, as is the Minister for Local Government. Everybody opposes it except members of the Labor Party, because they want to centralise power in the hands of Government because—heaven help us—they hope some day to take control of the Treasury benches of this State. Of course, that will not happen.

Members of the Labor Party want to centralise power in the hands of the State Government so that Government can control the operations of local authorities. Never mind about the people of Queensland. Never mind about their democratic rights. Never mind about their rights under town-planning ordinances and legislation. Never mind the democratic rights that they presently have to object and appeal to the Local Government Court. The Labor Party wants to strip the people of Queensland of the town-planning rights that they have at present under law. It is always interesting to note that the Labor Party wants to rush in, centralise and take away the democratic rights of the people of this State.

I want to make some brief comments on the Gold Coast Waterways Authority. This is a matter with which the Government should be very concerned. The Gold Coast Waterways Authority has, over a period of years, substantially built up its debt. As at 30 June 1986, it had a debt of $49.5m, as set out in its statement of loan liabilities. As at June 1987, its debt had risen to $52.4m, again as set out in its statement of loan liabilities. By 30 June 1988, the figure had risen to $53.4m, and it is steadily rising. For some reason, the 30 June 1988 annual report does not contain a statement of loan liabilities. However, if one examines various other figures, it becomes quite clear that the figure had risen to $53.4m and that the contribution from the Department of Harbours and Marine had risen from a figure of $4.9m in 1987 to a figure last year of almost $6.9m. That is quite a substantial amount. One can understand the work that has been carried out by the Gold Coast Waterways Authority in relation to this.

The Government is continually trying to get the Gold Coast Waterways Authority involved in more development. Amendments are introduced to legislation to allow the Gold Coast Waterways Authority to enter into all types of joint-venture arrangements to enable it to pump up islands. Honourable members have seen the Sovereign Islands development in the Broadwater. No doubt the Gold Coast Waterways Authority will receive a substantial sum of money as a result of that in the foreseeable future.

Despite all the massive development that is taking place in the Broadwater and around the Southport Spit area—much of it to the dislike of local residents—the Gold Coast Waterways Authority is still in no way coping with the huge debt that it has built up. In November last year an article in the *Gold Coast Bulletin* stated that the expense of the waterways may flow on to the rate-payers.

I hope that the Government is not thinking of just handing the debt over to the rate-payers of the Gold Coast. It seems to me that there is indeed a need for the Government to consider all aspects of this matter and to take some action to prevent the authority from further running up its debt. It may be that the Government has to consider funding a substantial part of this from the Consolidated Revenue Fund. It would seem that to do otherwise would certainly result in a huge impost on the rate-payers of the Gold Coast and the Albert Shire.

No-one denies that this is a difficult problem to resolve. However, over a number of years it has obviously been put into the too-hard basket. The fact is that a decision needs to be made because the debt and the interest bill are growing. The cost of interest to the department is increasing year by year as the debt grows; yet the Government has not arrived at a means by which it will fund this in the long term, unless it is intended that the rate-payers fund it or, alternatively, that it be funded out of consolidated revenue. The Gold Coast Waterways Authority is certainly getting further and further into debt.

Before concluding, I want to mention briefly the Australian shipping industry and, in particular, the waterfront. It is something in relation to which the Minister has made statements recently in this Chamber. It is a matter of great concern not only to Queenslanders but also to all other Australians. Of course, the $64 question is: will the Hawke Labor Government take on the Australian shipping crisis and, in particular, the waterfront crisis?

This crisis has a number of disastrous features not only for Australia's trade but also for its economy. I believe that our exports have suffered because of this crisis. All honourable members are aware that the Inter-State Commission report was tabled last week in the Federal Parliament. Since that time the silence of the Hawke Labor Government has been deafening. Likewise, the silence of the members of the Queensland Labor Party has been deafening. Not a word has been said.

I think it is fair to say that, if the Federal Labor Party has not got the strength and the gumption to bite the bullet and get on with rectifying the ills of the Australian waterfront and the Australian shipping industry generally, it ought to hand over the responsibility for it to the State Governments. I am sure that all State Governments would be only too pleased to take responsibility for that.

Mr De Lacy interjected.

Mr DEPUTY SPEAKER (Mr Row): Order! The honourable member for Cairns has already been warned under Standing Order 123A.

Mr BEANLAND: Everybody is aware of the gross inefficiency of the Australian waterfront.

Mr McLean: That is rubbish—absolute rubbish.

Mr BEANLAND: Of course, members of the Labor Party try to pretend that it is somebody else's fault. However, the Australian waterfront is controlled by the Federal Government.

The figures reveal that, as a result of delays on the Australian waterfront, each year there is a cost to each home-buyer of some $400 and a cost to Australians generally of some $800m. When members of the Opposition interject, "Rubbish", "Rubbish", "Rubbish", they highlight the fact that they are not prepared to bite the bullet. We will see just how good the Federal Labor Government is on this issue. Members of the Federal Labor Government are good at tackling the easy issues that do not hurt them, but we will see how good they are at tackling this issue. The performance of ship-owners is being hobbled. It is fair to say that a number of ship-owners are trying to do something about the problem, but nothing has happened to the waterfront operations.

Honourable members heard a great deal from members of the Labor Party. Only a few weeks ago, Mr Goss went all the way to Canberra. He arrived there to a great fanfare of trumpets and, except for high interest rates, he came back empty-handed. He did nothing about the extra $400 that is passed on to each home-owner as a result of the problems on the waterfront. It is no use members of the Opposition saying, "That is rubbish", because it is a fact of life that those problems exist. The Industries Assistance Commission, the Inter-State Commission and other groups have carried out many studies into the problems on the waterfront. Shipping organisations have seen fit to carry out various investigations and studies. Those organisations have highlighted the problems that they have encountered.

Recently it was shown that delays on the Australian waterfront have cost $30,000 a day. That has occurred since 1 March, which is the date on which the waterfront people had the great conference with the members of the Labor Government in Canberra. However, since that time the loss on the waterfront has amounted to $36m. That loss has been caused by shipping delays and various other costs incurred by exporters.

It is interesting to note that overseas crane-drivers load 25 containers an hour, which can be compared with a maximum of 15 containers an hour loaded in Australian ports. Australian ports are about half as efficient as Rotterdam and other European ports. Australian ports perform poorly, even when compared with New Zealand ports. The Government in New Zealand, which, I might add, is a Labor Government, has initiated a major program to improve its ports.

Australian ports are only 40 per cent as efficient as Asian ports. It is little wonder that Australia has problems competing with Asian and European markets. It is little wonder that at every turn Australian exporters are hobbled by the inefficiencies on the Australian waterfront. Compared with major terminals in overseas countries, those in Australia suffer from a lack of productivity, which can be attributed largely to a number of inefficient work practices that have been condoned over several years. Now is the time to see whether members of the Labor Party are prepared to do something about the problems on the waterfront.

I know that a difficult issue for any Government to tackle is the employment of several thousand employees on the waterfront. The ISC report proposes to terminate the employment of about 3 000 employees and to replace them with 1 000 new employees. That will not be easy, and nobody pretends that it will be easy. It is fair to say that a worthwhile redundancy package has been proposed. In the long term, the changes that have been proposed by the Inter-State Commission will mean that the Australian economy

will improve greatly and that Australia will be able to compete with overseas countries on a more efficient basis.

Mr De Lacy: You have got a solution to every problem in the world.

Mr BEANLAND: Mr De Lacy, who is from Cairns, thinks that he is a great performer. He has been toddling around the State and nation telling us about his cures for all sorts of things, including the problems with coastal management and ports. He has exhorted exporters to get on with the job. I point out to the honourable member that a number of studies have been carried out. I suggest that he read them. I understand that he is the Labor Party's spokesman on Finance. He ought to be aware of these issues because their resolution will improve the performance of the Queensland economy. The honourable member ought to read the reports that have been published. The matters to which I have referred are not statements that have been made up by me, the Minister or anybody else; they are contained in a number of reports all of which were commissioned by the Labor Party. The honourable member's own party commissioned those reports, nobody else. I have referred to the recommendations contained in those reports—and worthwhile reports and recommendations they are.

I trust that the Hawke Labor Government will implement those recommendations immediately and not hold them off for some time. All honourable members know that there might be a Federal election around the corner. However, we want the Government to get on with those proposals. Already in one month the Government has lost more than $36m because of the delays in and costs imposed on the ports. The members of the Liberal Party call upon the Hawke Government to get on with the job. If it cannot do the job, it should hand over the whole of the operations to the State Government. I am sure that this State Government and other State Governments will be only too pleased to improve the current position on the waterfront.

Mr STEPHAN (Gympie) (12.29 p.m.): I join the debate briefly to support the Minister on the introduction of the Bill. As the Minister said in his second-reading speech, the greater part of the Bill is for the purpose of effecting changes to the Harbours Act to tidy up a number of provisions which have become inappropriate as a result of recent changes to the Financial Administration and Audit Act. It comes back to accountability and the concern by the community, as well as by members in this Chamber, for accountability. I commend the department and the Minister for the introduction of that part of the Bill.

As the Minister said, there is concern over the manner in which, when an approval is given under section 86, the channel maintenance works can be financed, and to safeguard this, it is proposed that the actual arrangements be a matter for consideration on the merits of each application.

Mr DEPUTY SPEAKER (Mr Row): Order! I must point out to the member for Southport and to the member for Toowong that, as they are seated such a large distance from each other, it is impossible for them to carry on a conversation without disrupting the Chamber. They are making it very difficult for the Hansard staff to record the words of the member who is speaking. I ask them to desist from engaging in conversations across the Chamber.

Mr STEPHAN: Thank you for your protection, Mr Deputy Speaker.

The merits of each application, the maintenance aspects and the ability to meet repayments will be determined by the Governor in Council.

As to boating facilities—although marinas are necessary, people are concerned about the area of waterways that they take up and the damage that is done to the environment when 200, 400 and even 500 boats use one marina. If marinas are not utilised correctly and are overused, and if the effluent from boats in them is not controlled, that will have an adverse effect on the environment. One area that comes to mind is the Inskip peninsula, where it is envisaged that a marina will be constructed.

Along the coastal stretch of Queensland an increasing demand exists for the construction of marinas, which are necessary for the boating fraternity. That those marinas must be constructed in such a way that they benefit the local community cannot be ignored.

I note with interest that the Minister recently travelled with a trade delegation to Indonesia and Thailand. During that trip the Minister highlighted the supply of solar-powered navigation beacons. In the Wide Bay district difficulties were experienced during the early afternoon because navigational lights leading out to where the bar commences could not be seen. That stretch of water covering three or four nautical miles is fairly treacherous for shipping. It was impossible to see much more than the mist in the distance, let alone the lead lights that had been set up. Solar-powered navigation beacons have now been installed in that area and I believe that they are playing a fantastic role. Because of the Minister's overseas trip, I understand that the Department of Harbours and Marine will be able to tender for at least six contracts to supply solar-powered navigation beacons. Those contracts are valued at more than $10m. The department has designed and developed those highly sophisticated beacons and is using them successfully in Queensland waters. Other countries are now recognising the potential of those beacons and also are wanting to use them.

As to fish habitats—because the number of anglers who are using our foreshores is increasing, we must ensure that the fish habitats along those foreshores are retained.

I turn now to exports. The figures for some exports have dropped from one year to the next. One example that comes to mind is grain. A few years ago grain exports totalled 2.5 million tonnes. That figure has dropped to three-quarters of a million tonnes. On the other hand, imports of wood and timber have increased to 112 000 tonnes. Bearing in mind the controversy that surrounded the construction of pulp-generating plants in this country, it is worth noting that imports of paper pulp and waste paper have increased to 123 000 tonnes. Imports of fruit and vegetables have dropped to 7 500 tonnes. During the past three years, trade through Queensland ports has increased and the total trade figure is encouraging.

As to cargo that is handled through Queensland ports—during 1987-88 Brisbane handled 14 million tonnes, Gladstone handled 28 million tonnes and Hay Point handled 34 million tonnes. Those figures are not to be sneezed at. They must not be ignored. Queenslanders can take a great deal of pride from them.

It has been said previously that problems are hampering port growth. One problem that immediately comes to mind is the many strikes that are conducted by waterside workers. Unless we realise the importance of supplying goods on time to overseas markets and of ensuring that ships leave our ports fully loaded without being delayed at the wharves for any length of time, those problems will continue. Every day that a ship is delayed in a port adds enormous costs to articles when they reach their destination.

I turn now to the decline in shipping. The report of the Port of Brisbane Authority states that the Australian National Line has demonstrated that it is not interested in the trade to which it once had exclusive access. Because of that, I hope that overseas shipping interests will not pick up some of the business. I would hate to think that one could be so nonchalant as to discard this type of business from the shipping environment.

Putting aside the pros and cons of the economic arguments, I suggest that, because Brisbane has a fairly large and, indeed, a growing proportion of Australia's population, anyone involved in the transport industry should not ignore it. The Brisbane area is very rich in agricultural pursuits, and Brisbane is the outlet for one of the richest agricultural regions in the world. The diversity of its cargo is unmatched by any port in any other country. An increase in traffic, even in barge traffic, will be needed to carry some of the commodities that need to be transported at a reasonable and competitive price.

However, as I pointed out earlier, a port's performance is important. Performance will make the big difference, whether it relates to shipping or to any other method of

transport. It is difficult to know by what means the world assesses the administrative body of a major port when criteria are applied to other than the overall performance. As an example of this, I ask: would it be necessarily correct for any authority to claim that, because our trade went up by 1 million tonnes or 2 million tonnes over that of the preceding year, the ports are doing a fantastic job? It may sound impressive, and percentagewise it may seem that a fantastic job is being done; however, if the organisation concerned had taken a different outlook or a different tack and perhaps used its initiative a little bit more, it is possible that there could have been a further 50 per cent increase over that which occurred.

The marketing aspect needs to be looked at very closely for all methods of transportation, particularly shipping, bearing in mind that a market is available and it is one that should be developed to a very large extent, far more than it is at the moment.

It gives me much pleasure to support the Minister in his activities and in the role that he is presently performing. I would like to think that this Bill will receive the support of the House.

Mr De LACY (Cairns) (12.41 p.m.): I would like to take up a few moments of the time of the House to speak to the amendments to the Harbours Act. The Opposition accepts that our ports are vital to our economy, that our economy will depend increasingly on trade and that much of that trade will go through the ports of Queensland. I note that members of the Government and members of the Liberal Party have commented on the Inter-State Commission report into problems on the waterfront. However, I find disappointing the negative way in which those honourable members have commented. They have used some of the findings and some of the statistics that are contained in that report to say that the waterfronts are not efficient or are not productive. They have not looked at the report in its overall context, in the sense that the problems that occur in our ports are not simply or exclusively the result of labour problems. The problems on the waterfront——

Mr Neal: They are a major part of them, though, aren't they.

Mr De LACY: They represent a part of it, and they will have to be a part of any solution to the problems on the waterfront and in producing a more efficient and more productive waterfront.

The way in which Government members use reports such as this simply to score cheap political points against workers does not do anybody any good and will not solve the problem.

Mr Neal: It is a national disgrace, and you know it.

Mr De LACY: If I could just say: the Federal Government is aware of the need to improve the performance in our ports. That is the reason why it has commissioned reports such as this. That is the reason why it will make progress towards overcoming the problems. The Hawke Government is committed to micro-economic reform in Australia and it is making progress on a number of fronts.

To suggest that by giving control over the ports to the State Government would solve the problem is not borne out by experience, is not borne out by fact and is not borne out by any record of this State Government or any other State Government to address difficult problems such as this.

The member for Toowong, as is his wont, also used the report to score a few more cheap political points and to somehow blame the Hawke Labor Government for the problems on the waterfront. Insofar as there are problems, they developed over 30 or more years of conservative rule in Australia. I do not know what the Fraser Government or any of the other conservative Governments did to overcome those problems. The easiest thing in the world is to stand in the grandstand and criticise the football team. Criticism is a practice increasingly indulged in by the Liberal Party. In fact, from the safe vantage point of never at any time having produced a policy of its own, the Liberal

Party is developing a reputation for gratuitously commenting on all policies and everything that occurs.

A great example of that was demonstrated today by the member for Toowong. He spoke for 30 minutes. I challenge anybody in this House to name anything that he spoke about. It was a meaningless meandering on behalf of people who are not in Government, who will never be in Government and who have forgotten what it was like to be in Government. From the safe vantage point of being in neither Opposition nor Government a person can say anything at any time. Nobody really listens. Provided it sounds okay, the person can get away with it.

It is a little bit like the Trinity Point development in Cairns. While the honourable member for Toowong was on his feet I asked, "What is your point of view?" Because of his usual practice of not taking interjections, I received no answer. Obviously, the answer is that the member will have two bob each way, depending on who constitutes the audience. That is the factor that determines what the member will say. That has always been the case with members of the Liberal Party and that is why they will continue to occupy the back benches and remain an irrelevant rump at the back of the Chamber.

While I have the Minister's attention, I will take up the issue of the Trinity Bay development. I ask the Minister: what is the current status of the project? Will the development be approved or not? I know that last week the media asked the Minister for Land Management about the status of the approval and that, according to a spokesman for the Minister, it will be four or five months before a decision will be made. Apparently, each of the affected departments will be making submissions. From a different source, I heard that a decision will be made as soon as Parliament rises, that is, within a fortnight.

Mr Neal: You heard that in your own room, did you? Is that something you cocked up yourself?

Mr De LACY: I did not "cock" it up, but I heard that a decision would be made within three weeks. The rumour has a fairly good source but I want the Minister to confirm or deny what I have said. I also want to know the status of the lease in the interim, while the Government considers its position.

I know of another rumour that the Minister will perhaps confirm or deny. I have heard that Cabinet is getting cold feet and is beginning to back off the approval process. If that is so, I have no doubt that it is being caused by the overwhelming expression of opinion by the residents who will be affected by the development. I refer to the people of Cairns and environs. Often I mention the overwhelming number of opinions expressed by the people of Cairns and I am asked, "How can you be certain what the people of Cairns think?" Let me say that I have electoral antennae that I believe are fairly well tuned. I can interpret what the overwhelming majority of people think. My knowledge of what people think is also supported by signatures that appear on a petition opposing the Trinity Bay development. Last week in Parliament, I personally presented a petition containing 15 000 signatures. Since that time, an additional 2 500 signatures have been gathered and are ready for presentation.

Any petition from a small geographical area such as far-north Queensland that can boast 18 000 signatures collected from residents is significant. I know that the Minister for Northern Development has accused the Labor Party of presenting signatures by people who are from interstate or overseas, so I stress that those who signed the petition and who are not resident in Queensland have been excluded from the total. A very strong opinion against the project has been expressed by 18 000 people in Queensland. They do not want the project to go ahead.

An opinion poll was conducted by a Cairns radio station. People were asked to telephone the *John McKenzie Show* and to express their opinions on talk-back radio. I realise that from a scientific or statistical point of view, the indications do not mean much at all, but the callers voted four to one against the development. In other words,

80 per cent of the callers were implacably against the Trinity Bay development. I have also seen research indicating that the people of Cairns are concerned about issues relating to development. When all the indications of public opinion are lumped together, the conclusion is that the Cairns people do not want this development.

The machinery that is available to a Government to ascertain the opinion of the people relates to the legislation that is before the House presently. When members of a harbour board or port authority are exclusively appointed by a State Government for reasons that have no relationship to their capacity to represent local opinion, the Government will be out of touch with local opinion. With the greatest respect, I have to say that the Cairns Port Authority does not and cannot represent the opinions held by the people of Cairns. Therefore, Cabinet depends upon advice from Ministers and National Party members whose electorates are in far-north Queensland to ascertain the views of local people. In this case, I must say that Cabinet is being misled. If Mr Tenni, Mr Menzel and Mr Gilmore have stated that the people of Cairns support this project, they should look to their sources of advice.

People who live in Cairns and its environs—people from throughout far-north Queensland—are opposed to this development. If the Minister cannot understand and accept that, let me tell him that he is making a grave mistake. From the purely partisan point of view of obtaining votes in the election that is due this year, members of the Labor Party would be better off if the Minister approved the development. As an electoral issue in north Queensland, the Labor Party welcomes this development because it would be the single local issue that determines voting behaviour. I am absolutely certain that, on this single issue, all the National Party representatives of electorates in north Queensland would be swept out of office. Even now, it may be too late to rescue people such as the no doubt valued colleague of the Minister for Water Resources and Maritime Services, the Minister for Mines, Energy and Northern Development. I think Mr Tenni has lost already and I say that predominantly because of this issue.

The Minister for Water Resources and Maritime Services can make this decision at his peril. However, a bigger issue is at stake. I am not looking for political capital that would certainly accrue to the Labor Party if the Minister approves the development. I speak on behalf of the people of Cairns who want no part of this project. I appeal to the Minister to put the people—including the member for Barron River and the developer—out of their misery today by rejecting the proposal. I ask the Minister to reject it, play the statesman and do the right thing by the people so that the next State election can be fought on other important State issues.

In conclusion, I ask the Minister to advise the Opposition when a decision will be made and what is the status of the lease in the interim period. I reiterate my plea for the Minister not to approve the Trinity Point development.

Mr McELLIGOTT (Thuringowa) (12.54 p.m.): Before I commence my main contribution to this debate, I wish to respond to some of the untruths uttered by the honourable member for Toowong during this morning's debate.

The supposed policy of the Australian Labor Party on coastal management as espoused by the honourable member for Toowong is completely erroneous. Normally I would not take up the time of this House by refuting his comments, but clearly he believes that he is scoring some party political point by raising the matter in this House. I presume that he intends to continue to discuss this untruth with the local authorities of Queensland, and for that reason I will put the matter to rest once and for all. It is true that the State parliamentary Labor Party established a caucus committee to investigate all aspects of coastal management. The Labor Party understands very clearly that in this day and age this is an important issue throughout the State. Communities up and down the coast of Queensland are becoming increasingly concerned about the way in which developers are dealing with such valuable natural assets as wetlands, fish habitats and so on. I am sure other members in this House would agree that coastal management has become the prime issue in Queensland politics today.

The Labor Party established a caucus committee to fully investigate the matter and establish a policy position. Mr D'Arcy chaired that committee, which included the Opposition spokesman on Water Resources, Mr McLean, myself as Local Government spokesman, the spokesman on the Environment, Mr Comben, and a number of other shadow Ministers. The very strong opinion of that committee was that the last thing the Labor Party should attempt to do is to interfere with the traditional role of local government in determining town-planning matters affecting the local authority area. The honourable member for Toowong's information that the Labor Party was attempting to subvert the powers and responsibilities of local government in coastal management is incorrect. He has been badly misled.

It is correct that other States of the Commonwealth have taken town-planning responsibilities away from local government and have established ministries of planning, environment and so forth, but I wish to firmly place on record that a State Labor Government in Queensland has no intention of doing the same thing. In fact, it will go further; a State Labor Government will increase the responsibilities of local government as far as town planning is concerned and ensure that even Crown land that is subject to development proposals will come under the town-planning ordinance of the relevant local authorities. That addresses the point raised by the honourable member for Cairns when he stated that there is no way that the Cairns Port Authority can represent the views of the residents of Cairns.

Mr Neal: Are you still doing ministerials?

Mr McELLIGOTT: I will talk about that later.

A State Labor Government will propose that a local authority makes decisions about developments that impact on the entire community. In regard to the Trinity Point development, my information is that it has the potential to physically relocate the entire central business district of Cairns and place it in another area. For that reason the business community of Cairns is very strongly opposed to it. The people of Cairns are fed up with this pro-development boom mentality that has had such a disastrous impact on their quality of life. Clearly it ought to be the local authority that makes such a decision. Fortunately, the Cairns City Council is very strongly opposed to the development, as is the honourable member for Cairns, and these are the people who understand and respect the views of the local community. Under the Labor Party's policy the local authority will make that sort of important decision, rather than an authority such as a port authority that has been appointed by the State Government of the day. I wish to make it very clear that a State Labor Government will enhance the planning responsibilities of local government and ensure that town-planning considerations remain under the control of the Minister for Local Government and part of the Local Government Act.

Mr McLean: Would you accept his apology now?

Mr McELLIGOTT: I hope that the Minister is man enough to apologise. For the last five years he has been reluctant to accept any interjection or take part in any off-the-cuff debate. Rather he has chosen to stay with his prepared script and I presume that on this occasion he will not be man enough to apologise.

I turn now to the Florence Bay proposal, under which the Government is again choosing to make a decision on behalf of the local community. This Saturday, the Townsville City Council has arranged for a referendum to be conducted which will clearly show the attitude of the people of Townsville and Thuringowa to that proposed development. Unfortunately, the Premier is already on record as saying that he will not be bound by the result of that referendum. It is very sad that he has chosen to adopt that position.

Sitting suspended from 1 to 2.30 p.m.

Mr McELLIGOTT: Before the luncheon recess, under the general heading of coastal management I was referring to the proposed development at Florence Bay on Magnetic

Island. I will conclude that point by again arguing that the Government is being very foolish to ignore the results of the referendum that is to be conducted on this coming Saturday in conjunction with the mayoral by-election. In fact, I fail to understand why the Government has insisted on proceeding with this proposed development. Members may recall that, in 1980, when it was first announced, the then member for Townsville West and Minister for Tourism, Max Hooper, was soundly defeated after announcing plans to proceed with a major development on Florence Bay. Of course, since then substantial tourist development has occurred in the Townsville region, which makes it even more unnecessary to proceed in that direction and, by so doing, alienate many of the people who live in the immediate community.

Mr SPEAKER: Order! Could the honourable member explain to me how that has anything to do with the Bill before the House?

Mr McELLIGOTT: With respect, Mr Speaker, immediately prior to lunch the subject of coastal management was introduced by other members. I was responding to them.

Mr SPEAKER: I ask the honourable member to come back to the Bill before the House.

Mr McELLIGOTT: I will conclude on that basis.

I shall move on to the main point of my contribution and refer to a matter that has the potential to impact significantly on the revenue-raising capacity of the Townsville Port Authority, that is, the proposal to import nickel ore for treatment at Queensland Nickel's treatment plant at Yabulu. This raises important considerations, not only for the port authority but also for the way in which these major development proposals are considered. Members would be aware that the company intends to import some 4 million tonnes of nickel ore per year for treatment at the Yabulu nickel treatment plant. At this stage the proposal is to import that ore by way of two 90 000 tonne ships, which will be anchored in the marine park. The ore will be transferred onto barges and shipped into an unloading facility at the seaward end of a 1.35-kilometre jetty extending out from Queensland Nickel's site at Yabulu.

This proposal has raised a number of environmental concerns, which have been expressed very forcefully by a group calling itself the Saunders Beach Action Group. In a very substantial submission to the Premier's Department, that group outlined the following four major areas of concern—

"(i) Destruction of Saunders Beach by prevention of the northerly drift of sand during construction (and possibly later). One heavy storm could remove 70% or more of the sand on the Beach, which will only be replaced if sand can freely drift north.

(ii) Pollution of Saunders Beach and other Northern Beaches on Halifax Bay due to spillage of ore in the Bay. Any ore or oil spilled in the Bay will eventually end up on the beaches. We conservatively estimate that 500 tonnes of ore will be added to the Bay each year. The ore is an orange-red or rusty-green color depending on the source. The Beach is extensively used by residents of Townsville and Thuringowa as well as many visitors from interstate and overseas. Motels have recently been established at Saunders Beach and Balgal.

(iii) Saunders Beach residents will be exposed to dust, industrial noise and visual pollution. Saunders Beach faces a relatively peaceful, unspoiled natural bay. If the loading facility is built, residents will see and experience plumes of red dust, will hear resonant noise from industrial activity night and day, and be subjected to a brightly lit loading structure in front of their homes all through the night.

(iv) Toxic heavy metal pollution of the Halifax Bay waters will result from spillage and dust emissions. The Ni, Co and other toxic metals will slowly dissolve and make the Bay unsuitable for prawns and other marine life. Ni is toxic to prawns at 2 mg/l."

The concern of residents is not that the nickel ore should not be imported; in fact, there is unanimous support for the company's proposal. The concern is about the environmental aspects of the present proposal. The most important consideration—the one that I want to emphasise this afternoon—is the possible alternatives. Clearly, the most obvious alternative is to import the ore through the existing port of Townsville and relay it by train to the treatment plant at Yabulu. In his speech to a gathering of businesspeople and media representatives in Townsville recently, the executive director of Queensland Nickel Joint Venture, Peter Mathieson, said—

"The capital costs and operating costs of such an arrangement"—

this is to import ore through the port—

"are estimated to be significantly more expensive than the proposition I outlined to you earlier. The Townsville option in short would involve importing 4 million wet tonnes of ore per year through the port, that is, one major vessel of up to 90 000 tonnes per week or its equivalent. This could not be handled in the existing port without significant works including additional dredging and port facilities. The evaluation indicates a new berth outside the breakwater would probably be necessary. Berth availability and queuing were obvious problems. After unloading, this ore would be stockpiled in covered storage adjacent to the wharf area and then transported by train continuously day and night out through South Townsville over the Causeway and up the Ingham road.

In the short term, that is, up to the mid-1990s, the company is prepared to invest about $7m in the development of facilities through the port to efficiently handle about 1 million tonnes of ore per year and for that material to be railed to Yabulu. This would ensure a level of safety in the Yabulu operation whilst the works I mentioned earlier were being put in place and tested."

Senior executives of the Railway Department and members of the Townsville Port Authority are very strong in their opinions that the ore can in fact be handled through the port and by the rail system. It is certainly true that some capital expenditure would be involved. The estimates given to me vary enormously. The company mentioned a figure of $52m for railworks both at the port and at the Causeway intersection. The figure from the Railway Department is significantly less than that—of the order of $5.2m—although I understand that some bridgeworks could be necessary between the port and Yabulu, which would increase that cost.

In addition to that, I have been approached independently by three members of the port authority, Mr Joe Defranciscis, the chairman of the authority, Mr Kevin Schreiber and Mr Max Hooper, who are very, very keen to have the trade come through the existing port of Townsville.

This afternoon, I hope to obtain from the Minister a clear understanding of his thinking on the matter. It is a major decision affecting the future development of the city of Townsville, particularly the operations of the port and the railway system in that area. Importing the ore through the existing port would provide guaranteed work for port employees well into the future and would guarantee the railway presence in Townsville which, in this day and age, with railway jobs regularly disappearing, is of concern. In his reply, I hope that the Minister, as the Minister responsible for the port, will advise me whether he has made submissions to try to persuade the Government, when it finally makes the decision, to favour the proposal of using the existing port.

Last week in this House, the member for Brisbane Central asked a question of the Premier on the matter. In his reply, the Premier said—

"Consideration has been given to importing all of that red, dusty material right into the centre of Townsville and unloading it near the casino hotel. I forget how

> many million tonnes will be involved and will have to be unloaded off ships and onto stockpiles or onto trains, then dragged right up the main street and out to Yabulu.
>
> . . .
>
> Obviously, it is something that can be done, but in the long term it would clearly not be in the interests of Townsville to drag an enormous quantity of dusty material right up through the centre of that very large city. Clearly, it does not make good sense in terms of dust, environmental problems, traffic disruption, hazard to human life and noise, and in the long term it would not be the right thing to do."

I do not hold the Premier to that statement. Clearly, he is not fully informed about the project at this stage, and cannot be expected to be. However, he referred to dusty material and environmental problems. The company says that the material is not dusty and that it will be imported at about 40 per cent moisture content. My observation of the present traffic through the city confirms that little or no dust is associated with that import.

In reference to the cost of implementing that system, I refer again briefly to the fact that, from my discussions with the Railway Department, I have discovered that it is possible to make the necessary arrangements at the Causeway intersection to provide a traffic flyover over the main north-south railway line, which will resolve a dangerous traffic problem for the future. Included in that allocation of $5.2m is the necessary work within the port complex itself on the completion of the so-called phosphate loop in the port. Most of the necessary work has already been carried out. It is important that the Government give renewed consideration to that proposition. If significant environmental problems exist—at this stage there are some doubts about it—the idea of importing the ore through the existing port becomes more attractive.

I refer again to the Premier's reply to Mr Davis' question in which he talked about the problems of unloading dusty material near the casino hotel. I invite the Minister to respond on that matter. Some years ago, I was a member of the Townsville Harbour Board, as it was then called, when planning for the casino was taking place. The then chairman of the board, Bert Field, insisted that a guarantee be written into the casino agreement providing that any development that occurred on the casino site would not impede the future operations of the port. He was not successful in obtaining that guarantee. To this day, I strongly believe that that is one of the reasons why he was not reappointed as chairman of the board, simply because he was so insistent on that aspect. I wonder whether the Premier's reference to the proximity to the casino hotel suggests that perhaps Mr Field was on the right track. I would be grateful if, in his reply, the Minister would advise the House whether any limitations have been imposed either officially or unofficially on the future operations of the port. If the Premier is suggesting that it is really because of the proximity to the casino that the material cannot be imported through the port, I would be concerned about any proposition to import any other ore through the existing port. Of course, that would have significant implications for the future operations of the port.

Moving back to the railway system—it has always been my understanding that the present location of the Townsville Railway Station causes major problems with traffic movement. It is unfortunate that, whenever the Sunlanders cross in Townsville, the south-bound Sunlander is forced to stop at the Garbutt siding until the north-bound Sunlander clears the station, which causes considerable inconvenience to passengers. Obviously, any completion of the rail-loop system that would assist the transfer of nickel ore would also help to resolve that problem.

There are also a number of dangerous intersections along Ingham Road, which, under the railway proposal, would be closed to road traffic. Again, that would be of benefit. I understand also that the works that are proposed would allow trains using that stretch of railway to speed up substantially. At present, they travel at approximately 12 kilometres an hour. The Railway Department intends to increase the speed to 30 kilometres an hour over that stretch, which would again provide considerable advantage.

It is clear that, in upgrading that section of railway, there are substantial advantages beyond merely the moving of the nickel ore.

The other matter to which I refer concerns the potential for conflict within the operations of the marine park. The present proposal is that, when the 90 000-tonne ships are brought into service, they will anchor in the marine park off Magnetic Island and unload the material. That activity, so the action groups say, creates a potential for spillage. It is also intended that they will fuel whilst they are at their moorings. I think that most honourable members would be concerned about the possibilities of oil spills in the marine park. I understand that the company has made application to the Marine Park Authority for a permit in regard to the matter. I further understand that it may take some 12 months for that application to be finally approved or rejected. The Marine Parks Act does contain provision for appeals against decisions, for public comment and so on. It does appear to me that there is potential for this to be a long, drawn-out affair.

It is clearly of importance to the future commercial activity in the Townsville district that this matter be resolved. I was concerned at the Premier's apparent lack of information about the project when he answered questions last week. I was further concerned when, in answering a question on the matter, the Minister for Environment admitted that he has some major concerns in regard to this proposition. I believe that those concerns and the way in which the Government is considering this proposal should be aired so that the public of Townsville and Thuringowa can have access to the sort of information that is being provided to and by the various Government departments.

I personally embrace the need to import nickel ore to guarantee the future of Yabulu, as do most people in the Townsville community. It does mean that when the Greenvale mine runs out in about 1992, a plant which has been described as the most efficient nickel-processing plant in the world can continue to operate and that the 860-odd jobs that are provided by that treatment plant will be secure. In addition, the railways employ some 48 people on the Greenvale line at present. Again, when that mine closes, the transfer of those men to other rail operations—which I suggest should be seriously reconsidered—will guarantee those jobs in the future.

If the stage is reached at which it can be definitely and finally established that the prospects of importing the ore through the existing port of Townsville are just not on, for whatever reason, I think that people—including representatives of the residents who are concerned about the environmental aspects—would be prepared to consider guidelines and safeguards to make that proposal as environmentally safe and as clean as possible. However, whilst there is this suggestion that an alternative is available, clearly the debate and the argument will continue.

I appeal to the Minister responsible to state very definitely where he stands in regard to this potential 4 million tonnes per year of additional traffic through the port of Townsville, which, as I have said, the port authority would welcome with open arms. If the Minister is able to say with certainty that it is not possible to handle that additional tonnage through the port, I believe that is a statement that should be made now very clearly. The port authority representatives have assured me that it can be handled. The railway people say not only that it can be handled through their system but also that they badly want the additional business. I say again that if there is some reason why that cannot happen, that statement ought to be made very clearly.

I can understand that the company would be concerned about the economics of that proposal. I suppose we are talking about who pays for the cost of upgrading the Causeway intersection, the provision of safe crossings on the stretch between Townsville and Yabulu and, in particular, rail freights. However, I hope that the Government has explored all of those avenues and would be prepared, if necessary, to assist in making that a goer.

As I have said in this Chamber on previous occasions, if the Government is serious about encouraging industrial development in the Townsville/Thuringowa region, the problems in regard to rail access to the north have to be resolved. Whether we like it or not, the port of Townsville is located in the central part of the city. It is a fact of

life that cannot be easily overcome. Clearly, it is not possible in the short term to think about transferring the port elsewhere. Even if that were done, quite honestly I think there would still be a need to run the main rail access north of the city along a corridor at least very similar to the one in which it is located at present.

Honourable members are talking not only about this Queensland Nickel proposition but also about industrial development generally. I hope that this proposition will be the catalyst for the Government to seriously consider where it is going in regard to the future operations of the port of Townsville and the future operations of the rail network in and around Townsville.

I am asking the Minister to tell honourable members where the Government stands in regard to the alternative of importing this ore through the existing port and railing it north to Yabulu. If it is not possible, I ask the Minister to please say so and to explain to honourable members and to the community why it is not possible.

Mr MENZEL (Mulgrave) (2.50 p.m.): I support the Bill. I see nothing wrong with the Government's obtaining authority to levy port authorities. Although from time to time the Opposition complains about the constitution of port authorities, I believe that, generally speaking, whether or not it can be claimed that they are representative of the community, they do an excellent job. The Cairns Port Authority, which I probably know more about, is the one on which I would like to comment briefly.

I believe that, generally speaking, the Cairns Port Authority does a very, very good job. Despite what the member for Cairns may have implied earlier today, there are some excellent members of the Cairns Port Authority. The fact is that, overall, fairly good choices have been made. The previous port authority comprised the likes of Harry Rankin, who was an excellent member of the port authority and contributed a great deal. Mick Borzi, who was the chairman of the Cairns Port Authority for some years, will also go down in history as a great north Queenslander. He has done a lot for Cairns through the Cairns Port Authority. Of course, the authority has a dual role. It is also responsible for the airport.

The amendments cover approvals for tidal lands or waters. The member for Cairns spoke at some length about the Trinity Point development. I think he mentioned my name. I have never been in favour of the Trinity Point development. I would urge the Government to examine it very, very closely. I do not believe that it is needed or necessary in Cairns.

It is not a matter of what the Labor Party wants or does not want and what the National Party wants or does not want. It is a matter that members of Parliament, as individuals, should consider. My point of view is that I do not believe there is a necessity for the development. I do not think that people who live on the esplanade or anywhere else, for that matter, should have their lives interfered with. I am not against development. Unfortunately, the Labor Party is against just about any development.

Mr McLean: Don't be nasty.

Mr MENZEL: I will exclude the honourable member.

I look at things in an objective way, so I do not want to be branded by developers or other persons in the Labor Party camp as being opposed to all development. As I have said, I am not opposed to all development. I welcome the tourist development around Cairns. It has done great things for north Queensland. However, I am not in favour of all types of tourist development.

As to the jurisdiction of the Marine Board—if I had my way, I would sack the members of the Marine Board because I think they are a little bit out of touch with reality. Recently they gave approval to allow the operation of jet boats on part of the Russell River. For some time I have been opposed to that because I do not think that it is the right place for them. I do not know why the Marine Board has jurisdiction outside tidal areas. However, for some reason it does. The latest area in which permits have been issued to operate jet boats is past a cane farm in which I have a share. I do

not want people to say, "He is saying things because he is involved." I fought the proposal as hard, or even harder, when it was first proposed in a different area. However, I am very disappointed with what has happened.

Mr McElligott: I think you are just a born-again greenie.

Mr MENZEL: No, I am not.

I know that people will argue that the granting of permits for the operation of jet boats will create jobs and benefit tourism. It is a tourist venture, and I am all for tourism, jobs and the like. However, a balance must be struck. A condition for the operation of the boats set by the Marine Board is that they must be operated 30 metres from a river bank. There is no doubt that part of the river is only about 10 feet, or about 3 metres, wide. In the circumstances, I do not know how the boat-operators can keep 30 metres from the banks of the river. It seems ludicrous that such conditions should apply. The Marine Board has obviously gone about it the wrong way and given approval. That part of the Act should be examined very soon.

An alternative area that could be used for the operation of jet boats, which might not meet with everyone's approval, is at the mouth of the river where it is wider and where speedboats and other boats are travelling backwards and forwards all day. That is an area that the Marine Board should have considered. Although I told the people who applied for the licence to suggest that area for the operation of their jet boats, they have stubbornly insisted that the boats be operated in another area. Having made those comments, I do not want to be branded as being anti-development, because I am not. I am all for jobs and tourism. Tourism has done a lot of good for Australia, particularly for far-north Queensland. Generally speaking, the Cairns Port Authority has done quite a good job.

As to levies—I do not think that anybody should be exempted from paying their dues or taxes to Governments. The legislation brings port authorities into line with the policy applying to everyone else in the community, that is, that the user pays. People are levied or charged for using a port. In the first place, Governments have a responsibility to build facilities. It is only right that they should get their money back.

Although it was not my intention to speak to the Bill at length, I felt that it was important to make those few comments. I am in agreement with the Bill but I am certainly not in agreement with a couple of things that have happened recently in the Harbours and Marine Department.

Mr SMITH (Townsville East) (2.57 p.m.): There is no doubt that any time the Harbours Act is amended, members seek to put before the House a wide range of views. The legislation relates to a very important part of public and commercial life. When one looks at the demographic distribution of the population, one will see that most members live on the seaboard, so I suppose that we have to be greatly concerned about those areas.

I found some provisions of the Bill to be incredible. In his second-reading speech, the Minister stated—

> "In proposing this amendment, the Government is well aware of the responsibilities of local government with regard to land development. In order to safeguard this, I have included in the amendments a statutory requirement for the views of the local authority to be obtained on any application for approval under section 86 of harbour works. I should add that, while it has always been the administrative practice in the past to obtain the views of the local authority, the amendment will make it a statutory requirement."

In view of what has happened in the past, I found that part of the Minister's statement hypocritical. I do not recall if the present Minister was in the House or what his particular responsibilities were when a Bill to amend the Act was last debated, and, incidentally, gagged, in 1987. I wonder how the Minister seeks to have anyone believe that statement when, in 1987, the Minister then responsible for the Maritime Services

portfolio was instrumental in having the local government representatives thrown off a number of port authorities in this State. I am very much aware of what happened with the Townsville Port Authority.

The Minister now refers to safeguards and statutory requirements being required for approvals under section 86. The legislation is nothing more than a tinsel wrap. The Government is now well and truly aware of the deep trouble it was in with the mishandling of the portfolio by various Ministers during recent years. It was certainly a very controversial matter, particularly the removal of members. What the Minister is stating now is contrary to what the Government has actually done.

I am equally fascinated by the wording of the Minister's speech where he refers to the provisions of the Bill which have the effect of adjusting section 168A of the Harbours Act. The Minister said that the so-called new approach will avoid problems of calculating the gross revenue of a port in determining the levy payable. The facts are that the changes will allow the Government to favour or to disadvantage a particular area. It really means that the levy payable by a particular board becomes another political tool. In view of this Government's record, I am not certain that the community is prepared to entrust this Government with that tool. It is really a mechanism to hold to ransom any authority that dares to stand up to the Government or in any way defends itself against the excesses of a now staggering but still power-drunk Government.

I have already mentioned what occurred in Townsville. That chairman was a very forceful man who—to put it in colloquial terms—gave the Government a bit of curry. He demonstrated great ability and foresight. It was a shame that he was removed from his position for no reason other than that he stood up for his authority and himself. As the Minister would know, I am speaking of Bert Field.

By its actions in respect of the appointment of the Townsville Port Authority, the Government has made that so-called authority into a subservient creature of itself, which was surely never intended. To some extent, that port authority plays the role of a ventriloquist's dummy. It does not properly represent the interests of the community that it serves, particularly the immediate community of Townsville.

It has always been true that a city with a good or appropriate port authority has a head start on a city that does not. Whether we are talking about industrial equipment, coal, grain or whatever, the name of the game is that, in order to be viable, those materials must be shifted in large quantities. Therefore, an efficient means of handling those materials must exist. If a city has a good port, it has a head start.

Because of the recent lack of lateral thinking by the State Government and because of inappropriate port development, the city of Townsville has now found itself in a bind. It took Curtain Brothers to force the issue and come up with a $100m proposal—which the Government has now claimed for itself—to make the port suitable for future trade. That proposal has the potential to make Townsville the Australian focal point for the south-east Asian region. It is a shame that some of the things that are now proposed were not foreseen and that the groundwork was not done. It is my understanding that quite a deal of the work that has been undertaken will now be useless in the new proposal.

More than 18 months ago this Government was responsible for commissioning a study into the future use of the land adjacent to the harbour and the land adjoining Ross River and Ross Creek. That committee comprised representatives of the port authority, the Department of Harbours and Marine, the department of Northern Development and the member for Townsville. Because no local government representative from the main city of Townsville—or, for that matter, Thuringowa—was included in that committee, the Government showed scant regard for local opinion.

Even though a significant portion of the area under investigation is in my electorate, I was not invited to join that committee. I was unable to obtain any information from either the Minister's office or the port authority on the objectives of that study or what

was being considered. Those high-handed tactics by a Government that has been in office for too long have not gone unnoticed by the community.

In recent years one of the problems faced by the Townsville Port Authority is its lack of experience and decisive leadership. After the Government put the skids under Bert Field because of his unwillingness to be bullied, through its nominees the Government elected to the chairmanship of the authority a man who did not have a strong record of activity in port authority matters. More importantly, he did not come from the immediate Townsville/Thuringowa region. The present chairman is an agreeable person and I have no desire to be unjustly critical, particularly in a personal way. However, I believe that his appointment was inappropriate. In fact, he has been far too agreeable in his dealings with the Government, which has meant a net loss to the city.

I was pleased to hear about the recent appointment from the James Cook University. That appointment will perhaps make a contribution to the port authority and perhaps should have been instituted in the past.

In recent times the Deputy Mayor of Townsville, Tony Mooney, has been trying to get some co-operation from Government agencies in an attempt to improve the image of the Ross Creek in Townsville, which is becoming increasingly important as far as Townsville's tourist image is concerned.

On 3 March Mr Mooney wrote to me, the member for Townsville, the Railway Department and the Department of Harbours and Marine. Mr Deputy Speaker, I ask that that letter be incorporated in *Hansard*. I have shown it to the Speaker.

Leave granted.

Council Chambers,
Administration Building,
Walker Street,
Townsville, Q, 4810

TM:CB

3rd March, 1989

Mr Geoff Smith, M.L.A.
Member for Townsville East
P.O. Box 891
Townsville Q 4810

Dear Geoff

I am writing to seek your support in moves to clean up Ross Creek.

Ross Creek has the potential to be a major asset to the City's centre, but the problem of litter and other rubbish seriously detracts from its potential at the present time. I propose that we seek a solution to this problem.

As you are aware, the Council has no control over the land below the high water mark. This area falls under the control of the Department of Harbours and Marine. The proximity of major railway installations to Ross Creek also requires their involvement in any solution.

To co-ordinate relevant State and Local Government interests, I suggest that we organise a bipartisan meeting under the auspices of you, the Member for Townsville and myself inviting Council Officers, representatives from the Department of Harbours and Marine and representatives from Queensland Railways to examine the problem.

I have written to the Member for Townsville also with this suggestion.

I look forward to your positive response to this proposal.

Kind regards.

Yours sincerely

TONY MOONEY
Deputy Mayor

Mr SMITH: In that letter the Deputy Mayor pointed out that the area below the high-water mark came under the control of the Department of Harbours and Marine. He proposed a bipartisan meeting under the auspices of myself, the member for Townsville

and him with representatives of the council, Department of Harbours and Marine and Queensland Railways.

My understanding is that neither the Department of Harbours and Marine nor the member for Townsville was prepared to participate or co-operate in any way, which was very disappointing considering that it is not easy to keep our waterways tidy. That can be achieved only if there is full co-operation of all agencies involved.

The cities of Townsville and Thuringowa have a number of grounds for dissatisfaction with the Minister and his department. One of the most glaring is the lack of public boat-ramps that are in fact under Government control. Some are not under Government control.

The boat-owners in that area provide a huge revenue base for the Government through ever-increasing registration fees, but for years no new facilities have been built for them. I suggest that the number of boats in the area has at least doubled. To me it seems as though the boat-owners are being seen increasingly not only by the Government but also by the port authority as milch cows.

I now want to cite a case that is typical of some of the dissatisfaction that has been expressed. A gentleman, Mr Kevin Ryan, who has given me permission to use his name, has a 20-foot mackerel boat that he moors in Ross Creek between the Victoria Bridge and the Lowths Bridge. Anyone who knows that area will know that it does not contain flash boats; they are the sort of older-style boats that people use only in good conditions. Most of the operators are either retired or semiretired. It is their investment. They are not in a position to buy a more up-market boat. Their only option is to leave the boat in the creek. When I say that Mr Ryan moors his boat, he does not moor it to a pylon; the boat just swings on its anchor and at low tide it in fact lays on its side on the mud. For the dubious right to anchor his boat, Mr Ryan and a number of other people in similar circumstances—I think about a dozen—are required to pay the port authority $160 on top of the registration fee for the boat. To me that seems to be very unjust. I cannot see how the port authority can justify the imposition of that sort of a charge. In fact, when no service whatsoever is provided, it is a rip-off. Those people receive absolutely nothing in return for their $160. They are not even provided with a tap to wash the mud off their feet. They have to walk across the mud to get to the water and eventually out to their boat. That is the primitive situation that exists. For all that they are charged $160. It is outrageous. In fact, I see very little basis for any charge whatsoever for the right to let a boat swing on its anchor in that part of a creek where half of the time it is on its side in the mud.

The people of South Townsville have a particular grievance, because around the Ross River area they have not been given support by the port authority in that it does not properly police its own regulations. One of the complaints is that some—and I must emphasise "some" because it is certainly not all—irresponsible fishermen, all of whom now operate out of Ross Creek, do not dispose of their waste, their food or fuel in an appropriate manner. The result is that there are huge quantities of litter around Ross River and the creeks that run into it. The stench of oil is overpowering. The rubbish is certainly a tremendous eyesore.

The problem of illegal disposal of diesel has turned the area from being one where the mud crabs were relatively plentiful into one where they are now rarely seen. The old-time residents of South Townsville would once put their crab pots into the rivers or the creeks and, if the crabs were running, they would be almost certain to pick up a mud crab or two. At present, because of the diesel, the crabs have been chased. The crabs that are caught there are often contaminated with diesel. That is a shocking state of affairs. It has all happened since the fishing fleet has moved into the Ross River.

That was nevertheless the appropriate thing to do. It is certainly proper that the Ross Creek area should be more tourist oriented. As I said before, I realise that the great majority of the fishermen do the right thing, but a small number are responsible for the problems that have occurred. The responsibility falls back onto the port authority to ensure that everyone does the right thing and that that area is not spoiled for the

residents or for anyone else who happens to want to use that creek. In turn, the Government has a responsibility to ensure that the port authority has the teeth to police the sorts of things that have to be done to bring about a return of a proper state of affairs. At present the port authority will tell me that it does not have sufficient authority and that it does not have enough manpower to carry out the job. All of that is probably true. Although I cannot ask the Minister to actually guide the hand of the port authority, I can ask him to ensure that it does have appropriate and sufficient authority to do the job. If it is given that authority, it is our job to get on to the port authority and make certain that it employs sufficient people to ensure that the provisions of any legislation are in fact carried out.

Other members in this debate have already expressed justifiable concern about the Government's track record on coastal development, and all the time horrific stories of mangrove destruction have emerged. Already, I have heard a couple of them. The member for Bowen will speak later in this debate. I am sure he will want to speak about this matter in detail. The member for Cairns has given an account of what was proposed in his area. In question-time, the member for Bundaberg raised the matter of Noosa.

The matter about which, frankly, I am amazed relates to Cardwell. Recently, I drove to Cairns, and on the way in to Cardwell I saw this huge barren area where mangroves once were. I was astounded at that. Although I had heard of concerns about the destruction of mangroves, it was not until I was confronted with the reality of that sort of destruction that I realised how serious an impact that destruction has. I am surprised that this Government—or, for that matter, any Government—would allow such a situation to develop. It is an absolute disgrace. It is a very poor development. I understand that a condominium is proposed for that particular development. If anyone were to consider investing in that project, I would suggest it would be a very risky development and certainly not one that I would want to put any money into.

Earlier in my speech I made the point that in recent years boat-ramps have not been constructed in Townsville. During the last three Budget sessions I have sat in this Parliament and have been aware that additional funds have been allocated to construct boat-ramps in Queensland cities. On each occasion, no mention was made of Townsville. Today I seek an indication from the Minister that something will be done to remedy that situation. In terms of the numbers of boats registered and the population of the city, Townsville has nowhere near the number of boat-ramps to which it is entitled. I ask the Minister to give very serious consideration to this matter for the next financial year.

My colleague the member for Thuringowa has spoken at length about Yabulu. I, for one, am of the opinion that the Yabulu industrial complex should be maintained and that the nickel plant must proceed. The mood of the community indicates concern is felt about the offshore loading facilities that will be used to import ore. Instead of people talking about the nickel treatment plant or the nickel refinery, there is a tendency for people to refer to "Bond's outfit" or "Bond's plant". The basis of community concern is that the proposal entails an offshore loading point and the transportation of ore by barges. The concern is that the proposal is put forward not on the basis of economic necessity but rather because of the desire on the part of the Bond Corporation to increase profit potential.

It is very difficult for a parliamentary representative to know exactly where the truth lies in a matter of this type. The member for Thuringowa has presented some figures. The Yabulu nickel treatment plant has stated that if the ore cannot be brought from the offshore platform, the whole operation becomes non-viable. I think it is important that the figures be scrutinised so that the community will know from an unbiased and authoritative source whether the option of bringing the ore through the port exists or whether it has to be brought from the offshore loading terminal. Frankly, I do not know which is the better option. The issue has to be settled up front so that the figures can be subjected to public scrutiny and the argument can be judged on its merits.

I ask the Minister to respond to the claim that the operators of the offshore facility will still be required to pay harbour dues in exactly the same way as if the material is brought through the port of Townsville. I do not know what the position is because I have heard two different stories. It would be of assistance if the Minister or his advisers can inform the Parliament of the true position. All honourable members need to know about those matters because, unless information is provided from an authoritative source, it is difficult to make a proper judgment.

I am pleased that the member for Burdekin is present in the Chamber, because I am somewhat concerned about press statements he has issued in recent times. Mr Stoneman has referred to the concept of a free-range zoo and marina. I have nothing against such a proposal if it is environmentally sound; in fact, I would be in favour of it because it would add a string to the bow of tourism in Townsville. If the proposal can get off the ground, good luck to the honourable member. I hope he will participate in this debate, because approximately three days ago he issued a press release on the proposal. Recently, Dr Joe Baker—who is a world renowned specialist and a person who speaks with great authority on these matters—expressed considerable concern over that proposal.

Mr Stoneman: That is an old press release.

Mr SMITH: Dr Baker is an intelligent man. I am sure that he would not make simple mistakes. I am equally certain that the honourable member does not intend to mislead the House. However, I am referring to the bad examples of coastal development that can be found in Queensland.

Mr DEPUTY SPEAKER (Mr Row): Order! I remind the honourable member for Townsville East that, although the provisions of this Bill are very comprehensive, there is no reference at all to coastal development management.

Mr SMITH: I thank you for your guidance, Mr Deputy Speaker. I mentioned this matter simply because it is very topical. I intended to conclude my speech on that note in the hope that the member for Burdekin would respond to the matters that had been raised publicly in respect of that issue.

Mr HAMILL (Ipswich) (3.21 p.m.): At the outset, I point out the importance of all honourable members' realising the enormous contribution that is made to this State's economy through activities associated with Queensland ports and, in particular, the port of Brisbane. Ports are certainly a vital part of this State's transportation infrastructure. In the port of Brisbane, approximately 2 750 people are directly employed in port activities and an additional 2 200 people provide services and goods both for the port and for its labour-force. It makes a very significant contribution to employment in this part of Queensland. Furthermore, when one considers that the port and industries related to it generated approximately $418.3m in goods and services, one starts to gain a better appreciation of the economic impact of the port's facilities. Last year, it actually provided for workers and their families income totalling $141.5m.

The shipping industry and the operation of Queensland's ports—in particular, the port of Brisbane—play a major role within the State's economy. Queensland is essentially a trading State.

Mr DEPUTY SPEAKER: Order! There is too much audible conversation on the Government side of the Chamber.

Mr HAMILL: When one considers the quantities of exports and imports passing through the port of Brisbane, one has an insight as to Queensland's economic framework.

Over recent years the port of Brisbane has changed, and perhaps the most dramatic impact on the port was caused by the introduction of containerisation. With the advent of containerisation, Australian ports became more specialised in the nature of the trade that they handled. The ports of Sydney and Melbourne developed and took an increasing share of the European trade, which previously had been shared more equitably amongst

Australian ports. The ports of Sydney and Melbourne grew dramatically as the European trade was directed away from the lesser ports such as the port of Brisbane and ports in smaller towns and provincial cities along the coast.

As the European trade to the port of Brisbane reduced, there was an expansion of trade with Japan, particularly through the export of coal and other commodities to the Japanese market. This is another reflection of the changed economic structure of Queensland. Nevertheless, containerisation has brought about a redistribution of port activity in Australia. In recent years the port of Brisbane has expanded, but there has been a decline in coastal shipping throughout the State and a consequential decline in the importance and significance of other coastal ports in Queensland.

With the development in the late 1970s and the opening in 1980 of the new port facilities at Fisherman Islands there has been a new focus on port activity in Brisbane. When one looks at the trade mix that passes through the port of Brisbane, one gets a real clue as to the nature of the industry that is developing at the port at the mouth of the river. I seek leave to table and have incorporated in *Hansard* a table showing the trade mix by major commodity groups through the port of Brisbane.

Leave granted.

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

TRADE MIX BY MAJOR COMMODITY GROUPS

COMMODITY	IMPORTS (Mass tonnes × 1,000)			EXPORTS (Mass tonnes × 1,000)			TOTAL TRADE (Mass tonnes × 1,000)		
	1985/86	1986/87	1987/88	1985/86	1986/87	1987/88	1985/86	1986/87	1987/88
Oil	3,940	4,432	4,802	2,017	2,415	2,504	5,957	6,847	7,306
Metal ores	645	651	830	423	516	593	1,068	1,167	1,423
Coal				1,461	1,596	2,418	1,461	1,596	2,418
Grain				2,474	1,683	721	2,474	1,683	721
Fertilizers & chemicals	367	328	340	69	54	137	436	382	477
Wood & timber	97	84	102	3	2	7	100	86	109
Wool & cotton	2	4	5	126	137	87	128	141	92
Meat	1	1		228	257	299	229	258	299
Other general cargo	680	566	750	504	497	615	1,184	1,063	1,365
Total Trade	5,732	6,066	6,829	7,305	7,157	7,381	13,037	13,223	14,210

Port of Brisbane General Information November 1988

Mr HAMILL: If honourable members consider the data available showing the passage of goods in and out of Brisbane, they will discover that by far and away the largest single contribution to import tonnage is oil. Not surprisingly, refineries are located near the mouth of the river. The table illustrates that for the year 1987-88—bearing in mind that that year was fairly poor for grain exports and in previous years the level had been much higher—oil petroleum products constituted a little over one third of Queensland's total export tonnages. The major commodities passing through the port are expressed in the table in mass tonnes and are compared with the proportion of the total tonnages passing through the port of Brisbane. The export of coal—which is particularly significant to my electorate and the areas immediately surrounding it—constituted almost one third of total export tonnages through the port of Brisbane. In

1987-88 grain constituted just below 10 per cent of exports, although in earlier years larger tonnages of grain passed through the port of Brisbane.

The development of industry at the port at the mouth of the river reflects the nature of the trade through Brisbane. The establishment of the BATL container terminal and the Patrick's cargo facility at Fisherman Islands is significant. In addition, bulk grain handling and coal-loading facilities have been established at Fisherman Islands. One of the major imports is clinker that services the Sunstate bulk-cement plant.

The new port facilities at Fisherman Islands still suffer because of the difficulties of navigation across Moreton Bay. Whilst the port does not handle the largest vessels that ply the world's trade routes, nevertheless one of the facilities at Fisherman Islands can accommodate container vessels with a roll-on roll-off capacity of up to 60 000 dead-weight tonnes, vessels dealing in the bulk grain trade of up to 80 000 dead-weight tonnes and oil tankers of 100 000 dead-weight tonnes.

The development of the port at the mouth of the river has provided a new impetus for trade in and out of Brisbane. Nevertheless, the Queensland Government has been remiss in not ensuring the most up-to-date transport facilities at the port. As long ago as 1980, Fisherman Islands was connected with the standard gauge railway, but the port is still in what could be described as the horse-and-buggy days—the days when passengers had to change trains at the border because of different railway gauges—because interstate containerised rail freight at Fisherman Islands has to be double handled at Clapham Junction and the goods are transferred from the standard-gauge rolling-stock onto narrow-gauge rail wagons. As a result, the railways frequently lose some of that freight to road transport because of that double-handling operation. This is a very important point because, at a time when the Government talks about increasing the efficiencies of Queensland's ports and its transport industry, this State—and the port of Brisbane is alone in all the capital city ports—still does not have a connection to the standard-gauge railway line.

Mr Davis: And that's a backward step.

Mr HAMILL: It is a backward step and it means that the port of Brisbane cannot compete efficiently with other capital city ports. Yet, as I mentioned before, the port of Brisbane is a major export port. A great degree of strategic container movement takes place at the port of Brisbane. The available data shows the extent of that container trade.

Mr Deputy Speaker, I seek leave to incorporate a further table showing the port of Brisbane container trade for the years 1985 through to 1988, inclusive.

Leave granted.

TABLE 2.

Port of Brisbane General Information November 1988

	PORT OF BRISBANE CONTAINER TRADE*		
	1985/86	1986/87	1987/88
IMPORTS			
Loaded	27,898	26,236	32,962
Empty	14,618	16,506	17,959
EXPORTS			
Loaded	49,661	55,011	58,323
Empty	10,094	6,573	9,337
TOTAL TRADE	102,271	104,326	118,581
* Report in t.e.u.'s (20′ equivalent units)			

Mr HAMILL: In the year 1987-88, in 20-foot equivalent units, total container trade totalled some 118 581 containers, of which loaded imported containers accounted for

almost 33 000 but loaded export containers for the year were in excess of 58 000. The table also reveals a significant number of empty containers being moved in and out of the port of Brisbane. Data that has been made available for 1985 by the Bureau of Transport Economics shows a striking imbalance between the imports and exports of full container loads. That study shows that in 1985 some 59 400 full container loads were handled through the port of Brisbane and 29 723 full container loads were imported. I seek leave to have this table incorporated in *Hansard.*

Leave granted.

BREAKDOWN OF MOVEMENTS OF FULL CONTAINERS THROUGH MAJOR AUSTRALIAN PORTS BY LAND TRANSPORT MODE:

IMPORTS AND EXPORTS, 1985

(TEU's)

State and terminal	*Imports*			*Exports*			*Total*		
	Road	*Rail*	*Total*	*Road*	*Rail*	*Total*	*Road*	*Rail*	*Total*
NSW									
ANL	75 226	10 246	85 472	47 631	13 689	61 320	122 857	23 935	146 792
CTAL	50 644	11 011	61 655	32 058	14 664	46 722	82 702	25 675	108 377
Glebe Is	32 537	3 362	35 899	21 862	6 796	28 658	54 399	10 158	64 557
Vic									
ANL[a]	75 000	..	75 000	20 000	..	80 000	155 000	..	155 000
Patricks	na	na	43 289	na	na	32 574	na	na	75 863
Seatainer	na	na	57 865	na	na	52 751	na	na	110 607
TOT	25 739	3 322	29 061	21 043	5 069	26 112	46 782	8 391	55 173
F G Strang	na	na	61 000	na	na	42 000	na	na	103 000
Qld									
ANL[a]	13 100	..	13 100	12 100	..	12 100	25 200	..	25 200
BATL	14 756	1 877	16 633	20 064	5 119	25 183	34 200	6 996	41 816
SA									
TOT	na	na	3 700	na	na	4 800	na	na	8 500
WA									
Fremantle Cargo Services	na	na	31 796	na	na	34 566	na	na	66 362

a All container movements into and out of the ANL terminal in 1985 were by road as no direct rail access existed at that time.

.. Not applicable.

na Not available.

Source BTE (1986a).

Source B.T.C.E. Information Paper.

Mr HAMILL: What is more significant from the table is that rail transport handled a very small minority of those containers. For the ANL container effort, they all had to be moved by road because there is no rail connection. For the BATL facility at Fisherman Islands, of the total 41 816 full container loads handled, 6 996 were transported by rail. That is a further reflection of the inadequacy of the rail connection to the Fisherman Islands port facility.

As I said, the Government has been most remiss in not having acted on the connection of the port of Brisbane to the standard-gauge line before this. There are a number of advantages to be had from a standard-gauge link to the port of Brisbane. I have already mentioned the double handling that is necessary now because of the transshipping of containers and other goods from standard-gauge to narrow-gauge line.

Certainly there could be savings from the faster handling that no such transshipment would involve.

Currently, some commodities have to be moved by road to the port. If there were an effort on the part of the Government to connect the port to the standard-gauge rail system, some of those commodities—urea is one that has been mentioned by the Bureau of Transport Economics—could be moved by rail and thus remove from our roads some of the congestion caused by heavy road transports. That Bureau of Transport Economics investigation, which is now six years old, carries the clear recommendation that the port of Brisbane be enhanced by a dual-gauge line to be constructed from Parkinson to Fisherman Islands so as to give that rail connection the maximum flexibility for the handling of freight wagons. The failure to act upon that recommendation is a further indication of the lack of commitment overall to developing our State's port infrastructure.

Mr McLean: Would you say that there is virtually an untapped market in the northern rivers going to waste?

Mr HAMILL: Absolutely. If the Government were able to demonstrate some more foresight within its transport planning, it could certainly tap an enormous potential market through the shipping of freight from northern New South Wales out through the port of Brisbane—in other words, turning around some of that freight trade that currently is directed south.

Mr Neal: It might interest you to know that we are shipping a hell of a lot of New South Wales wheat out.

Mr HAMILL: That may be so, but as the data shows, the Minister should also be aware that commodities such as wheat are subject to considerable seasonal fluctuations. If we are to establish a very viable port industry and maintain it, we need a very diverse commodity mix. If I can mix the metaphor, we ought not to be putting all our eggs in the one basket, or putting all our wheat in the one silo.

The port of Brisbane has an enormous potential to take other commodities as well as wheat and it would be advantageous to the community if those commodities, where possible—particularly bulk commodities, which the port of Brisbane is particularly well equipped to handle—were moved by rail to the ports without the costly and inefficient double handling that I have mentioned.

I noted today that there was considerable comment from the Waterside Workers Federation about the often antiquated facilities at the port of Brisbane which themselves contribute to inefficiencies in cargo-handling.

Mr White: When are you going to do something about it?

Mr HAMILL: When we are in Government we will do the sorts of things which the honourable member for Redcliffe, when in coalition, only ever dreamed about doing.

Mr White: You are in power federally.

Mr HAMILL: I am not; I am here, as is the honourable member.

The other point of my speech this afternoon is that not only do we have inadequacy of planning and inadequacy of the provision of infrastructure with respect to the port of Brisbane and the failure of the Government to connect the port to the standard-gauge system, but also we have the glaring inadequacy at the port of Brisbane caused by a total neglect of the potential which this State has to establish and to maintain a viable passenger coastal shipping service along the Queensland coast. In recent weeks, comments have been made by a number of people from various parts of the political spectrum regarding the total absence of an adequate passenger terminal in the port of Brisbane. We have been treated to numerous press reports of the appalling impression which the port of Brisbane has made upon both international and interstate tourists.

Mr Veivers: Oh, come on!

Mr HAMILL: It is true. The member for Southport is expressing his incredulity at that. However, anyone who had to alight from an international cruise ship at the old wharves at Newstead or at Hamilton would readily attest to my assertion that the port of Brisbane is totally inadequate to meet the needs of those cruise ships which, up until now, only by accident have called into the port of Brisbane. Because the facilities are so appalling, cruise ships have avoided the port of Brisbane.

Mr Davis: It is one of the main reasons why we will miss out on the QEII.

Mr HAMILL: The honourable member for Brisbane Central, who knows a great deal about the inner city areas that he has so ably represented for many years, has reminded me of the situation with the QEII. When it had to berth at Fisherman Islands, I am sure that those aboard had a wonderful view of the coal-loading and the grain-handling facilities.

Mr Ardill: Luggage Point.

Mr HAMILL: And, of course, Luggage Point, as mentioned by the honourable member for Salisbury.

I said previously that they did not see a standard-gauge rail link. It would have been much nicer for them had they been able to see that. However, the fact of the matter is that the port of Brisbane does not have passenger-handling facilities.

A few days ago, the member for Brisbane reminded me of the dreadful situation that occurred on Brisbane's wharves only a few years ago. An elderly woman who was seeing off some people on a cruise ship was actually run over and killed by a tow-motor being used by a gang working cargo off a vessel that was tied up next to the cruise ship. Totally inadequate facilities exist. When we talk about efficiency in our ports, we must talk about facilities that are consistent with the needs of the 1980s and the 1990s, not those of the 1930s and the 1940s, when a lesser standard was acceptable to the community.

I refer to a statement which appeared in the *Courier-Mail* on 28 March. The Queensland Tourist and Travel Corporation stated that it expected to see more cruise ships visit Queensland ports after a representative attended a conference in London in May. The *Courier-Mail* report quotes Mr Weigh, who extolled the success of the QTTC in attracting more cruise ships to Cairns. The article says—

> "... after the 1986 conference, attended by QTTC and the Cairns Port Authority, cruise ship visits to Cairns increased 40 percent--to seven."

Cairns is one of the premier tourist destinations in the world—a port located on magnificent cruising waters—and it is entertaining a 40 per cent increase in cruise ships to seven a year! The article continued—

> "Twelve ships visited Cairns last year, and 15 were expected this year."

I suggest that the fact that we have such wonderful cruising waters in Queensland and that they are being so dramatically underutilised and underpromoted reflects very badly not only on the QTTC but also on the failure of port authorities in Queensland—particularly the port of Brisbane—the Queensland Government and the Minister to develop our State's untapped potential in that regard.

Queensland has a magnificent tourist drawcard in the Great Barrier Reef and the sheltered coastal waters. The fact that we do not have a viable coastal shipping service incorporating both freight and passengers is an indictment of the neglect of this Government.

Mr Burreket: If you think those figures relating to visits by cruise ships to Cairns are bad, you want to have a look at the Townsville figures.

Mr HAMILL: The member for Townsville suggests that the position in Townsville is even more parlous than that in Cairns. If it is—and I have no reason to question the honourable member's remark in that respect—it further confirms my case that there is enormous potential, particularly through Brisbane and our northern ports such as Cairns, Townsville and Mackay, for a coastal freight and passenger shipping service which, thus

far, the Queensland Government has chosen to ignore. I am aware that there is interest from entrepreneurs who would like to develop facilities of that sort.

The member for Redcliffe was asking what I would do about it. When the Labor Party forms the Government later this year, it will rectify that neglect. If the member for Townsville does not want to be a part of it, I will not worry too much about it, because he will not be here.

Mr Davis: We will put a steamship into Redcliffe with the railway line there.

Mr HAMILL: I take the honourable member's interjection. I notice that even the member for Redcliffe was caused to laugh.

The Labor Party sees an enormous potential in this State for a modern roll-on roll-off freight service which could service not only Brisbane but also northern ports. It would marry that concept with a passenger service. It has been done before. I instance European examples such as travel across the North Sea or on the Baltic Sea. Recently the member for Bulimba and I had the opportunity to see a similar concept in operation between Melbourne and Devonport. It would be of great interest to the Government to note that that is a private-enterprise undertaking, although infrastructure and establishment were assisted by the Tasmanian Government. Of course, Tasmania has a vested interest in a viable sea link to the mainland. The Queensland Government ought to be generating that industry for Queensland. This State has a long tradition of a coastal shipping industry. There is no reason why such an industry could not rise again, but with the guidance and the support of a Queensland Labor Government.

Our ports need to be developed. The infrastructure in our ports needs to be developed. The passenger terminals need to be developed if we are to tap into the market that does exist for cruising along our coast. Opportunities exist for a home-grown industry that will generate dollars and jobs in Queensland. Thus far the Queensland Government has closed its eyes to those opportunities.

It is often thought that someone from overseas who has a few dollars will get the red carpet treatment from the Queensland Government but that home-grown initiative and innovation do not. The Queensland people and the Queensland economy deserve the benefits that such a coastal shipping concept can bring this State. A State Labor Government will certainly work actively to bring this concept to fruition in Queensland.

Mr SMYTH (Bowen) (3.46 p.m.): I support part of the Bill. However, I do think that one clause needs a lot of attention. Unlike Mr Menzel, the member for Mulgrave, I will not sit on both sides of the fence. I will ensure that my position is understood.

Mr Burreket, the member for Townsville, has been interjecting. I say to him through you, Mr Deputy Speaker, that Florence Bay may well be his Waterloo. I think that is a very appropriate comment.

Mr DEPUTY SPEAKER (Mr Row): Order! Would the honourable member come back to the Bill?

Mr SMYTH: There is no forward planning involved in marina development in Queensland. That is typical of this State Government. It allows development where it thinks it can have one of its entrepreneurs invest——

Mr DEPUTY SPEAKER: Order! I do not see any connection with the provisions of the Bill and the subject that the member for Bowen is now launching into. The Bill relates to certain machinery alterations to the Harbours Act. It has nothing to do with development.

Mr SMYTH: Mr Deputy Speaker, can I draw your attention to clause 8(c)?

Mr DEPUTY SPEAKER: Order! Is the honourable member talking about tidal lands and waters?

Mr SMYTH: I am speaking to clause 8(c).

As I was saying, 90 per cent of the developers involved in marine development in Queensland are allowed to go into mangrove areas and----

Mr DEPUTY SPEAKER: Order! The Bill contains absolutely no reference to coastal development, mangrove areas, the ecology or anything of that nature. I ask the honourable member to come back to the provisions of the Bill.

Mr SMYTH: I am speaking to the part of clause 8(c) which states--

> "(a) that the artificial channel or lake or portion of the channel or lake is not used or intended to be used to provide access to tidal water for persons occupying, for private residential purposes, allotments in any subdivision of land;".

What I want to talk about is the marina development in my electorate of Bowen. I seek leave to have incorporated in *Hansard* a plan which will prove that I am speaking to the Bill. The plan is of a proposed development of Bowen harbour.

Mr DEPUTY SPEAKER: Order! Has Mr Speaker or any other person occupying the chair seen the document?

Mr SMYTH: No, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: Order! I would like to see the document before the honourable member asks that it be incorporated in *Hansard.* The honourable member may proceed with his speech, provided he does not talk about coastal development and protection of mangroves.

Mr SMYTH: The Queensland Government has promised 178 marinas for the east coast. The berth capacity of those marinas, if one adopts a conservative figure of 200 berths per development, would be 35 600 berths, whereas there are only 34 705 vessels registered in Queensland to use those berths.

The development proposed by the Queensland Government is exactly like the phantom mining projects that were talked about in the seventies. Twenty years later, honourable members are still waiting for many of those projects to go ahead.

The proposed development of a marina at Bowen involves expenditure of $16m. As the Minister is aware, there has been some controversy over that proposed marina——

Mr Neal: Do you think it should go ahead?

Mr SMYTH: Yes, I think development in Bowen should go ahead.

Mr Neal: I am talking about the marina.

Mr SMYTH: I will get to that shortly.

What the Government should be doing is planning properly——

Mr Neal: You are having two bob each way.

Mr SMYTH: No, I am not.

Mr DEPUTY SPEAKER: Order! I have to inform the member for Bowen that the document that he sought to have incorporated in *Hansard* is not suitable for production in any legible form in *Hansard.* I suggest that the honourable member not seek to have the document incorporated in *Hansard.*

Whilst I am on my feet, I remind the honourable member that he may speak about marinas and anything concerning shipping or water-craft, but not on conservation or mangrove conservation.

Mr SMYTH: The marina development proposed in Bowen by Port Denison Marine Pty Ltd is at Magazine Creek. A number of issues have been raised by members of the Bowen community.

Mr Hamill: I understand that it is very difficult to navigate through the mangroves.

Mr SMYTH: As the honourable member said, it is very difficult.

The Queensland Government, through the Minister, has indicated to me that the mangroves in the Magazine Creek area at Bowen will be destroyed. I wrote to Mr Neal and asked him whether an environmental impact study had been carried out on the destruction of mangroves in Magazine Creek. I received a reply from the Minister, who stated—

> "With respect to an environmental impact study, I advise that no formal study has been undertaken. However, you would no doubt be aware that this development has been under scrutiny for some considerable time and information on Departmental records during that time indicates that the mangroves likely to be affected by the development are common in the area and are not known to contain any rare or endangered communities."

I am not talking about that; I am talking about the destruction of mangroves. No environmental study has been carried out in that area. The Queensland Government has never carried out an environmental impact study of mangrove areas in Queensland. The Queensland Commercial Fisherman's Organisation is concerned, as are many people throughout Queensland, about the impact of such developments on the fishing industry in this State.

Mr DEPUTY SPEAKER (Mr Booth): Order! I remind the honourable member that the Deputy Speaker who has just left the chair ruled against reference to mangroves in the debate on this Bill. I cannot see any reference to mangroves in the Bill. I ask the honourable member to return to the Bill. Unless he can point out how mangroves can be tied in with the Bill, I think he should move on and talk about the Bill.

Mr SMYTH: Mr Deputy Speaker, what I am endeavouring to do——

Mr DAVIS: I rise to a point of order. Mr Deputy Speaker, I draw your attention to page 2 of the Bill, which refers to "tidal lands or waters". Development associated with tidal lands or waters must involve mangroves. I also draw your attention to the fact that, as you may recall, when the introductory debate on Bills was eliminated, it was intended that members would be allowed a far-reaching debate on the Bill at the second-reading stage.

Mr DEPUTY SPEAKER: I take on board what the honourable member said about deciding against having an introductory debate on Bills. I was a member of this Assembly when that decision was made. Unfortunately, many members were not in this Chamber when that decision was made. I rule that, in view of clause 8, the honourable member can continue.

Mr SMYTH: The tidal lands to which I have referred are covered by mangroves. The Queensland Commercial Fisherman's Organisation has made representations to the Minister. A great deal of work has been carried out by the department in investigating this marina development. Because an impact study was not carried out, there seems to be a misunderstanding about the effects that the destruction of those mangroves will have on the fishing industry in the Bowen area. Members of the community are also concerned about what effect that development will have on other services in the area.

Mr FitzGerald: You are just filibustering.

Mr SMYTH: Mr Deputy Speaker, it would help in this place if the Deputy Speaker who occupied the chair before you knew the contents of the Bill. If he did, I would not——

Mr FitzGerald interjected.

Mr DEPUTY SPEAKER: Order! If the honourable member persists with that line of argument, I will do something about it.

Mr SMYTH: In conclusion, I point out that in Bowen as well as in other parts of Queensland the Government should consider the alternatives. The Railway Department is about to leave the Bowen township to establish goods yards in another area. The Government should have been looking at that area to establish this development.

In response to an earlier interjection by the Minister, I indicate that I agree with development in that area, but I am against development that will take away the livelihood of other people. If this type of development is allowed to proceed without proper planning, it could very well have that effect in the electorate of Bowen and in other places in Queensland.

Mr PREST (Port Curtis) (3.59 p.m.): At the outset, I must reply to Mr Hinton, the member for Broadsound, who said that the Gladstone Port Authority should be amalgamated with Port Alma. Undoubtedly, his reason for saying that is that the Gladstone Port Authority is a progressive, financially sound organisation with a magnificent deep-water port. Being as kind as I can be, I would say that Port Alma is a liability—a real disaster.

If Mr Hinton is concerned that Rockhampton rate-payers have to meet an annual debt of $90,000, then he can thank, or should I say "blame", Rex Pilbeam for that liability. Rex Pilbeam was the State member, the mayor and the chairman of the port authority at that time. No doubt Mr Hinton has a hand-out mentality. I could well imagine his attitude if the port positions were reversed.

Gladstone port owes its progressive attitude to the foresight of the members of the board when the late Marty Hanson was chairman. Steps were taken by the board to introduce a conveyor system. Since that time Gladstone port has continued to progress and last year handled about 28 million tonnes through its wharves.

Over the years the Gladstone Port Authority has maintained a continuing program to reclaim valueless salt-pans into valuable, rateable land. That program not only provided revenue to the Gladstone City Council through rates and charges but also, when that land was occupied for commercial or industrial purposes and became rateable valuation, held down the rates charged on the ordinary rate-payer by the council. It also provided employment to truck-drivers and other employees of the board. In fact, because people realise that the Gladstone Port Authority is a good employer, employment with that authority is most sought after. In the past the Gladstone Port Authority has reclaimed approximately 920 hectares of salt-pans or valueless land and really cleaned up the city approaches. It has played a major role in the development of the city.

The Gladstone Port Authority has set its sights next year on reclaiming 570 hectares of wetlands west of the Calliope River and a further 1 500 hectares in the future. Recently the authority displayed its intention to reclaim that land for industrial and harbour-related purposes when it lodged an initial advice statement with the Queensland Department of Harbours and Marine. In that initial advice statement the port authority manager, Mr Reg Tanna, wrote that the proposed site for the reclamation would provide vital industrial land in close proximity to the waterfront. He said that there is presently no land use in that area and that it has little socio-economic value.

The Department of Harbours and Marine is seeking advice from the Gladstone City Council, the Calliope Shire Council and a host of State Government departments to set guide-lines for the Gladstone Port Authority's impact assessment study. The first stage of the reclamation, which is planned to begin in January 1990, will include tidal mudflats from Hanson Road past Wiggins Island to the harbour. Mr Tanna said that the overall plan of reclaiming 2 015 hectares included land owned by both local authorities, the Gladstone Port Authority and the Department of Industry Development. He said that all groups had long-term strategic plans to develop it as industrial land. The development will have no direct effect on the population or employment of the area. However, future major industrial or commercial users of the site will have the potential for long-term dramatic increases in population and employment.

Some letters and comments against the Gladstone Port Authority's proposal have been received. I support and applaud that proposal to reclaim those 2 000 hectares of wetland for future development. I supported fully the Gladstone Port Authority's forward thinking and dismissed fears that Gladstone's multimillion-dollar fishing industry was under threat. I am adamant that Gladstone's future will benefit greatly from the proposal to reclaim the Crown land for long-term extensions in an area from Calliope River to Fisherman's Landing. The Gladstone Port Authority is not irresponsible and is a great asset. It is going about the proposal in the right way and is looking ahead. Our port is one of the very few deep-water ports in Australia. Last year it handled $1.6 billion worth of exports. I am quite certain that balanced development is required.

The first stage of the proposal involves 570 hectares. The other 1 500 hectares is being set aside for future development, which could be 30 years down the track. The environmental impact statement will reveal if there are any grounds for objections. The area in question was set aside in 1979 when it was proposed to mine oil shale, but no objections were lodged at that time. Future pollution from other factors looms as a greater problem for the fishing industry than does the Gladstone Port Authority's proposal. Because it is high-tide land that has very few mangroves, that area cannot be a fish habitat. Each year it is covered by tides on only three or four occasions.

A letter to the editor in a local paper stated—

> " . . . the sea level is already slowly rising, and if the greenhouse effect becomes the reality it appears destined to be, before very long those tidal mudflats will become inundated on a more regular basis . . . "

The author of that letter, Mr Gibson, is looking very far into the future.

With its deep access port, Gladstone has been earmarked for major industrial development. The designated area for that development has high tidal flats between it and the harbour. Over a 30-year period the port authority wishes to reclaim those tidal flats. The authority has asked for submissions from all relevant State departments and from other interested bodies with respect to that proposal. It has indicated that a full environmental impact study will be undertaken after the submission stage. In essence the port authority is discharging its duties in a sane and logical manner. At the appropriate stage it will rest on the Government of the day to weigh up the net benefits and net costs of the proposed reclamation.

The type of industry that is being proposed is all downstream, value-added industry—the type of industry that our economy needs and which all Governments have been chasing. To suggest that such industries should not be established because some tidal flats will be reclaimed is as ludicrous a proposition as one that calls for the reclamation of the entire foreshores of Gladstone harbour.

As I said, last year exports through Gladstone earned Australia $1.64 billion. It is the professed goal of a Labor Government to attract industry that would add value to those exports so that, instead of earning the country $1.64 billion, it would earn $6.14 billion. The essential ingredients in this whole equation are knowledge and common sense. During my years in public life I have never changed my attitude towards development. Everyone has a right to be heard, to have his or her say and, when his voice has been heard, to know the facts or intentions so that a decision can be made.

I am certain that, when the environmental impact statement is produced and studied, if there are any valid objections to any part of the reclamation proposal the Gladstone Port Authority will act in the same responsible manner as it has acted in the past. As I have stated previously, I support the Gladstone Port Authority is in the initial stages of the reclamation proposal. We must not lose sight of the prediction that great development is about to take place in the Gladstone area. Adequate land must be made available, especially for industries associated with and reliant on a deep-water port and harbour facilities.

Mr WHITE (Redcliffe) (4.08 p.m.): It is with pleasure that I join this debate and take this opportunity to speak about the Scarborough Boat Harbour, and in particular

to express appreciation to the Minister, to his predecessor, Mr Tenni, and their officers for the job that is finally coming to fruition at Scarborough. Admittedly, it has been some time coming. However, great demands are made on the Government's resources for harbours and other facilities throughout the State. On behalf of the many people who use the harbour at Redcliffe, I express their appreciation to the Minister and his department.

It should also be remembered that my predecessor the late Jim Houghton was primarily responsible for the construction of the boat harbour. I know he would be very pleased to see that this work has finally come to fruition.

The dredging work to improve the Scarborough Boat Harbour is now well under way. That is very good news for the growing number of sporting fishermen attracted to Moreton Bay by the availability of both heavy and light tackle game fishing in the area. In fact, I predict that Moreton Bay will become a great centre for international game fishing. With the tournaments that have been promoted already——

Mr Burns: They will all be going out of the Manly Boat Harbour to catch them. They won't be going out of Scarborough.

Mr WHITE: As the member for Lytton knows very well, that area has great potential. For many, many years he has been a great supporter of the fishing industry.

All of us appreciate the importance of facilities such as the boat harbour at Scarborough. We in Redcliffe welcome it. I have said to many people in that area that any minor inconveniences that are presently being experienced as a result of the dredging work will not occur for long and that the advantages will certainly compensate them, the recreational fishermen, the professional fishermen and the commercial and small boat owners who use that facility.

As I understand it, the cost of the present program of dredging the harbour will be $2.9m. That has exceeded the funds available from the State's Special Major Capital Works Fund by about $1m.

Mr Yewdale: When are you going to get to the mangroves?

Mr WHITE: I will come to the mangroves later.

This shortfall has been made good by funding from the State's boating facilities program. That is a very important program that helps many harbours and associated facilities throughout the State. As we all know, funding from that program has to be distributed in an equitable fashion throughout the whole of the State. At the moment, great demands are being made on that program.

I have raised with the Minister my concern about the entrance channel to the Scarborough Boat Harbour. It has been a problem for a long time. It would be rather sad if the boat harbour were completed and there was still a problem with its entrance channel. It must be borne in mind that the entrance channel may have to be dredged for a distance of several kilometres. It will be necessary to carry out investigations. I understand that the department has this in hand. As I understand it, any small increase in the design depth will result in a large increase in the quantity of material to be removed. That will not be a cheap exercise. However, it has to be done because Scarborough will become a more and more popular port of call for not only all the people who use the harbour now but also those who will use it in the future.

There can be no doubt that the growing popularity of Moreton Bay as a centre of game fishing means that Scarborough Boat Harbour will become one of the most important centres, if not the most important centre, for sports fishermen on the Queensland coast, with consequent benefits to that industry and that profession.

At this stage I would like to say something about the commercial fishing industry. It is one of the major industries in my electorate. I often think that the importance of the fishing industry, particularly the professional fishing industry, is overlooked. The figures for the year 1985-86 show that that industry was worth something like $580m.

I understand that this year it will be worth more than $700m. It is a very important industry. My own electorate of Redcliffe has not only a very viable domestic fishing industry but also quite a substantial export industry that operates through Moreton Bay Seafoods. Many honourable members would have heard of Moreton Bay Seafoods. It was one of the first companies to pioneer the export of prawns to overseas markets. It has done very well. Under the directorship of Mrs Irene Baker, that continues to be the case.

It is also worthy of note that the industry employs approximately 6 000 licensed fishermen, and a further 9 000 people rely on the supply of goods and services to that industry for their jobs. It is a very viable, important and large industry. I hope that the Government bears that in mind for future decision-making.

Additionally, considerable further employment is generated by the processing and marketing of seafoods. As I said before, Moreton Bay Seafoods is one of a number of companies that are involved in that activity throughout Queensland and is the major exporter from my electorate. The fishing industry is an important primary industry.

The other beneficiaries of the upgrading of the harbour will be the other users of the harbour such as the Combie Trader, which is the major transporter of people and goods to Moreton Island. On many occasions that boat has trouble getting into and out of the boat harbour, particularly through the entrance channel. No doubt, in recent times, the department has been made aware of that.

The Moreton Bay Boat Club is one of the fastest-growing boat clubs in the Moreton Bay area. Recently, it reappointed me as patron. It has extended its facilities in that area. It provides a very good service to its many members.

If any honourable members are down Redcliffe way, I strongly recommend that they go to Morgan's Seafoods, which is probably one of the best—if not the best—retailers of seafood in Brisbane.

Mr Burns: Are you their sponsor?

Mr WHITE: Not yet, but I am working on it.

The principal, Rick Morgan, has done a marvellous job. He has not only created an enormous number of jobs, including approximately 40 in the retail side of the business, but is also responsible for the growth of the business. He is showing leadership in the retail side of the industry. Of course, other retail organisations operate out of the boat harbour and they are also very successful.

The coastguard is a very important organisation. I am sure that most honourable members would have noted recent publicity following the coastguard's involvment in the rescue of people from Moreton Bay. The coastguard provides a very important service, of which I am sure the Deputy Leader of the Opposition is very appreciative.

The Scarborough Boat Harbour is a vital part of the Redcliffe community. It may not be top of the list for other honourable members, but it is a facility that will gain in stature and ultimately provide the opportunity for many new businesses and facilities to be developed. I thank the Government for its support in developing that facility.

I turn now to international trade and problems that exist on the waterfront. At the outset I say that now, more than ever before, the critical importance of international trade should be realised. Australia is struggling against a growth in overseas debt and against balance of payments problems. Australia's ports are vital to this nation's commercial survival. It is not unreasonable to suppose that port workers and union organisers realise that their own best interests will be served by efficient operating procedures. I regret to say that evidence from all concerned indicates that this is not the case. The Waterside Workers Federation is more interested in preserving the luxurious life-style of its existing, ageing membership. Delays and inefficiencies abound while the Hawke Labor Government stands back and does nothing for fear of upsetting its union friends and benefactors.

Mr De Lacy: Have you ever read their submission?

Mr WHITE: The honourable member can talk about it, but when is he going to do something about it?

In Australia, most strike activity can be traced to half a dozen industries: mining, metals, food, land transport, building and stevedoring. Strikes are the curse of this nation. They cause great detriment to the productivity of this country. The problems have to be dealt with, and nowhere is it more important for them to be dealt with than on the waterfront. The number and frequency of industrial disputes has brought about the cancellation of export contracts.

Mr De Lacy: You are pathetic.

Mr WHITE: Members of the Labor Party know that my statement is correct.

Potential exporters are dissuaded from exporting because of the risks associated with Australia's ports. When I undertook a recent trade mission throughout Pacific rim countries, a number of people I spoke to expressed their concern about industrial relations in general and, in particular, on the waterfront.

Australian importers, exporters and shippers have to bear the brunt of delays and rising costs that can be traced directly to the activities—or, perhaps I should say "to the inactivities"—of the stevedores of the Waterside Workers Federation.

Mr McLean: When was the last time the wharfies went on strike?

Mr WHITE: Wait for it! Not surprisingly, Australia's reputation for efficiency on the docks is sadly tarnished as a result of additional costs that are imposed because of dockside delays.

The blame for this sad situation on Australia's docks can be laid at the feet of the Hawke Labor Government. Delays on the part of the Hawke Labor Government in introducing reforms to waterfront practices are costing Australian tax-payers $800m per year.

Hawke should have abolished the labour monopoly that is protected by Federal Government legislation. The report of the Inter-State Commission on the waterfront has now been presented, but has anything been done about it? Will anything be done about it?

If the Hawke Government runs true to form, there will be a long, drawn-out discussion with the Waterside Workers Federation before any action whatever becomes evident. That is the general consensus. In the mean time, delays will continue. The basis of the delays is the monopoly on labour held by the Waterside Workers Federation.

WWF labour is outdated in its methods and unwilling to accept new members. The Waterside Workers Federation is unwilling to allow members of other unions, such as transport and general workers unions, to perform tasks on the dockside. It is noteworthy that the costs of employing transport and general workers is lower than that of the present stevedoring work-force. Innovative container shipping, which should have speeded up the turnaround of goods, has had little impact on shipping costs in this nation, which is a disgrace.

Members of the WWF refuse to unload containers that were not loaded by its members. This not only suits the stevedores but is also tolerated by some employers who are equally at fault because the establishment of competing container depots is discouraged. For the benefit of anyone who is not familiar with problems presently existing in the dockside work-force, I will now spell out the difficulties in greater depth.

The dockside work-force is an ageing work-force. The average dockside worker is in his fifties. The work-force contains no specialised workers. The job of crane-driving is passed from man to man on a rotational basis; in other words, no-one is sufficiently experienced in crane operation to carry out the job swiftly, safely and efficiently. The opposite is the case in other countries, such as the United States, where crane-driving

is correctly looked upon as a specialised occupation. The age of the work-force should certainly be a cause for great concern. In line with modernised methods of handling, some shrinkage of the work-force has been necessary. The work-force must be renewed by younger men who can adapt more easily to changing conditions and to new methods of handling goods.

The membership Australiawide of the WWF is an indication of how good it is as a union. Membership has decreased from 19 022 in 1969 to approximately 7 000 in 1989. Approximately 526 WWF members are presently employed on the Brisbane docks. The present monopoly of the one-union system is not likely to be abandoned by the monopoly-holders. The pendulum has swung across completely since the days when stevedoring was a casual industry. Stevedores now have a wage system that could only be described as more than comfortable.

The cost of importing and exporting through the port of Brisbane is inflated by waterfront labour due to the one-in-seven roster system. Union members enjoy one week off in seven and one might well ask whether the people concerned earn this week off through working harder. The union's reply is that the workers work one extra hour every day of the normal five-day week, however, the keen observer will note that, because union rules state that workers are entitled to an extra smoko, in effect they are working for only an additional 20 minutes per day. That is an absolute disgrace.

Mr McLean: How do you work that out?

Mr WHITE: The honourable member must wait for it.

Dock workers are in the enviable position of exchanging one hour and 40 minutes work per week over seven weeks for one week's holiday. They receive a 25 per cent loading on this one week's holiday to make up for lost overtime. The workers also receive their annual-leave loading. If the 59 clerks and other tradesmen are discounted, that leaves a total of 420 waterside workers whose numbers are further reduced by some 50 men who are absent on any working day as a result of the one-in-seven roster system. It is a scandal. It will come as no surprise to learn that this small work-force does not work efficiently and that these inefficiencies and delays add approximately $400 to the price of every house built in Queensland. The effect on Queensland industry as a whole staggers the imagination. For instance, in Singapore a single-lift crane handles more containers in a given period of time than a double-lift crane on the Brisbane docks. The difference, of course, is the WWF. Delays in handling goods have resulted in lost export earnings, because many countries prefer to import from countries whose goods will not sit on the dockside declining in condition or quality. Australia's primary producers know what has happened to their products. Australia's fruit-growers know that places such as Hong Kong prefer to look to the other side of the Pacific in search of American fruit rather than import it from Australia.

Mr McLean: There's no service from Australia, and you know that.

Mr WHITE: That is a disgrace. The honourable member for Bulimba can argue till the cows come home, but he will never convince sensible, rational people.

What the waterfront workers are doing is an absolute disgrace. The only way in which Australia's dock facilities will be improved is to remove the stranglehold of the WWF. The docks must be opened up to new sources of labour that are free of constrictive practices which increase the price of every item that Australia imports or exports. The waterfront workers are killing this country.

In 1987-88 the port of Brisbane handled 299 000 tonnes of meat exports alone. When one adds to that figure 87 000 tonnes of wool and cotton, 721 000 tonnes of grain, as well as massive quantities of oils, metal ores, coal, fertilisers and chemicals, one begins to appreciate and understand the importance of having an efficient dock system. Freeing up the labour force will lead to a quicker and more efficient turn-round time for all goods. At the moment exports are delayed because workers refuse to work

overtime. This is not surprising when, under the present system, they are already receiving 25 per cent overtime loading on their one-in-seven holiday week.

Mr Smyth: If we talk about employment in Queensland, why don't they employ more people so that we can have more people working on the waterfront, rather than more people working overtime?

Mr WHITE: If I were the honourable member, I would keep quiet about it, because that union used to have 19 000 members and now it has only 7 000. If the honourable member was serious about adding to the productivity of this nation, he would be genuinely concerned. There is a union monopoly on the waterfront; it is in control and wants to keep everyone out. The union does not want to do anything about efficiency and is crucifying the exports of this nation in the process.

Mr Smyth: Why blame the workers?

Mr WHITE: I am not blaming the workers; I am blaming the union leaders in the WWF. The organisers and leaders are the ones who are at fault; the men do not really have any say. I know how members of the Opposition operate; they come into this House and talk about democracy, accountability and openness but it is a different story when a rank-and-file member wants to become a union official.

In conclusion, the Australian docks need a younger, more flexible work-force that is in keeping with the times.

Mr Burns: How do rank-and-file pharmacists get on in the guild?

Mr WHITE: They join it of their own free will.

Mr Burns: How do they get into the presidency or get into that organisation you used to run? What about that ethical company you had?

Mr WHITE: I am glad that the honourable member raised that matter, because as he knows, the Pharmacy Guild (Queensland) is registered as an employer organisation under the provisions of the Industrial Conciliation and Arbitration Act and every two years there is an election. If the honourable member looks at the history of the guild, he will find that there is a regular turn-over of officials.

Mr Burns: It is a closed shop.

Mr WHITE: The honourable member's own brother——

Mr DEPUTY SPEAKER (Mr Booth): Order! There are far too many interjections.

Mr WHITE: For the benefit of the honourable member for Lytton, I point out that there is no closed shop. The honourable member's brother is a member of the Pharmaceutical Society of Australia, which is just another organisation that works in the industry.

Ideally the work-force, as I was about to say before, should be organised under State awards suitable to Queensland conditions and not a Federal award tailored to suit union bosses without regard for this country's need to develop further as a major exporting nation. An urgent need is there to export efficiently and to make Australian port facilities more attractive to overseas importers of Australian goods and services. I sincerely hope that the report which is under discussion by the Federal Government at the moment will be given serious consideration, because we really must do something about our ports if we are to raise this country's productivity.

Mr BURREKET (Townsville) (4.31 p.m.) I rise to support the Minister and the provisions in the Bill. In particular, I wish to talk about the Townsville Port Authority, which I believe is one of the best and most efficient of its kind in Queensland. I go as far as saying that, if it were not for the Townsville Port Authority, there would be very little development in that city. The member for Thuringowa, Mr McElligott, said that there is a great tourist boom in the area, but I tell the House that had it not been for

the Townsville Port Authority the city would have almost no development. As examples I cite the casino, hotel and marina developments, which have all occurred on port authority land——State Government land.

The member for Thuringowa mentioned the problems associated with the former chairman of the port authority in relation to Marine Wonderland. Again, that is on port authority land. Some of the better developments that are now occurring, and have occurred in the past, are along both Ross River and Ross Creek. Again, that is port authority land. So, notwithstanding some of the misleading comments that were made by members opposite, the Townsville Port Authority has played, and is continuing to play, a very important role in the development of Townsville.

Just last week, Mr Larry Helber, one of the world's renowned tropical tourist development architects, presented to the Townsville community a discussion paper on the development of both Ross River and Ross Creek in terms of the responsibility of the port authority and the future of both of those areas. It was a revelation to find that the port authority had again taken a very positive role. It said, "It is no good having a hotchpotch of development along Ross Creek and Ross River, we will bring over a world authority on these matters and let him look at what we have." He has come up with an excellent plan and I suggest that Mr Smith and Mr McElligott look very closely at it.

I shall now deal with the expansion of Yabulu. The member for Thuringowa, Mr McElligott, suggested that there could be a redevelopment of the railways. Let us not kid ourselves; he is not really facing the facts. One or two bridges could be provided for a section of the railway close to the city, but there would be problems with a number of crossings on Ingham Road, which are important to the movement of traffic in the city. There is no way to get around that. The tragedy of Townsville's rail development is that there has been no long-term planning. Twenty or 30 years ago a corridor should have been set aside for future rail expansion. Whatever happens with railway development in Townsville now will be a hotchpotch that will simply exacerbate the already existing problems along that road.

It is all very well to say that a bridge could be built at South Townsville, but the problems really start at the Causeway. Nothing can be done to eliminate those problems.

Mr McElligott: That is not what the Railways say.

Mr BURREKET: No. I extended what the honourable member said. He spoke in terms of the railway structure; I am going beyond that. If the nickel ore is to be brought in through the port, it does not matter what is done in South Townsville or Railway Estate, the problems at the Causeway are almost insurmountable.

Mr McElligott: No. I was talking about the Causeway and that $5.3m would solve that.

Mr BURREKET: But where would the railway go then? It cannot go down the channel.

Mr McElligott: Talk to the Railway people.

Mr BURREKET: Then the problem moves to all the other intersections, including the one at the showground, the one at Ingham Road and those further along. They are very important rail crossings and that problem cannot be resolved. It is not a simple problem.

Mr McElligott: I know.

Mr BURREKET: Look, I am not saying that I favour one way of bringing in the ore over any other. I have an open mind on all the options. In fact, I say to the Minister that my preferred option is to bring the ore in through the sugar port at Lucinda. I have spoken to the management about this. I believe that, if there is a solution that will resolve everybody's problems, it is to use the Lucinda sugar port. Although there would

need to be some changes to the existing facilities, big ships could be berthed at the wharf and offload the nickel ore into some new sheds and then rail it to Yabulu. That would overcome any traffic-related problems in Townsville. Of course, that proposal has to be looked at. If some agreement can be reached with the State Government, that is probably the best solution.

The member for Thuringowa mentioned the referendum over Florence Bay and the member for Bowen, Mr Smyth, said that Florence Bay would be my Waterloo. Never in my whole life have I witnessed such double standards and hypocrisy as are now being displayed by the Deputy Mayor of the Labor Townsville City Council. He was not elected to that position by the people and I hope he will never be elected by the people. For eight years the Townsville City Council has been talking to the State Government about the Florence Bay development. There have been numerous meetings and papers have passed backwards and forwards. In fact, only last week the Minister for Tourism, Mr Borbidge, tabled details of a number of the meetings that have been held and the documents that have passed backwards and forwards. It will be of no surprise to anyone that the documents cannot be found in the administration of the Townsville City Council. The letters and all of the documents relating to all of the meetings have disappeared. How convenient! How shameful! How disgusting!

Mr McElligott: What are you suggesting?

Mr BURREKET: I suggest that the members of the Townsville City Council are a bunch of crooks. I will go further and say that in the whole time that I was an alderman for Magnetic Island on the council, I was never made aware that discussions were held between the State Government and the Townsville City Council. That is the sort of secrecy and the double standards that are faced in Townsville.

The referendum that the Labor council pulled on the people of Townsville will cost $10,000 or $11,000. On top of that is the $100,000 because the Mayor had to resign when he could not hack the pace, which caused a by-election. The Townsville City Council is a free-spending council. It is the very council that said only six or nine months ago that its economic policies were such that it was the envy of all other councils in Queensland. What a sham! What a bunch of no-hopers! What a mob of yahoos!

The Townsville Labor council is an example of what Queensland would get if it had a Labor Government. Under a Labor Government, the Commonwealth Government's economic policies are an absolute disaster. The Townsville Labor council is doing the same thing.

I know that I am wandering from the subject, Mr Deputy Speaker, but Opposition members raised the point in their speeches and I had to reject it.

My final comment on the referendum is that the council was deceitful. In all the correspondence and the meetings between the Government and the council, not once did it put on paper that it did not want the proposal. It allowed the QTTC to be involved in and go ahead with the development. Now it says that it does not want the development. How could anyone trust the council? What credibility has it got? None. It is a disaster. Thank goodness that people have woken up and will have their say.

The Townsville Port Authority has been very responsible, particularly in the last 12 months, because 12 months ago the Minister changed the Act and got rid of the two Labor council representatives on the port authority.

Mr Smith: At your instigation.

Mr BURREKET: Certainly. I did everybody a favour. It is the greatest thing that has happened to the port authority.

Mr Smith: You dug a hole for yourself when you did that.

Mr BURREKET: There is no hole that I dig that I cannot get out of.

I welcome the challenge of Florence Bay. I welcome anything that the yahoos from the ALP can throw at me. I love it. I welcome more. Opposition members are not doing a good job so far.

In its dealings with the Government on Florence Bay, the Townsville City Council has performed disgracefully. It never indicated once in eight years that it did not want to proceed with the development. Now that the two Labor people are no longer on the port authority—they have been replaced by top professional people who are doing good things for Townsville—there is no doubt that Townsville will develop, not because of the regressive anti-development attitudes of the council but because of the support given by the port authority through the State Government. I commend the Minister for the excellent way in which he is handling that.

Mr McElligott: You're the greatest knocker of Townsville I've ever struck. Why don't you say something good about it?

Mr BURREKET: I spent the four worst years of my life on the Townsville City Council. If it had been doing something positive, regardless of its politics, I would have been happy. However, it has done nothing but play politics with that city and it has almost destroyed the city. Last year, the Townsville airport was the only international airport in Australia to have a decrease in international tourists.

The member for Townsville East, Mr Smith, spoke about a ventriloquist's dummy and raised the issue of the State Government's having a committee on the redevelopment of Ross Creek which did not include the former Mayor, Mr "Whiskers" Mike Reynolds, Tony Mooney and himself. That was a brilliant move. All the Government was doing was considering transferring its own land from the Department of Lands to the Townsville Port Authority. However, the interfering Labor council wanted to control everything. Everything it has put its fingers on has been a disaster. It even wanted to stick its beak in on the transfer of land from one Government department to another. What has it to do with the council? If it was a redevelopment, the council would have been involved, and it was told that. The members of that council cried and the tears were flowing. It was a sad sight to see. However, that is how things are in Townsville.

Mr Smith also mentioned the letter that the Deputy Mayor, Alderman Mooney, wrote to me and Mr McElligott, I think. Was the honourable member for Thuringowa invited to meet with the council and clean up the problems of Ross Creek?

Mr McElligott: No.

Mr BURREKET: Obviously it did not consider that it was worth while writing to the honourable member. It is a shame. It was a political stunt.

Mr McElligott: Ross Creek doesn't run in Thuringowa.

Mr BURREKET: That is right. The honourable member has the worst creek in Queensland in his electorate. Mr Comben said that Thuringowa has the dirtiest and most polluted creek in Queensland. Obviously, the council wanted the honourable member to fix up his creek and that is why he was not invited to the meeting.

Alderman Mooney forwarded a letter to Mr Smith, the port authority, the Railway Department and me asking us to get together at a super-duper meeting and clean up all the rubbish in Ross Creek. That letter was put out at about the time that the election was getting under way. It was a load of absolute nonsense. I visited the Railway Department and the port authority and was informed that most of the rubbish that enters Ross Creek comes from the canals of the Townsville City Council. Every time that it opens up the floodgates and let the surplus water out, all the rubbish that has been accumulating in the canals from Townsville comes pouring down into Ross Creek. The poor old port authority is left to clean the mess up.

Agreements had been reached. Alderman Mooney acknowledged that the Townsville City Council was responsible. He had acknowledged previously that the council would fix it, but it did nothing. Thank goodness there are sensible people on the port authority

and in the railways who said, "We have played our part. We have done our job. This is a political stunt."

The other point related to boat-ramps in Townsville. The most recent boat-ramp in the area was built on Magnetic Island by the Townsville City Council. It was so well-built that a week after it was constructed, it had to be pulled up and rebuilt. That is the good old Townsville City Council for you—well done!

Mr Hamill mentioned cruise ships. A lot of work has been put in by the port authority. Mr Defranciscis, the chairman, has just attended a world meeting in relation to tourist ships. Last Friday, a proposal was put forward and a plan was submitted by Mr Helber for the inclusion of a cruise ship wharf by the casino. When the plan put forward by the consultants for the redevelopment of the port is adopted, Townsville will have excellent facilities for cruise shipping.

I strongly support the Minister. I think that the port authorities in the north are doing an excellent job. I really cannot speak about ports in general. I am aware that they all have their problems.

I urge the Minister to accept the submission by the consultants for the redevelopment of the port, which includes new facilities and, hopefully, a trade-free area. If that can be got under way, Townsville certainly will progress. I must emphasise that that submission is the result of the efforts of the port authority and the port authority alone and despite a lack of co-operation from the Townsville City Council.

Mr BURNS (Lytton—Deputy Leader of the Opposition) (4.48 p.m.): The Port of Brisbane Authority covers the area of Moreton Bay and controls most of it. First of all, I place on record my appreciation of the services of Max Hodges, who is now retired. Although Max and I fought a lot about boat harbours, boat-ramps and so on in my electorate, I must admit that he put all of his heart and soul into working for the Port of Brisbane Authority, and he did a good job. I wish him well in his retirement. I also congratulate the new members of the board, especially Tom Baxter, who I think have been given more responsibility as officers of the board. Over the years they have been very co-operative.

I also put on record my thanks to the Minister in relation to the provision of a boat-ramp in my electorate. One morning the Minister came down to my electorate. He and I nearly got run over by a train. However, finally we settled on an area to be set aside for a boat-ramp on the boat passage, which will open up most of Moreton Bay to the general fishing public from the south side. It was an area that was sadly neglected. It was seven or eight miles to the nearest boat-ramp. The problems of launching a boat into the bay and crossing the bay to the four beacons around Mud Island and similar fishing areas created a dangerous situation, especially in high winds. A lot of people go out in very small dinghies.

It will be good when the boat-ramp on the boat passage is completed. A few problems are being experienced at present. At least it is under way. A lot of money has been spent. The Minister, Max Hodges and Tom Baxter were very helpful in that regard. My fishing club, the rivermouth fishing club, is pleased to have been associated with it.

The port of Brisbane was dredged out of the Brisbane River and out of the bay. Years ago places such as Sandgate and Wynnum had long, sandy beaches. People used to drive down to Wynnum to participate in sand-castle building competitions. Four or five train loads of people used to visit the area on special days when sand-castle competitions and so on were held.

The location of the spoil ground for the dredging of the river is such that a lot of the mud that is dredged out of the river and taken to the spoil ground washes back onto the foreshores, to areas such as Sandgate and Wynnum. Now that the Fisherman Islands operation is under way, the dredging of the river should cease. At any rate, it should be substantially reduced. If it is reduced substantially, the amount of spoil dumped in the bay should be reduced and, hopefully, the seagrass areas, the sandbank areas and the sandy beaches can be restored. If sand is being dredged out of some of these areas,

the Government ought to think about pumping it back onto the foreshores at Wynnum and other places, because it is the development that has been responsible for their destruction.

One of the problems in the spoil ground area now is the devastation caused by the dredging of the coral leases by Queensland Cement and Lime. That company has a lease over all of the coral—alive or dead—in Moreton Bay. It has dug out many areas around Mud Island and St Helena Island and left some massive holes which are causing problems. It might be worth while considering dropping the spoil back into some of those holes. That spoil might fill those holes and, at the same time, stop it from washing back onto the foreshores.

I would like to plead for a strip of mangrove to be left around the eastern, north-eastern and south-eastern corner of Fisherman Islands, the areas around Snodges Creek, which is a fairly good mud crab fishing area. I have no doubt that, in the future, all of Fisherman Islands will be developed for industry. However, I think that a 40 or 50 yard strip could be left round the edge.

If the Minister comes down with me to the garbage dump at Wynnum, he will find that the council has been developing an area for garbage right along the waterfront, right out towards the port. As it does, it leaves a strip of mangrove. The mangrove area gets very dirty with bottles, plastic, papers and tins. Nevertheless, the mangrove survives. In fact, after it has been cleaned up again, the mangrove thrives. I think it is in our interests to leave those strips so that we do not end up with concrete jungles and concrete canals.

The boat harbour at Manly is another local matter that I want to raise. For some time it has been promised that a public road will be built around the outside of the Manly boat harbour. I understand that the port authority has a plan to double its size. I believe that those promises that were made five or six years ago that that area would be opened up to the public should be kept.

The Lord Mayor wants a tourist terminal. If the tourist terminal is located at Fisherman Islands, I believe that tourists will be met with bream with brown cigars in their mouths and little hats on their heads, and they will be dancing along. The tourists will be told, "Here is Luggage Point, Pinkenba, the sewerage plant, the oil refinery, the coal-loader and the sludge from the sewerage plant." Honourable members should remember that these days toxic waste and untreated sewage are being dumped into the bay. If the Lord Mayor is talking about the establishment of a tourist terminal, the first thing she ought to do before she brings in the tourists down there is clean up the sewage treatment plant and the toxic waste material that she is dumping in the bay right opposite where the terminal would be located.

Mr Austin interjected.

Mr BURNS: I will not go further into that subject.

I turn now to the subject of a railway line being constructed to the port. Today, members argued about the new wheat arrangements and State rights. I argue that there is a real need to connect the interstate railway with the port. I do not think that the proposal to go round through the back blocks of Tingalpa or Gumdale is the one that is needed; an extra line is needed beside the existing railway line and it needs to be relocated around the Lindum area so that it can be taken straight out into the port area, thereby drawing to the port many of the goods produced in northern New South Wales. That could bring great benefit to the port in terms of trade and employment.

Australia still has the opportunity to save many of its most important estuaries. Reference has been made to dredging. One really needs to talk about estuaries in Queensland, because whenever somebody talks about ports, one will generally find that they are located at the mouths of rivers and that in those areas most of the polluting industries are established. As a result of that pollution, the mangroves, the tidal flats and the sandbanks nearby are affected. That has happened in many areas of Queensland.

The Australian Sport and Recreation Fishing Council has just completed a survey of estuarine and environmental destruction of estuaries in Queensland. Even though it might be too late for a significant number of estuaries, we must set out to protect them. In that survey it was found that the estuaries in Queensland with high fisheries value and facing real threats were the Fitzroy River, the Burdekin River and the Trinity Inlet in Queensland. An estuary with high conservation value and under real threat was the Burdekin River.

Mr DEPUTY SPEAKER (Mr Row): Order! I have previously ruled that, in spite of the rather comprehensive nature of the Bill, coastal management and that type of thing cannot be discussed. To be consistent, I ask the honourable member to return to the provisions of the Bill.

Mr BURNS: Mr Deputy Speaker, you should have been here before; we talked about anything in Australia.

Mr DEPUTY SPEAKER: Order! The honourable member has had a fair run.

Mr BURNS: In his second-reading speech, the Minister said that section 86, which covers approval of works on tidal lands or waters, will be amended. The Minister referred to "tidal lands or waters" and I am talking about estuaries, ports and canals. The Minister referred to artificial lakes and channels to be protected under the Harbours Act. That is referred to in the Bill, and I want to refer to it also.

Mr DEPUTY SPEAKER: Order! I remind the honourable member that if he reads further he will see that it is limited to those affected by certain buildings.

Mr BURNS: Mr Deputy Speaker, you are right; 10 buildings on the boat harbour or boat basin.

These days, on every occasion that proposals for the construction of marinas are invited, the Government invites developers to include condominiums and international hotels. Such facilities are always included, not just a boat harbour. Mr Deputy Speaker, as you have invited me to talk about it, I most certainly will. Invitations were extended by your Government in a book titled *Private Marinas Investment Opportunities on the Queensland Coast.* That book, which was published by the Department of Harbours and Marine in November 1981, states—

> " . . . this publication by the Department of Harbours and Marine is intended to assist prospective investors who may be seeking investment opportunities in this field."

The book provides a list of marina sites that are available, which are in the process of becoming available, or which are likely to become available in the future, for boat harbours. At the back of the book reference is made to the Toondah Boat Harbour at Cleveland, which was proposed by the Queensland Government in 1981 as a place for development. However, Mr Deputy Speaker, your ministerial colleague has been on his knees begging the people of Cleveland to get away from Toondah harbour.

Mr DEPUTY SPEAKER: Order!

Mr BURNS: That is covered by section 86 of the Act.

Mr DEPUTY SPEAKER: Order! The Chair would like to remain anonymous in debates in the House.

Mr BURNS: Well, the anonymous Chair——

Mr DEPUTY SPEAKER: Order! The honourable member is not respecting the Chair when he involves me in his accusations.

Mr BURNS: Mr Deputy Speaker, I am responding to your ruling which tried to restrict my opportunity to debate what everybody else has been debating in this place this afternoon. I am making the point that the invitation in this document from the

Department of Harbours and Marine, which is the ministerial responsibility of the Deputy Speaker's colleague, who is sitting across the Chamber from me, issued a list of sites for development of marina facilities in boat harbours as at November 1981. It described Toondah Boat Harbour as—

> "A scheme involving a residential subdivision, boat harbour and marina at Cassum Island is proposed for development by private enterprise."

The Government has run away from the invitation that it made to people at that time.

Let me tell honourable members about some of the other things that the Government invited people to do to destroy the sandflats, the mudflats and the mangroves of this State. This Government is currently interested in defending the mangroves and the flats.

The leasing of harbour board land without competition is one of the recommendations that the Government makes to people who want to invest in this State. It says—

> "The policy of calling open tenders for leasing of Crown land applies generally to land which, due to planning changes, becomes available for private development. Calling open tenders ensures that the lease will be developed to its maximum capacity, and affords every prospective tenderer an opportunity to exhibit his developmental expertise.
>
> However, the State recognises that within the private-enterprise system, the scope of the entrepreneur is vital for progress—i.e., the ability to recognise a marketing situation and the opportunity to test it in practice.
>
> The delays in calling tenders, the cost of planning, and the risk of losing out to a competitor without such enterprise tend to penalise this type of initiative.
>
> Accordingly"—

this is the Queensland Government; the Minister's Government; the Deputy Speaker's Government—

> " . . . where a developer"——

Mr DEPUTY SPEAKER: Order!

Mr BURNS: Well, you are a member of it.

Mr DEPUTY SPEAKER: Order! In the circumstances of the Chair's position, I have asked the honourable member to respect the Chair and to allow it to remain anonymous in these debates. I have asked the honourable member twice to do that. If he does not do that, I will ask him to resume his seat.

Mr BURNS: I was talking about the member for Hinchinbrook's Government, Mr Deputy Speaker.

The Government states—

> "Accordingly, where a developer having the necessary finance to invest, recognises such a marketing potential, carries out an economic assessment, selects an area of Harbour Board land which has been available for sometime, but which he feels he could develop to greater advantage, and puts forward a realistic, viable plan of development satisfactory to the Harbour Board, the Board concerned could consider granting him a lease without competition over such land."

This is the Government that spoke about defending the mangroves, the tidal flats and other areas. Today it is amending the Act to bring these lands under the control of the harbour board. In 1981 it was saying, "We will show you how to evade the leasing of harbour board land without competition to get around the tender system." That is why I want to talk about section 86 and that is why I am upset by any suggestion that I should not be able to talk about section 86.

Mr DEPUTY SPEAKER: Order! The honourable member will confine his remarks to the terms of the Bill.

Mr BURNS: I am confining my remarks to the Bill, Mr Deputy Speaker. I am confining my remarks to the section that refers to artificial lakes, channels and tidal lands or waters, and I will spend my time talking about tidal lands or waters until my 30 minutes—or whatever I am going to get; 20 minutes or 25 minutes—are up.

I turn now to Magazine Creek in Bowen. I understand that this afternoon honourable members were restricted in what they were able to say about a proposed marina in the Bowen boat harbour. That is what this section of the Bill is about. The people of Bowen were given an assurance by the Department of Primary Industries, the Department of Harbours and Marine, the Minister for Environment and the local council that a temporary tidal and flood diversion channel would be constructed around the worksite to keep alive the upper mangroves that are not on the developer's lease. That has not been done and the creek has been dammed.

Over a month ago the Minister for Primary Industries, Neville Harper, and Gordon McCormack, his adviser, went to Bowen to have a look at that project. They said that unless the by-pass channel was constructed immediately, the dam would have to be removed. But what happened? The developer ignored the Minister. The harbour-master for that area should be asked about his involvement in the issue. It was clear that the Minister of the Crown wanted that area protected, but the developer seemed to ignore his wishes.

At present in Bowen a developer by the name of Roach, who has been involved in some developments in the area over a period, is saying quite clearly that he submitted a plan for a tourist development between Abbot Point and the mouth of the Don River, which will be known as Whitsunday Springs. Yesterday, that plan went before a council committee meeting. That developer is skiting that he has the council and some of the councillors in the palm of his hand. He has said that he intends to knock down 500 hectares of mangroves without permission and will wear the consequences later. We cannot countenance that sort of arrogance on the part of developers in areas that we should be protecting through the Harbours Act and which are protected by that Act. Those areas are the responsibility of harbour boards. We cannot countenance a fellow who says, "Look, I will pay the fine." But that is happening all along the coast.

Developers who talk about constructing marinas always mention 10 000 condominiums, international hotels, international airports and all the rest of it, because if those sorts of things are included in their proposals they are covered by the provisions of the Act. It also starts people thinking about the thousands of jobs that will be created. However, in essence, those developers want a bit of free Government land and the use of land and waterways for their own commercial profit. That is a problem that this Government must face. I admit that Queensland needs that development. I have always stated in this House that all along the coast we need marinas that are a day's sailing apart. People should be able to leave a marina in the morning, sail for eight or nine hours, call into another marina that night, connect up their boats to electricity, water or whatever facilities happen to be provided, leave the marina and go out on the town, and the next morning sail their boats to the next marina.

If this Government wants to attract international yacht-owners—people with big money and big yachts—it must provide those facilities. But it cannot allow every little developer who wants to destroy the mangroves, dig up the sand and block off the rivers to do whatever he likes. That is what that fellow in Bowen has done. That development is really shonky. It is not the best site for a marina. Other sites in that area could have been set aside for that development.

Despite the actions of Neville Harper and Gordon McCormack, that dam has remained. The Opposition believes that this Government has made only hollow threats, because despite massive fish, prawn and crab kills, that dam remains. The Australian Institute of Marine Science in Townsville has stated that those mangroves are living on borrowed time.

The Bowen Shire Council has a strategic plan to destroy all of the mangroves in the Kings Beach and Magazine Creek area. In defiance of Government Ministers, it is

setting out to do just that. The council is quite happy with what is going on as the developer is doing what it wants, namely, killing the mangroves. The problem with the Government is that it does not seem to want to take any notice of it.

Although the project was stopped, to the fishermen's disappointment, because of commitments that the developer had made but not fulfilled, the development was allowed to recommence. That developer has experienced a great deal of trouble with its financial backer, who put up $250,000 as a deposit to the Government. Because he wanted out of the project, the financial backer then wanted his money back from the Government. A Supreme Court hearing about the matter was held in Townsville. It was agreed that the development be allowed to continue until the diversion channel was built. Every working day since the creek has been dammed, Alan Bauer and the commercial fishermen in the area who work and use that port and are the backbone of the port of Bowen—because most of the coal is exported through Abbot Point and elsewhere—have been in contact with the appropriate Government departments, only to be told story after story, with no results. Since the heavy rain, the creek behind the dam is full of fresh water and the mangroves are looking sick.

Against the wishes of the Department of Primary Industries and because the developer had given Bowen fishermen an assurance that the temporary tidal diversion channel would be built before the dam was allowed to be constructed, the dam was built. If we wish to save the mangroves, that dam should be opened today.

If the Minister's colleague the Minister for Primary Industries was in the House I would be asking him what he has tried to do. The Minister should contact the harbourmaster to see if something can be done in that particular area. We have to do something about those developers who continue to ignore Government Ministers. We cannot allow them to continue to operate in that way.

I have already spoken about the proposals for the construction of marinas. A publication by the Department of Harbours and Marine titled *Crown Boat Harbours in Queensland Past, Present and Future*, which was handed out to developers who want to build boat harbours, stated—

> "The Crown might invite proposals from private enterprise for development of vacant Crown land in areas of high tourist development potential with conditions requiring boat harbour development to form part of any proposal submitted."

That is the sort of thing that is happening under this section of the Act.

Section 91 (1) of the Harbours Act states—

> "Except as otherwise provided in this Act, no land shall be reclaimed . . . unless under the authority of a special Act."

It then goes on to say—and this has been spelt out and handed to the developers—

> "Provided that it shall not be necessary to obtain a special Act where land is the subject of a Special Lease issued pursuant to section eighty of this Act on condition that the land is reclaimed from the water and all the terms and conditions upon and subject to which that reclamation is to be carried out as specified in the Special Lease are complied with in every aspect."

In other words, the Act says that a developer cannot reclaim land unless under the authority of a special Act. However, a proviso exists that it is not necessary to obtain a special Act when the land is subject to a special lease. That is the way in which developers are getting around the Act, and that is dangerous.

The original proposal of a special Act and the need for honourable members to debate some of these issues is important. When honourable members consider what is happening in Cairns and all along the coast where people are getting up in arms about proposed developments in boat harbours right on the foreshores, they should be doing their job and debating the issue.

I want to talk about the owners of yachts and cruisers that are presently poorly serviced in Queensland by the Government. It is a decay of conditions. Any local yachtie

or boat-owner cruising to north Queensland will find that many of the public jetties and other facilities that were available to him in the past have gradually disappeared or are now taken up by commercial charter vessels and other fishing vessels. In Cairns the facilities for yachts and displacement cruisers which cannot and do not use ramps are virtually non-existent. There is little room for safe anchorage, no dinghy access to the city for shopping and stores, and poor access to a small public jetty, the Marlin Wharf, which is usually populated by commercial charter vessels.

In Port Douglas there is now no adequate room to anchor. In the Whitsundays there is now no public jetty at Airlie Beach or Shute Harbour, and poor dinghy-landing areas. The story continues up and down the coast. In general terms, there are inadequate landing areas for the dinghies of displacement vessels in the major ports that dot our coastline.

Each year, as soon as winter sets in, many of my mates sail the coastline of Queensland. They go to Maryborough and Bundaberg, work their way up through the Whitsundays, and then go all the way through to Cooktown. Even Lucas in the latest edition of his book *Cruising the Coral Coast* is critical of the lack of facilities for ordinary people who do not want to—and, in many cases, cannot—buy into a private marina in each of those towns. They cannot afford that. Public jetties ought to be available for them. Mooring fees are dear enough in our boat harbours.

At low tide in Wynnum Creek all of the boats lie in the mud and no-one can get out of the creek. But boats are shifting into Wynnum Creek because their owners cannot afford to pay the sorts of fees that are wanted in the boat harbours that are being constructed. Boat harbours are being constructed for the types of boats that most Queenslanders cannot afford and do not own. The people who may be paying one mooring fee in the south and one mooring fee in the north travel up and down the coast. They may have 38-foot or 40-foot boats and may want to pull into some of the harbours along the way, but they have to anchor out in the middle of the bay and row ashore. There is not even a safe place to leave their dinghy. There used to be public wharves. A person used to be able to pull his boat up to the wharf, tie up, fill up with water and reprovision. He was allowed to remain there for a certain period and then he had to move away from that mooring and out into the bay. Those facilities are no longer available. Members should go to Cairns and have a look. They should go to Cooktown where the commercial operators are all tied up. None of them seem to own a dinghy. I do not know what they do to ensure adequate safety at sea. Many of them are tied up to the wharf night and day. That stops any visitor from using the facility. When that visitor returns home, be it to the south or overseas, he tells people not to come to Queensland because adequate facilities do not exist.

Brisbane has good facilities. The facilities on the reach of the river at the gardens are excellent. Queensland is a State with beautiful sunshine, beautiful weather, one of the most magic coastlines in the world, protected waterways and a life-style that is sought by people all over the world who build boats and want to sail off into the sunset and enjoy their retirement years. They should be encouraged to come here. It is not true that they do not spend a bob. They do not throw their money around; there is no doubt about that. Some people move into harbours on a permanent basis whilst spending their holidays living on their boats. They are just the same as anyone who spends time living in an area in a caravan, or a tourist visiting the area.

In general terms, there are inadequate landing areas for the dinghies of displacement vessels in the major ports along our coastline. While this is going on, in Cairns, a large office block being built for the department will cost $4.5m. The Harbours and Marine Department is involved in new marketing arrangements, with a new marketing officer on about 50 grand a year, money being spent on new uniforms, new letter-heads, new posters and other propaganda bearing the new Minister's photo.

The cruising and pleasure boat fraternity are fobbed off by so-called experts who quote Government policy and rules and suggest that, because of rapid growth in marinas, people should use those marina facilities. Some people want to charge $36,000 to buy

a marina mooring and many do not want to rent them. They do not want an old 38-footer with a diesel engine at their mooring.

Boat-owners pay heavily through their taxes—some of which is returned to the State—their registration fees, their facility fees and the high costs of Government publications. I object to paying four bucks, I think it is, for a tide timetable. It is becoming a book. People buy a tide timetable to find out the tides. The *Torch Tide Book* can be purchased for $1.40. Yet people are being charged four bucks for a publication that is full of information that they do not read. Information is needed at the wharves and at the jetties. In some areas there is a shortage of information at the boat-ramps. There is a shortage of information about local fishing spots. Yet the Government produces a magnificent book—a great book—for four or five bucks. The Government should try to keep costs down, otherwise people will not buy those books. They depend upon the tide timetables in the *Courier-Mail* and they do not read any of that information in the four-buck book. The little *Torch Tide Book* is the one that the Government should be trying to produce. It costs $1.40 or $1.50. It is available at every bait shop and every boat shop. The Department of Harbours and Marine's publication is not available at such places. For some time it was not available in newsagencies, although recently it has become available. If the department now employs a marketing man, he might start to look at that book, because I think that publication could be split up to make it more commercially viable. Anyway, that is a matter for the department and its marketing people to look at. I have raised my objection.

Some commercial vessels do not contribute, yet they are the biggest users and abusers of our waterways. I call for clearly visible registration numbers on all vessels. A commercial fishing vessel carries an FCU registration, which can be seen from a distance. If that vessel is doing something wrong, it is easy to distinguish its registration. All the trailer boats have to show a "Q" with a string of numbers after it. What about the ordinary commercial vessel? What about the yachts? The names on half of the yachts cannot be read because a dinghy is hanging on the davit. Because the name of the boat cannot be seen, there is not much a person can do to check up on people who are doing something wrong.

In the Whitsundays there are hundreds of bare charter boats with no sign of commercial or pleasure boat registration letters, and in many cases, their dinghies, powered by outboard motors from 8 horsepower to 25 horsepower, have no visible identification. They can be seen every day. These charter boat dinghies seem so unaffected by the rules that children are able to drive them around like speedboats in and out of the moorings. There is no way that boating people can ascertain whether charter boats are amateur vessels or whether they are in-survey vessels or unregistered private vessels.

I make a plea for the owners of displacement cruisers. It would not be costly for the Government to look into problems being experienced along the length of Queensland's coast. In many cases, the problems could be solved by merely enforcing the rules that relate to public jetties and retaining jetties for public use. The Government should not sell jetties off to people who own islands. It should retain them for use by members of the public.

In the time that remains for my speech, I wish to refer to fish that are infesting boat harbours and waterways. I had always thought that tilapia was a freshwater fish and that instances of infestation had occurred only in the ponds at the Port Douglas resort. Honourable members ought to realise that the five fish that were introduced into the pond multiplied until there were eight tonnes of the species in a short period.

A survey has shown that tilapia can also handle very saline conditions such as those that exist in Moreton Bay and in other places. Other reports show that they are present in Tingalpa Creek and Tingalpa Reservoir, the North Pine River, Lake Kurwongbah; that they are in the Fitzroy River and in great quantities in a number of places in Townsville, such as the drainage system in the Woolcock Street area; and that they are most certainly to be found at all the beaches north of Cairns and, of course, at Port Douglas. A big song and dance was made about the Port Douglas incident, but I believe

that the other areas should be looked into. If tilapia grow and breed in the proportions that I have indicated, and if they eat everything that they can find—as they do, including other fish—they will be a bigger menace than the cane toad, the sparrow, the rabbit and all the other imported pests that have caused enormous problems for this country. Tilapia have been imported and released here. People are throwing them into the bay and letting them go. I understand that tilapia were introduced in New Guinea because they eat mosquito larvae; but in Queensland, something will have to be done to stop them spreading.

The most effective authorities that can control the problem are the port authorities. The Port of Brisbane Authority was 10 times more effective than the Division of Water Quality Control in controlling water pollution and enforcing laws under the Pollution of Waters by Oil Act that prohibit oil spills. I believe that the Government should request port authorities along the entire stretch of Queensland's coastline to survey the extent of infestation in estuarine and saltwater areas where tilapia breed. Although I am not sure whether chemicals will provide the ultimate answer to the problem, the Government ought to take all necessary steps to destroy this species of fish before it takes over Queensland's waterways completely.

Hon. D. McC. NEAL (Balonne—Minister for Water Resources and Maritime Services) (5.18 p.m.), in reply: The honourable member for Bulimba raised the issue of calculation of the levy on port authorities and suggested that a simple calculation of a percentage of overall revenue might still be the best method. I have already pointed out that a port authority has certain accounting options open to it in its methods of treating classifications of receipt. Each option is acceptable from the point of view of accounting practice but can result in a quite different aggregate of revenue. A typical example is the recovery of expenditure from third parties. It can be regarded as either additional revenue or as an offset to expenditure.

I do not want the levy system to become an administrative maze that obliges port authorities to examine the treatment of all items of revenue as they are received to ensure that the basis for the calculation of the levy is kept to the lowest possible level. Liaison between me and the department and various port authorities is such that it will be much simpler and less time-consuming to determine the burden of the levy if it is based on an informed assessment of the relevant ability of port authorities to contribute towards the required amount. This assessment will be undertaken in open consultation with port authorities. I have already commenced discussions with port authorities relative to the levy they will pay for the next financial year so that the matter can be concluded in sufficient time to enable preparation of their budgets, assisted by the knowledge of the precise amount of the levy that they will be required to meet.

It is pleasing that the member for Bulimba agrees with the Government's viewpoint that a balanced perspective is required for coastal tourist and marina development. Mr McLean made particular reference to two particular projects. The McKellar proposal at Trinity Inlet in Cairns has been the subject of a significant amount of debate and investigation. At this stage, I can report that the matter is still being considered by the Government. No decision will be made until the viewpoints of all concerned agencies have been assessed.

It is worth nothing that in relation to the Bowen marina development, Bowen is a town that is desperately in need of new development and industry. The Bowen marina project has been welcomed by virtually everybody in the region. It was necessary to remove mangroves, which amount to less than one per cent of the mangroves in the Bowen region, to achieve this development. Care was taken in granting approvals and included a requirement that developers take steps to ensure that mangroves not directly in the path of development should be adequately preserved. If developers have not met this condition, they will be subject to punitive action.

In the Government's view, a balanced perspective was taken in that development after consideration of all the relevant factors. Flow-on benefits from this development will provide much-needed revenue and employment for Bowen. In the Government's

view, the benefits from this development will far outweigh the removal of such a small number of mangroves. This is the balanced viewpoint that any Government must take unless it is prepared to refuse every project that is put forward.

The honourable member for Bulimba also raised the issue of the closure of Cairncross Dock Yard. I have already pointed out by interjection that grossly unacceptable work practices were responsible for the inability of the dock to continue as a viable enterprise. That was unfortunate from the point of view of the State's economy, but the Government wanted to ensure that alternative uses of the site are in the best interests of the State. It would have been easy for the Government to make a decision on disposal of the site from the point of view of the new owner or occupier's preparedness to contribute to the finances of the port authority. The honourable member appeared to suggest that that should be a major consideration. However, the Government is dealing with a particularly versatile area of waterfront land that has valuable assets already in place. The area could provide a springboard for a significant volume of new industry. The Government wanted to ensure that the greatest possible advantage is taken from its availability. That objective involved a thorough examination of proposals that were received and required exploration of industrial opportunities that might eventuate under the sponsorship of various parties who were interested in it. The examination has involved other departments as well because the possible uses of the site extended considerably further than those directly related to the port. The decision had to be postponed until the Government was completely satisfied that the greatest opportunities would be obtained.

The honourable member for Woodridge displayed his complete anti-development attitude. He has absolutely no appreciation of procedures that are applied by the Government in its consideration of proposed developments for coastal regions. Even in cases in which formal and complete environmental impact studies are not required, each coastal development proposal is subjected to scrutiny by various departments and authorities that have responsibility for environmental issues. If the honourable member were at all knowledgeable about this matter, he would know that the formulation of acceptable coastal development proposals usually involves adaptation to meet requirements laid down by various authorities, including local councils, to ensure that any undesirable environmental effects are minimised. If he speaks to a few such developers he will find out that the approval process is much more difficult to negotiate than he suggests, and that the Government is extremely careful to ensure that development does not proceed where unacceptable environmental consequences could result.

The honourable member also displayed a serious lack of appreciation of developments in hand when he admitted that he recently discovered the Noosa north shore development by finding signs in the long grass. This development has been under consideration for over two years and has been the subject of public advertisement. It is apparent that the honourable member is not particularly observant. He criticised me because I did not approve of the Noosa north shore development when I had not received any formal application. To my knowledge, no application has yet been received by my department on the development of a pumping system for the Noosa River. Obviously I could not be expected to approve or reject the proposed arrangements.

The honourable member made a great deal of the fact that heavy seas were attacking the dunes in the vicinity of the development site; however, the proposal has been the subject of careful examination by officers of the Beach Protection Authority who have recommended a 150 metre buffer zone. In answer to a recent question in this House from the honourable member, on my behalf my colleague the Minister for Mines, Energy and Northern Development invited the honourable member to submit any evidence that such a buffer zone would be inadequate.

The honourable member for Broadsound commented on amendments to the Harbours Act and the levy on port authorities. I thank him for his contribution. He acknowledged the value of more flexible arrangements in the application of the levy on port authorities, and this flexibility is necessary to ensure that an equitable contribution is made by the port authorities, having regard to the changing circumstances from time to time between

individual authorities. He also mentioned that the Gladstone and Rockhampton Port Authorities could be amalgamated. I advise honourable members that this matter was considered previously and at that time the findings were that the benefits of such an amalgamation would not outweigh the disadvantages. To my knowledge, nothing has changed to the extent that I would pursue such an amalgamation at this time.

The honourable member for Bundaberg raised the user-pays principle as it relates to the Gold Coast Seaway and suggested that this development was being subsidised by tax-payers from other parts of the State. The honourable member has completely overlooked the effect that this development has had on the attractiveness of the Gold Coast area for residential and tourist occupation and the consequential increase in the value of development sites and the level of commercial activity. He must recognise that these factors have resulted in increased revenue to the State in terms of stamp duty, land tax, pay-roll tax and the like. If the honourable member were to reflect on the matter, he would realise that these receipts provide a very substantial offset, if not total compensation for the $8m of amortisation costs paid for out of consolidated revenue.

The honourable member also raised the problems of the ship-building industry in the Maryborough/Bundaberg area. Together with the Cairncross Dock Yard, this enterprise has suffered as a result of undesirable work practices that have made competition difficult. Attempts are being made to remedy these problems, with considerable support from the Minister for Employment, Training and Industrial Affairs.

I agree with the comments made by the honourable member for Lockyer, Mr FitzGerald, that the Opposition members have been using this second-reading debate as an exercise to discuss all sorts of issues which, at best, could be described as peripheral to provisions contained in the Bill. In most cases they made unfair criticisms of anything to do with coastal development. The honourable member for Lockyer also raised the very important issue of low productivity due to restrictive work practices and excessively generous award conditions at the port of Brisbane. This is indicative of the situation at all other capital city ports and is something that the Federal Government must face up to. As honourable members would be aware, most waterfront workers are employed under Federal awards and the Federal Government must have the intestinal fortitude to tackle this problem now. Enough inquiries have been held; it is time for firm action. The ACTU must not be allowed to set the rules for such a critical area of the country's commercial activities. At this stage a lack of action by the Commonwealth could cripple any hope of economic recovery for this country.

I was pleased to hear the honourable member acknowledge the fact that 24 per cent of Australia's exports are handled through Queensland ports when Queensland has only 16.6 per cent of Australia's total population. Queensland ports play a vital role in the economic performance of the State and nation. To maintain the current high level of efficiency of administration of the port system, it is necessary that amendments such as those proposed in this Bill be made to the Harbours Act from time to time.

The honourable member for Toowong referred to my statement about the imposition of the levy and that its cost would be met from increased efficiency in the ports. This increase in efficiency in the ports is exemplified by the fact that increases in port authority charges have been kept level with or below the rate of inflation in spite of having to meet the levy payment. All port authorities have examined the operations closely, not only to offset the effect of the levy, but also in conformity with the spirit of the studies undertaken by the Inter-State Commission into waterfront operations. For example, the Port of Brisbane Authority has been able to hold its charges down to 1982 levels, except for some minor increases to deal with anomalies and relativities between the old and new section of the port and in relation to isolated products that have changed dramatically in volume during the period. In fact, if the honourable member studies the report of the Inter-State Commission, he will find that many of the proposals recommended by the commission—insofar as they relate to the port authorities and the Government departments responsible for port authority matters—are in conformity with what already applies in Queensland.

My department has also been involved in restructuring arrangements that have enabled it to operate on a leaner basis, but at the same time become involved in the support of those sections of the Queensland industry relating to marine activities. My department is setting out to energetically foster local industries, including the boat-building and consulting engineer industries, by seeking out additional markets both in Australia and abroad. Some promising results have been achieved, particularly in relation to south-east Asian countries.

The recent privatisation of the Brisbane pilotage system is a prime example of what the department has achieved, with the new pilotage company undertaking to operate the pilotage with a reduced number of pilots and no increase in the total pilotage cost to the department during the initial period of three years.

The honourable member, while objecting to the additional cost imposed on port authorities, has overlooked the fact that the amount so obtained is relieving the general tax-payer of the State of the need to contribute towards the operation of the department to a similar extent. It does not represent additional income to be spent by the department; it is in substitution for what the general tax-payer of the State previously had to contribute and so follows more closely the user-pays principle.

I was interested in the honourable member's comments on the policy of the Labor Party, which supports a single major coastal management authority for all coastal development in Queensland. As I have stated earlier, it would be easy to say "No" to every development proposal put forward, as the Opposition suggests. However, as any responsible person would know, some developments are extremely beneficial to all parties and should be supported. As the honourable member has pointed out, proof of the benefit of these developments is obvious. The fact that the chairman of the Opposition's committee on coastal development, the honourable member for Woodridge, has himself acquired land for the construction of a home in the Raby Bay canal estate speaks for itself as to the value of such developments.

The honourable member for Toowong also referred to the alleged increase in debt of the Gold Coast Waterways Authority. However, the Government has agreed to assume responsibility for the payment of a major proportion of the cost of amortising this indebtedness from the Consolidated Revenue Fund, which has been offset by additional receipts from land tax, stamp duty, pay-roll tax, etc., as I said earlier.

The honourable member has also made some valid comments on the inefficiency of the Australian waterfront. As the main waterfront unions are under Federal awards, clearly the ball is now at the feet of the Federal Government. It will now be up to the Commonwealth to act in support of the recent findings of the Inter-State Commission.

The honourable member for Cairns endeavoured to swing the emphasis of comment that other speakers had made about waterfront work practices away from the industrial aspects on to other elements of waterfront activity. However, by way of interjection, I think I convinced him that the problems with work practices represent by far the major area of need for reform and he did not pursue the matter to any extent.

He then raised the issue of the Trinity Bay development at Cairns and made the point that a large number of residents of the area do not want the development. I will not be drawn into a discussion on the desirability of the development being approved because, as he noted, the decision has not yet been made by the Government, nor has the Government had for very long the details upon which to make an informed assessment. The investigation lease has only recently expired, with the lodgement by the developers of their proposal and environmental impact statement. As several Ministers and their departments will be involved in the assessment of the proposals, I am not in a position to advise when the overall assessment by the Government will be completed.

The honourable member for Gympie rightly pointed out that more marina berths are required to cater for the ever-increasing number of large pleasure boats in Queensland waters. It is the Government's responsibility to find suitable sites for these marina berths. I discussed this aspect earlier. I was pleased to hear the honourable member mention

the success of a recent overseas delegation, which I led. It is apparent that there is scope for my Department of Harbours and Marine to market its highly effective navigational aids in south-east Asia. That shows that, with a correctly structured approach into these countries, it is possible for Australian manufacturers, including public sector bodies, to be successful in marketing worthwhile products overseas. This is an area in which this Government has taken major policy initiatives to promote and facilitate overseas trade opportunities. This is a pro-active step by the Government that is already reaping significant benefits to the State.

The honourable member for Thuringowa has stated that the Opposition policy on coastal development does not propose to take power over coastal developments away from local authorities. I am very pleased to hear this, as I would have thought that the setting up of a single coastal management authority would be likely to result in regular conflict with local authorities. The honourable member did not mention that the Bill requires all proposals for work below the high-water mark to be referred to local authorities for comment. This is something that local authorities will appreciate.

The honourable member also referred to the Florence Bay development on Magnetic Island. The fact that the Townsville City Council is holding a referendum on the matter is of interest but, as I have stated a number of times previously, the Government must consider all aspects of any major proposal such as that for Florence Bay. As I understand it, this proposal has a very limited influence on the land below the high-water mark. My colleague the Minister for Land Management will submit a recommendation to Cabinet in due course.

The honourable member went on at considerable length about the proposed importation of nickel-rich ore near the Saunders Beach area for refining at Yabulu. I can assure all members that the proposed arrangements for importation of this ore have been the subject of lengthy investigations by the company concerned. The current proposal to build a new unloading facility has been assessed by the company as the most desirable and acceptable solution. Naturally, before any approval is given to any new port facility for the Yabulu project, all environmental aspects will be considered in detail. Mr McElligott also mentioned that the company will be required to obtain a permit from the Great Barrier Reef Marine Park Authority for a new wharf facility. Unfortunately, I am not in a position to expedite any determination that that authority is required to make.

The alternative proposal to rail 4 million tonnes per year through Townsville to Yabulu, some 35 kilometres north, is surely undesirable. If an efficient port unloading facility can be constructed near Yabulu, most reasonable people would agree that such action is preferable to railing that amount of material through a major city. It may be unfortunate that this method of handling will not involve the same level of local labour as other possibilities, but maximising labour costs is not a logical basis on which to found an efficient enterprise.

The honourable member for Townsville East suggested that there was something sinister in the amendment to section 168A that allows the Government to discriminate against some ports as some sort of vendetta to penalise areas that are less favoured from a political viewpoint. I am afraid that I cannot take his remarks seriously. The Government has a great deal of pride in its port system and the people responsible for the operation. The honourable member can be assured that any changes in the spread of the levy will be determined on a fully objective basis along the lines which I have outlined so as to ensure that each port continues to operate as a thriving entity.

The honourable member's comments about the levy applying to the Townsville Port Authority are typical of comments made by someone who does not understand the basis of the levy. The levy is a charge to pay for services provided by the department to the shipping industry and port authorities, in particular. If the levy was not charged, the general tax-payer would be subsidising the cost of shipping transportation.

Members of the Opposition would surely not support the use of public funds when such costs could be collected from commercial interests. In the application of the levy, Townsville has been and will be treated no differently from any other port authority.

Mr Smith referred to the administration of the port of Townsville and made some unflattering comments about the members of the board. Let me put on record that the Townsville Port Authority board has my full support. I take this opportunity to pay tribute to the work being done by the board and by the chairman, Joe Defranciscis.

The honourable member referred to the lack of public boating facilities, particularly boat-ramps, in the Townsville area. My department, which administers the small-craft facilities program for the State, is aware of the need to provide additional sites for boat-ramps and car-trailer parking areas in close proximity to Townsville. A number of surveys of the Townsville region have been carried out. Suitable new sites are not readily available. However, if suitable land can be found by the Townsville City Council for the car-trailer parking area to service any new boat-ramps, funds for the construction of those additional boat-ramps will be provided.

In regard to Mr Smith's query about the proposed Yabulu unloading facility—I can positively assure the honourable member that, if the proposed facility is acceptable to all the responsible authorities, both operationally and environmentally, harbour dues will be charged by the port authority. With any new facility, the port authority, whoever it may be, is required to undertake certain responsibilities and possibly maintenance dredging, etc. It is therefore certain that some harbour dues will be charged, but they will naturally relate to the costs incurred.

The honourable member for Mulgrave raised the question of the operation of jet boats in the Russell River. This has been a very contentious matter because the Marine Board is primarily responsible for the safe navigation of vessels rather than determining whether the operations conform to town-planning aspects, which is generally left for the local authority to determine.

The Marine Board refused a request to operate the jet boats in a confined section of the river where, from the safety viewpoint, they would have needed virtually exclusive use of the river, but has now permitted their operation in the wider section of the river downstream of the Russell River Bridge on the Bruce Highway. The board's approval will be subject to compliance with all the requirements of the Mulgrave Shire Council and the river improvement trust; compliance with the requirements of the district engineer of the Water Resources Commission; and their operation will be confined to daylight hours. Further, there is to be no interference to other river-users. Radio contact will be required between the shore base and the boat to reinforce the safety aspects.

The approval is on a trial basis and will be recalled if any doubts arise about the safety of the operation in future. The jet boat will be subject to the normal speed limit of six knots when it is being navigated within 30 metres of swimmers or fishermen in the water, other non-moving craft, boating facilities or the banks of the river. That decision of the board obtains a reasonable balance between the requirements of the tourist industry and the entitlement of residents to the continued safe enjoyment of their local waterway.

The honourable member for Ipswich drew attention to the decline in coastal shipping services, which I agree has been a sad factor in the maritime history of this State. The Government did, of course, make strong representations to his colleagues in the Federal sphere when ANL discontinued its northern services, but to no avail. That was another unfortunate result of the wasteful and disruptive work practices on the waterfront. Any possibility of reviving that type of service depends largely on the return to a climate in which it is possible to handle cargo on an efficient basis and to be able to give an assurance of cargo delivery on a prescheduled basis. I hope that that is something that will evolve from the recent waterfront industry investigation.

The honourable member also mentioned the possibility of a roll-on roll-off coastal service. He will be pleased to know that the Port of Brisbane Authority is taking steps

to study the possibility of a trailer shipping service between southern States and Queensland. Again, any such service will obviously depend upon the ability to service the ships on an efficient basis.

The honourable member also referred to the need for a cruise terminal in Brisbane. Again, he will be happy to know that the redevelopment of the Cairncross Dock area includes a cruise terminal development and that there is another terminal proposal for the Hamilton side of the river. The completion of those developments should see Brisbane very well equipped to cater for cruise requirements well into the future. It will become the envy of many other destinations which have no alternative to handling their cruise vessels on a makeshift basis.

The honourable member for Bowen commented about the development of marina berths in Queensland. On Mr Smyth's figures the Government is performing well in that area. He claimed that, if the proposed marina developments proceed as planned, some 35 600 berths will be provided, whereas there are some 34 705 registered boats that are of a size to require a marina berth. If those figures are correct, the Government can be said to be very successful in that area.

Mr Smyth also criticised the Bowen marina presently being developed at the mouth of Magazine Creek. He expressed his concern at the possible destruction of mangroves involved with the project.

I would have thought that Mr Smyth would have been in support of the only major project that Bowen has seen since the Abbot Point coal facility was constructed. Bowen is crying out for development. Mr Smyth must be a member of a very small minority against that project. I am sure that the honourable member is aware of the very expensive and difficult creek diversion work that the developer is undertaking to ensure the mangroves upstream are not permanently damaged. The developer is using very competent professional engineers, Cardno and Davies Pty Ltd, to oversee the work. As only 1 per cent of the mangrove population in the Bowen area will be removed, I am surprised to hear that the honourable member is still against that project.

I was very pleased to hear the support of the honourable member for Port Curtis for the Gladstone Port Authority development proposal. At this stage, the proposal to reclaim land at Wiggins Island in Gladstone Harbour is only in the consideration stage. A detailed environmental impact study will be carried out and the view of all interested groups will be considered. It will be quite some time before any decision has to be made. The Gladstone Port Authority has been responsible in submitting its proposal at this time to allow plenty of time for detailed investigation.

I suggest that the professional manner in which the port of Gladstone is administered by the port authority and the responsible position taken by Mr Prest on the matter means that all parties have the opportunity to participate fully in the assessment process. That will ensure that that significant reclamation proposal is investigated properly before major decisions are made.

The honourable member for Redcliffe expressed his appreciation for the dredging works being undertaken at the Scarborough Boat Harbour. This is one area that has benefited from the special funds made available by the Government for boating facilities, which has enabled the completion of some of the Crown boat harbours that in the past have been developed on a stage-by-stage basis. These projects will not only provide a much-wanted facility for the boating and fishing industry but also will greatly enhance the general attractiveness of the areas in which they are situated.

Major expenditure from a similar source, in conjunction with private investment, will enable the completion of the harbour at Rosslyn Bay, while the harbour at Urangan has reached a stage that makes it sufficient for use by private enterprise as a basis for development without the injection of further Government funds.

The honourable member for Townsville adopted a more realistic approach to the Yabulu nickel ore imports. He appreciated the need to look for the most economic means of handling the imports and the size of the rail problem if the product were

brought through the port of Townsville. His suggestion of the use of the port of Lucinda is an interesting one and could well be considered by the company. However, it would also involve barging to cater for the size of vessel to be used for the ore shipments and would still require a significant rail haulage. Against this, it could avoid an additional investment in the trestle and berthing facility and could well be the subject of comparative studies.

I agree whole-heartedly with the honourable member regarding the calibre of the composition of the new port authority board, and I am pleased to see constructive planning coming forward in lieu of the continual conflict which preoccupied the previous board.

The honourable member for Lytton paid tribute to the work of the retired chairman of the Port of Brisbane Authority, the Honourable Max Hodges. Although I have already paid tribute to Mr Hodges' work, I support the honourable member's comments during the debate. Mr Hodges has given long and energetic service to the authority and has overseen an enormous amount of development during his period of chairmanship. It was also pleasing to hear the honourable member express his appreciation for the boat-ramp recently provided at Whyte Island.

However, the honourable member seemed to have an erroneous view of the effect of the amendments to section 86 of the Harbours Act. He appeared to be under the misapprehension that this amendment passed over to port authorities controls that were previously exercised by the Government through the Department of Harbours and Marine. That is not the intention at all. The purpose of the amendment is to allow developments that do not involve a large number of subdivisional allotments to be dealt with under the Harbours Act rather than the Canals Act. However, my department is responsible for the administration of both Acts, and the standards will not be relaxed irrespective of the statute under which the approval is given.

The main difference is that developments under the Canals Act involve a commitment on the part of the local authority to maintain the waterways in perpetuity, whereas developments which comprise, in the main, a boat harbour, will be appropriately maintained by the operator of the boat harbour. The local authority will, however, still be involved in the consideration of the proposal, as will now be required by the explicit provisions of section 86. The amendment does not affect in any way the decision as to whether competitive proposals will be sought for development areas. This is a policy decision to be made by the Government in the circumstances of each case where the use of Crown land is sought.

The honourable member also referred to the problem of the spread of tilapia through our streams. I agree that there is a need for action to be taken in regard to this matter. However, the expertise relating to the feasibility of countermeasures resides with the department of the Minister for Primary Industries. My department only has responsibility for policing the legislation laid down by my colleague through his department and for providing field information on which resource preservation decisions can be made.

Motion agreed to.

Committee

Clauses 1 to 36, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

Sitting suspended from 5.51 to 7.30 p.m.

QUEENSLAND INTERNATIONAL TOURIST CENTRE AGREEMENT ACT REPEAL BILL

Hon. B. D. AUSTIN (Nicklin—Leader of the House) (7.30 p.m.), by leave, without notice: I move—

> "That leave be granted to bring in a Bill to repeal the Queensland International Tourist Centre Agreement Act 1978, to make provision for the future use of the land the subject of that Act and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. B. D. AUSTIN (Nicklin—Leader of the House) (7.31 p.m.): On behalf of the Honourable the Premier, I move—

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

I seek leave of the House to table the Premier's speech and to incorporate it in *Hansard.*

Leave granted.

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

In the early 1970's, Mr. Yohachiro Iwasaki began purchasing land near Yeppoon on which to build a large international tourist resort. He approached Livingstone Shire Council and many Government agencies to progress his proposals. To co-ordinate the requirements of the various agencies involved, the Queensland Government decided in late 1977 to negotiate a Franchise Agreement with Iwasaki Sangyo Co. (Aust.) Pty. Ltd., such Agreement to be ratified by special legislation.

The Queensland International Tourist Centre Agreement Act was passed by the Legislative Assembly on 18th May, 1978, for the stated purpose of facilitating the development of an international tourist resort near Yeppoon offering tourist accommodation, visitor attractions and recreational facilities for both Australian and overseas visitors.

The Act authorised the Premier, on behalf of the State of Queensland, to sign an Agreement between the State and Iwasaki Sangyo Co. (Aust.) Pty. Ltd. This Agreement, as set out in the Schedule to the Act, established the rights and obligations of both the State and the Iwasaki company and was signed by both parties on 30th November, 1978. As a Franchise Agreement, it was intended to provide benefits to both the Iwasaki company and the people of Queensland.

The Agreement required the Iwasaki company to develop and construct the resort in four stages, each of five years' duration, and identified the types and numbers of buildings and facilities to be provided.

The total area of land covered by the Agreement was 8,276 hectares, comprising:—

(i) 5,200 hectares (or 65 percent of the total area) purchased as freehold on the open market.

(ii) 2,558 hectares held under Perpetual Lease Selection, Special Lease and Grazing Farm, which, prior to negotiation of the Agreement, the Iwasaki company had contracted to purchase. These have since been converted to freehold through standard freeholding practices.

(iii) 4 hectares contained in a Water Reserve which the Agreement enabled the Iwasaki company to acquire as freehold.

(iv) 248 hectares contained in a Special Lease over which the Agreement enabled the Iwasaki company to be registered as lessee and subsequently to be issued with a Deed of Grant.

(v) 266 hectares contained in two Special Leases over Lots 16 and 17, Parish of Woodlands, Country of Palmerston.

Therefore, of the total area covered by the Agreement, 97% is freehold land owned by the Iwasaki company.

The Capricorn Iwasaki resort opened for business on 1st May, 1986.

GOVERNMENT OBLIGATIONS

In entering into the Agreement with the Iwasaki company, the Queensland Government for its part undertook to:—

(i) enable the Iwasaki company to obtain land held by Livingstone Shire Council. This action was completed;

(ii) provide for certain roadworks to the entrance to the resort to be constructed by the State, at a cost to the State. These roadworks have been undertaken at considerable cost to the Government and the final stage of the four-lane highway linking Yeppoon with the resort entrance has been commenced;

(iii) grant the Iwasaki company exemptions from the Livingstone Shire Council Town Planning Scheme and from the provisions of the Canals Act. These exemptions were granted;

(iv) give the Iwasaki company a right to convert two Special Leases to Perpetual Lease tenure. These conversion rights were provided in the Agreement;

(v) vary the Laws of the State in relation to the control of certain matters, for example, beach protection, control of motor vehicles on the beach, certification of plans of survey. These variations were also provided in the Agreement.

IWASAKI COMPANY OBLIGATIONS

Under the terms of the Agreement, the Iwasaki company for its part undertook to provide:—

(i) a payment of $400,000, to be passed onto Livingstone Shire Council. This action was completed;

(ii) a public road to Landing Reserve R.11 on Fishing Creek. A road was constructed, but without consultation with Livingstone Shire Council. Some sections of the road are outside the road reserve and it has not been dedicated for public use;

(iii) a road through the resort land, with eight points of access to high water mark, parking facilities and pedestrian ways for use by the public between sunrise and sunset. A private road has been provided to the resort buildings. Only two of the public beach access points have been provided;

(iv) 77 hectares for use by the public as recreation area, between sunrise and sunset. This has not been provided;

(v) a resort complex of international standard which, when developed, would be of benefit to the local residents of the Yeppoon and Rockhampton districts and the people of Queensland generally, by providing a new outlet for the consumption of produce and manufactured goods of various kinds. Although rate of progress has been slow, construction of the resort to date has undoubtedly been of benefit to the local community and has provided another tourist destination on the Queensland coast.

FAILURES BY IWASAKI COMPANY TO COMPLY WITH AGREEMENT

As well as not providing all of the eight public access points to high water mark on the beach, the 77 hectares for public recreation areas, and the dedicated road to Landing Reserve R.11, there are further instances where the Iwasaki company has not complied with the provisions of the Agreement and I would cite the following:—

(i) the Iwasaki company did not complete Stage 1 of development of the resort by 1st April, 1984 or Stage 2 of development by 1st April, 1989;

(ii) the Iwasaki company has not submitted a programme of works for Stage 2 of development of the resort, or for Stage 3 which was to have commenced in this year of 1989.

(iii) the Iwasaki company has constructed picnic tables and shelter sheds in Lot 4 of R.P. 615922, the beach front allotment, within which no structures of any kind were to be erected;

(iv) the Iwasaki company has constructed the golf clubhouse, resort administration building, staff quarters and transport centre on a single lot, namely Lot 2 of R.P. 615921. A separate lot should have been created for each building, or relief from this requirement sought. It should be noted that all other resort buildings are located on a single lot (Lot 1 on R.P. 615920) under authority of an Order-in-Council of 3rd June, 1982.

(v) the Iwasaki company has constructed a formed 8 metre wide gravel road along the western side of the Spit. Part of the road is within the area held under Special Lease (SL 43968) by the Iwasaki company. The special conditions attached to this Lease required the Iwasaki company to use the leased land solely as a recreational nature preserve with development of the area to be restricted to works associated with this purpose and specified as walkways, trails, tree planting and irrigation. The greater part

of the road is contained in the esplanade and again no approvals were sought to construct the road on the esplanade;

(vi) the Iwasaki company commenced construction of a service station before a variation of Agreement to allow construction of the service station was sought by the Company. The variation of Agreement was subsequently authorised by Order-in-Council of 14th August, 1986;

Notwithstanding problems in giving effect to the provisions of the Agreement, it has to be recognised that the construction and operation of the resort has had a significant economic impact on the local community, creating a range of job opportunies and fostering the development or expansion of a number of activities, in addition to the significant flow-on effects of construction.

REQUESTED CHANGES TO AGREEMENT

I have mentioned earlier that changes have been made to the Agreement, by authority of Orders-in-Council, to allow construction of the service station and to enable construction of most of the resort buildings on a single lot. However, there is a limit to the extent of changes that can be effected by this procedure.

On 12th June, 1987, the Iwasaki company requested major changes to the Agreement, including:—

(i) extension of term of Agreement from 1998 to 2018 or 2038;

(ii) deletion of the provisions of the Agreement requiring construction of the resort in stages and substitution of provisions for the Company to develop the resort in accordance with programmes approved from time to time by the Minister;

(iii) change of the provisions to construct the remaining six points of public access to high water so as to construct these at some non-specified later times;

(iv) change of the provision requiring dedication of the road to Landing Reserve R.11 on Fishing Creek so that Governor-in-Council could dispense with the requirement;

(v) deletion of provision allowing leasing of land (and buildings) only to subsidiaries of the parent company (Iwasaki Sangyo Co. Ltd.) and introduction of provisions to allow leasing to any person for such purposes as specified in the Agreement or as otherwise approved by Governor-in-Council.

(vi) inclusion of provisions that leases with a term exceeding 5 years would not be regarded as a subdivision for the purposes of the Local Government Act and that Local Authority approvals would not be required;

(vii) inclusion of provisions to be able, with the approval of Governor-in-Council, to sell property which does not have access from a dedicated road or from a road constructed and maintained by the Company, that is, a private road;

(viii) deletion of the provision that property sold by the Company was to be excluded from the provisions of the Agreement;

(ix) deletion of the provision relating to the purposes for which land may be used so as to be able to use all land, except for the two Special Leases and the beachfront Lots, for any purposes consistent with the provisions of the Agreement or as approved by the Minister;

(x) deletion of the requirement that each building be constructed on a separate subdivided lot except where otherwise approved by Governor-in-Council so that there would be no restriction on the number of residential or commercial buildings erected on each lot except where restricted by Governor-in-Council.

These amendments as requested by the Iwasaki company were given consideration by Government, leading to a suggestion to the Iwasaki company that it could be an appropriate time to review the entire Agreement, especially in recognition of other changes since the signing of the Agreement in 1978 such as:—

(i) a downturn in economic conditions which prompted a re-assessment and deceleration of the construction programme by the company;

(ii) certain changes in the company's planning as to the future concept and form of the resort, with the company wanting more flexibility in its planning and provision of resort facilities;

(iii) the introduction in 1987 of new legislation, the Integrated Resort Development Act, to facilitate the establishment, operation and management of integrated resorts.

NEGOTIATIONS TOWARDS A NEW AGREEMENT

I met with Mr. Yohachiro Iwasaki on 6th August, 1988 to assess progress of the resort under the Agreement and to discuss the possibility of negotiating a new Agreement with greater flexibility but of benefit to both the State and the Company. I assured Mr. Iwasaki of my support of the concept of the Iwasaki resort and we agreed in principle to re-negotiate the Agreement. At these discussions, Mr. Iwasaki proposed a new programme of works that would include an international hotel, an international village, a second 18 hole golf course, a unit complex, and an airport and that these would be constructed and operational by 1st April, 1991.

Notwithstanding our agreement-in-principle to renegotiate the Agreement, arrangements satisfactory to the Government and Iwasaki company could not be reached.

As a consequence, my Government decided on 29th August, 1988 to proceed to terminate the Queensland International Tourist Centre Agreement, through repeal of the Act containing the Agreement, and to allow the Iwasaki company to seek application for future development of the resort to be considered under other legislation.

To this end, a Bill has been prepared to repeal the Queensland International Tourist Centre Agreement Act and, at the same time, to:—

- recognise as lawful the work done by the Iwasaki company on the site;
- protect the State from possible claims arising from the repeal of the Act;
- pick up "loose ends" from the existing Agreement such as construction of the road to the Landing Reserve on Fishing Creek and the continuation of the monitoring of quantity and quality of underground water reserves;
- revoke the two Special Leases held by the Iwasaki company and create Environmental Parks over the two areas.

Future development of the freehold lands held by the Iwasaki company will be subject to the provisions of the Local Government Act or the Iwasaki company may choose to use the provisions of the Integrated Resort Development Act.

DETAILS OF BILL

The Act is to be called the Queensland International Tourist Centre Agreement Act Repeal Act 1989 and it is to repeal the Queensland International Tourist Centre Agreement Act 1978 and to make provision for the future use of the land the subject of that Act and for related purposes.

Part I contains the preliminary sections of 1, 2 and 3 which indicate the short title of the Act, its commencement, and interpretation of terms used in the Act. The area subject to the Act is exactly the same as that covered by the Queensland International Tourist Centre Agreement Act, except for 2.5 hectares of land that have been resumed from the Iwasaki company by the Commissioner of Main Roads for road widening purposes.

Part II deals with repeal of the Act and validation of uses.

Section 4 provides for repeal of the Queensland International Tourist Centre Agreement Act; termination of the Agreement; cancellation of any commitments under the Act by the Queensland Government except as provided for in the new Act; protection of the Queensland Government from any claims for loss or injury as a result of the repeal of the Act; and removal of the memorial of the restriction upon sale from each of the titles and copies of titles held by the Registrar of Titles of land identified in Schedule I as held in fee simple by Iwasaki Sangyo Co. (Aust.) Pty. Ltd.

Section 5 validates existing use of land and provides for recognition as lawful of all capital improvements, works and uses generally carried out by the Iwasaki company on the site prior to the commencement of this Act.

Section 6 provides for the zoning of all lands held in fee simple by the Iwasaki company as shown in Schedule I as Rural "A" under the Livingstone Shire Council Town Planning Scheme except for:

(i) the area shown in Schedule II which has been developed for more intensive uses (such as accommodation, outdoor recreation, indoor entertainment, administration and service activities) and which is to be included in the Special Facilities Zone under the Livingstone Shire Council Town Planning Scheme with no purpose being designated at the time of commencement of this Act;

(ii) the area shown in Schedule III which comprises the two beach front lots and is to be included in the Special Facilities (Beach Protection) Zone of the Livingstone Shire Council Town Planning Scheme.

This section also provides for the Iwasaki company to make application to the Minister to have all or part of the lands in the Special Facilities Zone to be assigned designated purposes reflecting the uses or activities in existence. If such application is considered in order, the Minister can then recommend Governor-in-Council approval, refusal, or part approval of the application, by Order in Council.

This section also provides that all or any lands in the Special Facilities Zone for which the Iwasaki company does not make application, within six months of the commencement of this Act, for assignation of designated purposes, shall be zoned Rural "A" under the Livingstone Shire Council Town Planning Scheme.

Part III contains provision relating to construction of the road to the Landing Reserve. Section 7 provides for the Iwasaki company to survey, within three months of commencement of this Act and with the agreement of Livingstone Shire Council, the route for a road to link the Yeppoon-Byfield Road with Landing Reserve R11 at Fishing Creek.

The road is to be constructed within twelve months of commencement of this Act, to a standard specified by Livingstone Shire Council, and dedicated as a public road in exchange for the existing but unconstructed dedicated road.

Section 8 limits all dealings in land which is the subject of this Act (Schedule I) until the road described in Section 7 is surveyed, constructed and dedicated.

Section 9 deals with failure to construct the road and provides for Livingstone Shire Council to survey, construct and dedicate the road described in Section 7 should the Iwasaki company fail to comply with the provisions of Section 7. The costs and expenses incurred by Livingstone Shire Council in undertaking this work shall be a debt due and owing to Livingstone Shire Council by the Iwasaki company. Such a debt shall be registered as a charge on the land which is held in fee simple by the Iwasaki company and shown in Schedule I. The debt shall not be discharged from the land until such time as Livingstone Shire Council has certified that the debt has been discharged. All dealings in the subject land shall be prevented until the debt has been discharged.

Section 10 sets powers of entry and provides for the authorized entry on the subject land of representatives or agents of Livingstone Shire Council for the purpose of constructing the road as per Section 9.

Livingstone Shire Council representatives or agents are exempt from liability for compensation in the exercise of powers provided in this section or Section 11.

Section 11 deals with temporary occupation of land and provides for Livingstone Shire Council to be able to enter the subject land to repair or maintain the road constructed as per Section 9.

Part IV covers Environmental Parks. Section 12 provides for the termination of the two Special Leases with surrender to the Crown without compensation of Special Leases 43968 and 43969 (over Lots 16 and 17, Parish of Woodlands, County of Palmerston) granted to the Iwasaki company and all improvements thereon.

Section 13 provides for the termination of the Esplanade adjacent to Lot 16 Parish of Woodlands, County of Palmerston and for the Esplanade to become Crown land.

Section 14 provides for creation of environmental parks with Lots 16 and 17, Parish of Woodlands, County of Palmerston, and the former Esplanade as per Section 13 to be dedicated as environmental park under the trusteeship of the Director of National Parks and Wildlife. The area to be dedicated as Environmental Park is described in Schedule IV.

Section 15 provides the right of access to the environmental park by the Director of National Parks and Wildlife or his authorized agents together with machinery, vehicles etc.. Access may be on any existing or future road constructed on land owned by the Iwasaki company. Penalties are provided for any interference with the exercise of these rights.

Part V relates to supply of water. Section 16 deals with operation of wells and provides for the Iwasaki company to supply the Commissioner of Water Resources at nominated intervals with details of the quantity and quality of all water obtained from wells, springs or dams on the subject land.

If such information is not provided, the Commissioner of Water Resources is authorized to take all necessary action, including the entry to the land, to obtain the information. All costs and expenses incurred by the Commissioner of Water Resources in obtaining the information shall be a debt due and owing by the Iwasaki company.

Section 17 relates to duty to supply water and provides for the owner of any existing well, spring or dam outside the subject land to be supplied with water by the Iwasaki company at

its expense within a specified time. Water shall be supplied where, in the opinion of the Commissioner of Water Resources, a reduction in the supply or quality of water has been caused by any action of the Iwasaki company. The quantity, quality, and discharge rate of such a supply shall, in the Commissioner's opinion, be not less than those which would have been available if action by the Iwasaki company had not occurred.

Provision is made for penalty should the Iwasaki company fail to comply with the provisions of the section.

Part VI contains miscellaneous sections. Section 18 deals with operation of Acts and provides for the express application of various Acts to the subject land and hence removes the exemption from certain provisions previously granted by the Queensland International Tourist Centre Agreement Act 1978.

Section 19 deals with offences generally and contains general penalty and procedural provisions relating to offences against the Act.

Section 20 deals with evidentiary aids and contains provisions relating to evidence concerned with proceedings under the Act.

Section 21 covers regulations and provides for the making by the Governor in Council of regulations relating to the administration and undertaking of the Act, while Section 22 provides for the making of Orders in Council for the purpose of carrying out the Act.

I commend the Bill to the House.

Debate, on motion of Mr Prest, adjourned.

DAIRY INDUSTRY BILL

Hon. N. J. HARPER (Auburn—Minister for Primary Industries) (7.32 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to consolidate and amend the law relating to dairy produce and to the supply of milk and to promote the good order, management, welfare and development of the dairy industry and for related purposes."

Motion agreed to.

First Reading

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

Second Reading

Hon. N. J. HARPER (Auburn—Minister for Primary Industries) (7.33 p.m.): I move—

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

I seek leave of the House to table and to incorporate my second-reading speech in *Hansard.*

Leave granted.

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

The principal objectives of this Bill are to rationalise the organisational structure of the Queensland dairy industry and to reduce and consolidate both legislation and regulatory bodies dealing with the industry, specifically the Queensland Milk Board, the Milk Entitlements Committee and the Butter Marketing Board.

There has already been a significant rationalisation of the dairy industry at both producer and processor levels, influenced by the termination of dairy product equalisation and the introduction of other measures under the 1986 Commonwealth Dairy Industry Stabilisation Plan, as well as by the Closer Economic Relations trade agreement between Australia and New Zealand providing for free trans-Tasman trade in dairy products after 1 July 1990. In Queensland, generally speaking, there has been a progressive transition in the manufactured products area away from export to short shelf life products sold primarily on the domestic market. Queensland processors are facing increasing competition from southern manufacturers of dairy products, and I believe that competition will still further increase with implementation of the New Zealand trade agreement.

It is pleasing to see that the industry is responding positively to this more competitive trading environment and it is appropriate that the regulatory bodies and legislation be reviewed and consolidated to ensure maximum support is given to one industry as a whole to ensure not only its survival, but indeed its expansion.

The Dairy Produce Act and the Milk Supply Act are the principal instruments in the management and regulation of the Queensland dairy industry.

The Filled Milk Act provides protection for the market milk industry in Queensland by restricting the production of competitive products and the Margarine Act sets standards for margarine and provides for the imposition of quotas. This protective legislation is no longer appropriate in the present market environment. National uniform food legislation, which has been adopted in Queensland, prohibits the labelling of filled milk products as milk products.

The Bill provides for the repeal of the Dairy Produce Act, Milk Supply Act, Filled Milk Act and Margarine Act and the incorporation of relevant provisions of the Dairy Produce and Milk Supply Acts in a Dairy Industry Act. This Act will establish a Queensland Dairy Industry Authority as the principal controlling and regulatory body for the industry. The Bill provides for the Authority to have twelve members including representatives of the producer, processor and distribution sectors of the industry, members with specialist qualifications and a consumer representative.

The Bill provides for the authority to have responsibilities—

- to facilitate the operation of an efficient and competitive market-driven dairy industry in Queensland;
- to ensure that an adequate supply of high quality milk and dairy produce is available to meet demands throughout the State or within prescribed localities;
- to administer the quality assurance provisions of the proposed legislation including the maintenance of standards relating to milk and dairy produce, dairy produce premises, vehicles and equipment;
- to supervise the methods of production, transportation, processing and distribution of milk and dairy produce;
- to facilitate and co-ordinate marketing programmes to increase the demand for milk and dairy produce;
- to regulate the access by processors to markets for market milk;
- to ensure the proper administration of producer entitlements in prescribed areas; and
- to provide a pricing structure to enable the dairy industry to operate on a viable and efficient basis.

The legislative changes provide for the transfer of responsibilities relating to quality assurance from the Department of Primary Industries to the Authority. However it is envisaged that my Department will continue to provide quality assurance services to the Authority and industry on an agreed basis with increased responsibility in the area being taken by industry.

A function of the Authority will be to encourage the consumption of milk and dairy products by various means including market research, product licensing and promotion, and product research and development, as well as nutritional and educational programmes. Although it is, and must remain, the role and responsibility of free enterprise companies to develop their own marketing and promotional activities, the Authority will co-ordinate and facilitate that development as appropriate to its charter and in the interests of the total Queensland dairying industry.

The legislative changes provide for the abolition of the Milk Entitlements Committee with responsibilities relating to the control of producer entitlements and processor market milk access being vested with the Authority. The entitlements held by producers at present will be preserved and the Authority will be required to maintain a register of producer entitlements. Processors will have increased responsibilities for the administration of the entitlement system.

The entitlement scheme will be restricted to south-east Queensland, as at present, with provision to extend the system to central and north Queensland if requested by a majority of producers in those areas.

The Bill provides powers to the Authority to vary a processor's access to markets for market milk. The Authority will approve an objective method for determining the amount of increased market milk access to be retained by a processor as a consequence of that processor's direct effort in generating increased sales.

The Bill provides for the operation of milk franchise and licensing systems similar to those currently in operation to maintain controls over the production, transport, processing and distribution of market milk.

In that regard it is opportune to ponder the end result of increased interstate and international competition. We should not lose sight of the fragility of the franchising and quota systems bearing in mind Section 92 of our Constitution and the Closer Economic Relations agreement developed between the Federal Government and New Zealand.

The Bill also provides for the operation of an appeals mechanism for persons aggrieved by a decision of the Authority.

Although specific provision is not made in this Bill, it is proposed to utilise at the appropriate time the existing provisions of the Primary Producers' Organisation and Marketing Act to facilitate the dairy industry implementing more commercially oriented arrangements for the marketing of butter and butter products than can be achieved through the Butter Marketing Board as it now exists.

The streamlining of industry regulation, control and administrative procedures provides a substantial saving in resources whilst placing the industry on a sound basis to respond positively to challenges and opportunities being brought about by a changing market environment.

I am confident that the industry will more than meet those challenges of the future and that it has reached a point of consolidation from which expansion and prosperity will proceed.

I commend the Bill to the House.

Debate, on motion of Mr Prest, adjourned.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Hon. V. P. LESTER (Peak Downs—Minister for Employment, Training and Industrial Affairs) (7.34 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Industrial Conciliation and Arbitration Act 1961-1988 in certain particulars."

Motion agreed to.

First Reading

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

Second Reading

Hon. V. P. LESTER (Peak Downs—Minister for Employment, Training and Industrial Affairs) (7.35 p.m.): I move—

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

I seek leave to table the speech and to have it incorporated in *Hansard.*

Leave granted.

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

The introduction of this Bill should not be a cause for surprise for anyone. When the Government introduced the legislation in 1987 it said the concept of voluntary employment agreements would be permanent but there might be a need for a review of the detailed operation after 12 months. This was potentially necessary given the pioneering nature of the legislation and the fact that changes such as this had never been attempted by other Governments in Australia.

Keeping with its undertaking the Government has reviewed the legislation and is more than satisfied the concept is one that should be continued. There is however a need for adjustment to the processes by which these agreements are validated and operate.

The Government has strong faith in the philosophy underlying the concept of voluntary employment agreements. It is broadly accepted that there is a need for reform in the way industrial relations are organised in Australia. To an extent this is recognised in restructuring and efficiency proposals that are being pursued. However these in general are directed at reform

at the industry level whereas there is much to be achieved with an approach of micro reform at the enterprise level. Voluntary employment agreements are an ideal vehicle for this. They provide an opportunity for increased productivity with concomitant improvements in the quality of the working environment.

New enterprises should not have to live with the dead hand of the past and this can be avoided with judicious use of the reorganisation that is possible with a voluntary employment agreement.

Unfortunately many in the trade union movement have a blindness to these benefits that is caused by ideological hang-ups. If such an affliction is allowed to hinder progress we would all still be cave dwellers.

The Government is committed to creating in Queensland an environment where employers and employees can work in harmony in a way that is productive and provides equitable rewards. Such an environment is a vital element of the economic development that is a necessary stage in developing an even better Queensland.

Proposed changes cover a range of matters: some of them are basic and others are of a machinery nature. In examining the operation of the legislation and addressing criticisms that had been made by both users and potential users it was perceived that the current arrangements were too cumbersome and had created perceptions that militated against widespread use.

The intent of the amending legislation is to simplify procedures and to use the vernacular, to make it more "user friendly".

This is being done however against the immutable requirement that there needs to be a protection for all parties. Despite the criticism that could be expected from those with a vested interest, the range of protections has in fact been substantially increased.

On 6 April 1989 the President of the Industrial Court brought down a decision in the matter of a case stated by the Industrial Commission relating to voluntary employment agreements. In that decision the President said "It is not to be doubted that Part VIA is other than a valid enactment of the Queensland Parliament". Despite the thorough examination of the legislation that was part of those proceedings nothing emerged to suggest that there were any flaws in the legislative arrangements.

The basic purpose of the Bill is to amend the existing arrangements and this has been done by repealing the provisions of Part VIA and inserting new provisions. The following are the major changes to the legislation.

The Bill removes the Industrial Commission from any involvement in the initial approval of voluntary employment agreements. The new provisions will provide that agreements will be lodged with the Industrial Registrar for registration.

The Industrial Registrar in carrying out his responsibilities will be required to satisfy himself that the voluntary employment agreement complies with the legislation and is accompanied by a certificate from the Chief Industrial Inspector that a number of conditions particularly those covering statutory minimum wages and leave conditions have been included. This procedure will provide a quasi automatic registration of voluntary employment agreements.

The new arrangement provides a two-stage administrative process but arrangements will be made to ensure these are carried out expeditiously and delays will be m inimal.

Currently where the voluntary employment agreement is being made between the employer and his employees there has to be a minimum of 60% employee support for the agreement. The Bill lifts the level of support to 65% and accordingly provides an increment in the protection.

An important change is that where there is more than one employee a secret ballot will be mandatory to determine the level of employee support. Secret ballots can be conducted either "in house" or independently. Agreements filed for registration with the Industrial Registrar will need to be accompanied by a statutory declaration that a secret ballot was properly conducted.

There is a cooling off period of 7 days before registration can occur and where within that time at least 20% of the employees make a written complaint to the Industrial Registrar, he may direct that another secret ballot be held.

The existing legislation empowers the Commission to declare voluntary employment agreements void from their commencement on the grounds that any term or condition is:—

- unfair
- harsh or unconscionable

- against the public interest.

The Commission retains the jurisdiction to make such declarations but any such declaration will operate from a date not earlier than when the application was made.

The Commission will have the power to void an agreement in whole or in part and with the agreement of the parties to insert a new provision. This is an important change since it will allow for problem clauses of an agreement to be removed and other changes made without the need for the whole registration process to be repeated to keep a VEA viable.

Another important change is an enhanced role for Industrial Magistrates. They will have the power to find that a voluntary employment agreement was made in contravention of the Act. This discretion will allow the voiding of the agreement from the date it was made or at some later date. Where there was misconduct on the part of the employer it will be possible for the agreement to be voided to the date of its registration. In other cases the date will be the date of application for the voiding.

Where an agreement has been voided, the Industrial Magistrate will have the power to make an order for payment of wages up to the maximum that would have been payable under the award for the period of the agreement's operation. This creates a considerable potential penalty for any employer who attempts to use duress or any other unacceptable means to have a voluntary employment agreement registered.

If the defect that the Magistrate finds is technical or otherwise insubstantial it will not justify the exercise of the voiding jurisdiction.

The Bill clarifies those who can initiate proceedings to have an agreement declared void and restricts it to parties to the agreement, persons bound by the agreement and the Minister.

There has been considerable debate about the secrecy of voluntary employment agreement provisions. To address this the Bill authorises the Industrial Registrar to permit perusal of a copy of a registered voluntary employment agreement by a person authorised in writing for that purpose by an industrial union that has coverage of persons on whom the agreement is binding and has made written application to the Industrial Registrar to be allowed access to the particular agreement.

Provision has been made in the legislation for the treatment of occupational superannuation as a minimum condition that must be preserved. It will be possible for employers and employees to enter into a voluntary employment agreement that nominates a superannuation fund that is different to that specified under the award. However any replacement arrangement must provide for the same level of contributions and the scheme must meet the operational standards. This is a recognition of the increased importance of occupational superannuation and to ensure that the concept of freedom of choice is allowed to operate.

An important innovation in the Bill is the provision for the establishment and recognition of employee associations. These associations will have the benefits and responsibilities of an industrial union such as corporate status, a need for a constitution and rules, trustees, to report annually and audited balance sheets and accounts. In essence they will have to meet all the formal requirements that are imposed upon other registered organisations by the Act.

An employee association will owe its continued existence to a voluntary employment agreement. When a voluntary employment agreement ceases to remain in force, this will spell the end to the life of the association unless another agreement is registered within six months. The associations will not be able to appear in any proceedings before the Industrial Commission or an Industrial Magistrate, unless they relate to the voluntary employment agreement or the registration, property and business of the association.

There will no doubt be an evolutionary process flowing from this concept but it is hoped that over time they will become important bargaining units at the enterprise level.

Voluntary employment agreements have an enormous potential and provide more satisfying and productive working conditions. There is an opportunity for employers and employees to choose the arrangements that are mutually beneficial to them. All Queensland employers and employees are encouraged to adopt the concept and recognise that the Government is providing a chance for improvements in productivity and working life.

I commend the Bill to the House.

Debate, on motion of Mr Prest, adjourned.

DOMESTIC VIOLENCE (FAMILY PROTECTION) BILL

Second Reading

Debate resumed from 15 March (see p. 3801).

Ms WARNER (South Brisbane) (7.36 p.m.): I am pleased to take part in this debate. Much can be said on the subject of domestic violence and family protection. The Opposition does not oppose this legislation. In fact, it welcomes it.

Although I have a few problems with some of the possible effects or lack of effects of this legislation, in the main it is a very brave attempt to try to address a very difficult problem. Because of the level of publicity that has surrounded the whole question of domestic violence, I am sure that all honourable members would be aware that more people are likely to be subjected to violence from another family member in their own homes than they are in any other circumstances, which is a sobering thought. It is further sobering to note that the family is a predominant setting for violence ranging from the mild—verbal abuse and slaps—through to torture and murder and that one-third of all murders are committed by a relative. In 35 per cent of those cases there are reports of previous domestic violence. Seventy-five per cent of all women who are murdered are murdered by a spouse or a lover. Domestic violence ending in murder or murder/suicide has become all too commonplace in Australian society. In fact, it is regarded as a sociological phenomenon.

All the statistics and evidence lead us to believe that domestic violence is the most pervasive crime in our society. Yet, it is the most underreported crime. It is the hidden crime. I draw honourable members' attention to the fact that domestic violence is such a hidden crime that, as far as I can ascertain, it does not even rate a separate mention in the annual report of the Police Department. It comes under the heading of "Disturbances". On a number of occasions I have tried to ascertain some kind of verifiable statistics about the levels of domestic violence or the reporting of domestic violence in this State, but it is almost impossible to obtain those statistics. Consequently, when the domestic violence task force drew up the report, it had to resort to a phone-in from members of the public in an attempt to determine the level and prevalence of the crime. For a very long time we have been living with a quite untenable situation. I am pleased that the Government is doing something about it. For a long time the Opposition has been calling for action on this issue. However, it is better late than never. It is pleasing that this legislation is now before us.

The problem that has existed and still exists societally with domestic violence is that it is not generally seen as being as bad as other types of violence. Violent husbands are not referred to as criminals, as they should be, having committed a criminal assault upon their wives. They are referred to more euphemistically as errant husbands. It is that very perception of the crime that has posed so much of a problem for its incidence to be reduced.

The criminality of the violence is even questioned. Even the term that we all use to describe it, "domestic violence", is a euphemism for what is effectively criminal assault in the home. If it was criminal assault that was carried out anywhere else, it would be criminal assault. But because it occurs in the home it is referred to as domestic violence and therefore placed into a different category. The problem of terminology is in fact mentioned in the domestic violence task force report *Beyond These Walls*. That task force goes on to recommend that this legislation be called the Domestic Violence (Family Protection) Bill, which I think is somewhat of a misnomer. It should contain some suggestion that it is about assault; it is about assault to which women in the main are subjected.

One of the first comments that honourable members have been heard to make, which I think indicates the lack of education that exists even within these walls, is, "Oh, yeah, that is just for women, is it? What are we going to do to protect men?" I am pleased that the Bill is not gender specific and that the persons referred to in it are

referred to as an aggrieved person or a respondent, and therefore there is no discrimination between women and men.

Mr Sherrin interjected.

Ms WARNER: As the Minister has just interjected with some figures, men reported domestic violence in 7 per cent to 9 per cent of the phone-in cases. However, figures on that aspect vary, and in some other reports and studies the figures are much less than those that have been mentioned in Queensland. I suggest that the figures that are mentioned are only the tip of the iceberg, because they relate to the people who are sufficiently confident to ring up and say, "Look, this has happened to me." A large number of people are still ashamed of being a victim and therefore would not come forward to anybody, whether it be a task force phone-in, the police, a counsellor or even other members of their own family and say, "Look, this is what is going on." It is one of those hidden, difficult issues that have to be dealt with.

I have already mentioned that, in the main, society itself has enormous difficulty in recognising what is effectively wife-bashing as a crime. It is more likely to be regarded within a social welfare context that there is a whole range of other problems that have to be associated with it. Of course, other crimes are not treated in that way. It is not said that petty theft is a social problem and therefore it should be treated differently. But for some reason, domestic violence has come within that category. Its very existence within the Family Services portfolio rather than within the Police portfolio indicates that those levels of discrimination are still held when dealing with what is called a particular family problem.

We really have to address our own prejudices and pre-conceived ideas about what we consider domestic violence to be. We live in a world in which our heritage is that man traditionally has had the right to chastise his wife for what he considers to be unacceptable behaviour. As reported in *Beyond These Walls*, the very phrase "the rule of thumb" derives from the thickness of a stick that a man was permitted to use against his wife, which is an indictment of that common usage and that common understanding that a man had that right.

In other jurisdictions—for instance, in Victoria and New South Wales—there has been some disquiet and some critiques have been made about the way in which those States' domestic violence laws have been interpreted by the courts. I would imagine that the Queensland experience will be not very different from that. My next point is that it is all very well for us to have the best of intentions in introducing this legislation in terms of trying to do something about a very difficult and disgusting problem.

Jocelynne Scutt, who is a barrister and who has been involved greatly in the development of domestic violence laws, points out that a magistrate's personal attitudes towards marriage, which of course emerge from the societal feeling, may limit the effectiveness in providing protection against violence, because he will take this legislation and interpret it in the way that he understands the marriage relationship operates. Indeed, it is not just magistrates, police, social workers or members of Parliament but the victims themselves who often reveal attitudes that would indicate a high level of social acceptability of a husband's violence against his wife.

Many wives have suffered in silence, feeling that any recourse to external help would brand them, rather than the attacker, as the inadequate partner. One woman said in court, "Oh, he hit me a bit once or twice. He used to give me a bash. Nothing serious, just temper." It is those sorts of attitudes that we are trying to overcome. A recent survey showed that one in five of 1 504 people interviewed believed that it was acceptable for a man to beat, kick, hit or shove his wife. Given those attitudes, which indicate that violence is seen as an acceptable part of the "wear and tear of marriage", which is a quote from a magistrate, it is hardly surprising that magistrates have demonstrated an unwillingness to grant protection orders that prohibit such behaviours.

In 1957 in Tasmania, in Devitt, the court pronounced that up to a limit, spouses must take their partners as they find them. Similarly, a husband made no attempt to

deny his violence against his wife but said that he was provoked. Wood, SJ, held that the allegations of provocation were not made on the facts. He went on to state as follows—

> "... but if it did arise, its relevance would be that in so far as she complains of his violence towards her, then in so far as that violence is the direct result of provocation by her, then to a substantial extent she has in her own hands the ability to terminate the conduct of which she complains by not offering her husband provocation."

The husband's provocation turned out to be the area of the couple's sexual incompatibility and what was referred to by Wood, SJ, as the more serious area of the wife's adultery. He went on to state as follows—

> "Violence of a kind which has been practised towards his wife is totally out of keeping with present norms in society, and the civilised behaviour which is to be expected between people, and in particular between husband and wife. So far as the wife is concerned, she is blameworthy by reason of having committed adultery."

There is an implicit understanding that indicates that in the magistrate's view, adultery and violence are equally offensive; therefore, one justifies the other. I would suggest to the Minister that that is not the case and that this legislation should be designed to overcome that view.

These ideas all relate to the view that wives are virtually the property of their husbands, who have a right to keep their wives in line, using force if necessary. The main worry about this legislation is that, by themselves, legal remedies do not offer the protection that this Parliament intends. Another area of concern is the attitudes that prevail in the police force.

The experience of other States that have introduced laws and evaluated their effect is summarised in an article titled *The Victorian Experience* which was written by the Domestic Violence Working Group. The article refers specifically to the attitudes of police that I think honourable members ought to be aware of. It reads as follows—

> "It was envisaged when the legislation was enacted that the police would initiate the majority of orders to remove the psychological and financial pressure of taking court action from the victim. Thus, these new laws give police a clear role to act on criminal assault in the home ... Despite these instructions police have initiated only 32 orders out of a total of 1 476 in seven months since the legislation became operational.
>
> Further, police are failing to act on breaches of the orders once they have been granted by the courts. One constable reacting to claims that police were failing to act on breaches of orders was quoted in a local newspaper as follows.
>
> 'an arrest is obviously not made for just any reason because it meant taking away a person's freedom. If the accused made a phone call or wrote a letter to his partner, even though he had been prohibited from doing so under the terms of the intervention order, he would probably not be arrested. If, however, he continually went to the home or threatened his partner, he would be arrested.' "

The constable is saying that even though a magistrate has made an order after hearing all the evidence that prohibits certain behaviour and even though that order is designed to protect a woman from harassment or violence, the police will not necessarily act on the breach if they decide that the order includes conditions that are too trivial. Society's inbuilt hesitancy is indicated there.

When referring to a letter that had been written complaining that the Act was not being implemented properly, the Assistant Commissioner of the Victorian police said that the letter typified the hypocrisy of the anti-police lobby because the woman who wrote the letter had resisted police being given the tools to do their job, and had unrealistic expectations of firm police action in cases of domestic violence. He went on to state that domestic violence is a complex problem which will not be solved by locking

up every errant husband. He obviously had the idea that the husbands were just naughty boys, not actually criminals. The article *The Victorian Experience* continues as follows—

> "While nobody would deny the truth of this statement it demonstrates that police do not view criminal assault in the home in the same way as other crimes. All crimes are the result of complex social problems and are certainly not solved by law enforcement. In fact there are compelling arguments that in relation to some crimes, for example, drug use, law enforcement is actually counterproductive in solving the problem. It is not usual for the police not to prosecute offenders because they do not think that they can reduce the incidence of particular crimes through law enforcement or to have regard to the social origins of crime. Indeed if the police took this approach they may as well not enforce any laws at all because there is no evidence to suggest that the police have any influence on the incidence of crime.
>
> However, in the area of domestic violence there is evidence to suggest that police action does have an effect in reducing the incidence of violence probably because it demonstrates to the assailants that their actions are not condoned by the community.
>
> Police still frequently respond to calls for assistance (if they respond at all)"—

and I remind honourable members that this is in Victoria—

> ". . . by advising the victims to leave their partners. This attitude effectively punishes the woman for the man's criminal behaviour by requiring her to leave the family home. It also ignores the reality that many women stay in violent situations because of lack of housing options and the legitimate fear that leaving or the threat of leaving will provoke further violent attacks. One study found that in 46% of domestic killings of a wife by a husband, separation or the threat of separation was the precipitating factor. The period immediately before and after separation is recognised as a particularly dangerous time for women.
>
> As one woman commented: 'Is it any wonder I kept going back to him? With so little support and protection from the police, it is scary finishing that sort of relationship.'
>
> It is clear that police inaction in this area results from firmly held views about the nature of relationships between men and women in society and not the lack of police powers."

As I have already indicated, one of the problems with domestic violence is that Queensland's existing criminal law precludes this type of behaviour. Police can arrest people for attacking their wives under the existing Criminal Code, but the fact is they do not. Police are among the lobby group who have asked for this type of specifically protective legislation so that they can do their job. Okay, here it is; let us see if a better performance in terms of protection for women can be obtained as a result of giving police additional powers that they say are necessary.

I have no problem with the granting of those powers to effect the protection of women, because that is one of this Government's basic duties. For many years women have been the victims of crime, not only of a domestic violence nature, but also of many levels of attack and discrimination. This Bill does not go all the way towards addressing all those problems, but it is at least one brave attempt to do something about the issue.

One matter that is of some concern in this legislation—and not only in this legislation, but also in similar legislation enacted in other States—is that it falls somewhere between criminal and civil law. On the one hand, there is the civil level of proof which is a less-onerous level of proof than the criminal level, but on the other hand, the legislation actually deals with criminal assault. There is that ambiguity enshrined within the legislation which could lead into some hairy areas.

Mr Sherrin: Were you looking for "balance of probabilities"?

Ms WARNER: Yes, the balance of probabilities.

On the one hand, under this legislation the police have powers to take out protection orders as if it were a criminal matter, and yet on the other hand, no criminal penalties are attached to the breaking of protection orders under this legislation. This is a quasi-civil/criminal piece of legislation.

Mr Sherrin: There is a penalty.

Ms WARNER: I was referring to the report of the domestic violence task force which recommended that there not be this kind of a mixture.

If this works, I will totally support it, but the Government must be careful that this legislation is not significantly undermined by either the police or magistrates owing to the societal attitudes that I referred to previously. That does not mean to say that this legislation should not be enacted, but the legislation should be watched very carefully. I understand that the Domestic Violence Council will oversee the operation of the legislation, attempt to pick up any difficulties and put any necessary amendments before this House to streamline the effectiveness of the protection orders.

Earlier I spoke to the Minister concerning clause 31 covering police powers. That clause refers to "an aggrieved person". Under this clause a police officer attending a reported assault at a house and finding that a person is in danger of personal injury, may take that person's spouse into custody for a period of four hours. The person the police officer is protecting is described as "an aggrieved person". The definition of "aggrieved person" in clause 3, entitled "Interpretation", states—

> " 'aggrieved person' means a spouse for whose benefit a protection order is in force or may properly be made under this Act;"

The police officer himself has to make a determination as to whether or not the assailant is liable to a protection order under this Bill. He has to make that decision on the spot and I suspect that he would require a fairly high level of knowledge of the legislation to be able to make that sort of a determination.

That brings me to my next point. If the legislation is to work at all, Queensland must have very well trained, understanding, sympathetic and sensitive police to deal with these incidents. It will be a hard task in Queensland—and in any other jurisdiction—to obtain that level of training throughout the police force in any short period. Honourable members should not expect immediate dramatic results from this legislation, but, over a period of time as the basic message of this legislation sinks in—that is, that it is a crime to bash your wife—not only with police, but also with husbands and wives, the legislation might have some effect. Hopefully, this Bill is not the last word in legislative measures. If this Bill is inadequate, I hope that the Government will be open-minded enough to introduce further amendments to improve parts of the legislation. The Government will discover—as other jurisdictions have done—that there are limitations to the effectiveness of the legislation that is now before the House.

In my view, another area where the legislation is deficient is that it only offers protection to a spouse, meaning either a person who is married or someone who is living in a de facto relationship. This means that other members of the household who may be threatened by the violent behaviour are unprotected under these protection orders. There is a clause in the Bill allowing for children to be included under the protection order and providing that access to them be prevented. In granting a protection order under this legislation, magistrates must take into account the accommodation needs of the whole family, including the respondent. There will be a lot of fairly complex decisions for magistrates to make and, given the attitudes already existing amongst some magistrates, I am concerned about this clause. Any magistrate who is steeped in the traditions of common law would think it a very heinous crime to remove a man from the sanctity of his house. Those sorts of provisions may be overlooked when the matter comes before the courts.

So I am a little concerned that, because of those extenuating circumstances, women, children and other members of the household such as grandparents, or even elderly women who have adult sons who inflict violence upon them, cannot be protected under

this legislation. The task force recognised that as a problem and looked at the Victorian legislation, which covers that issue, but it said that, because those other members of the household did not ring the task force and make those complaints, it did not feel competent to make recommendations on that aspect. So the task force has left it silent. However, that is something that the book *Beyond These Walls* suggests that the Domestic Violence Council continue to keep an eye on.

The Victorian legislation quite clearly articulates what is a family member. The definition is—

> "The spouse of that person or a child of that person or a child of the spouse of that person or another person who is or has been ordinarily a member of the household of that person."

That provides a fairly clear categorisation of the sorts of people who can be covered.An article by Richard Ingleby entitled "The Crimes (Family Violence) Act 1987 a duck or an emu?" refers to the ambiguity between criminal and civil law. It points out—

> "But the Crimes (Family Violence) Act further extends the availability of injunctive relief to protect de factos, and there is no need for those who are married to conceptualise the proceedings as a 'matrimonial cause'. The definition of 'family member' in the Act extends the availability of remedies to a wider category of persons than those who would qualify under 'de facto' legislation such as the New South Wales De Facto Relationships Act and the Victorian Property Law (Amendment) Act. But although the need to demonstrate a 'living as husband and wife' relationship has been removed, the availability of relief is unclear. The phrase 'ordinarily a member of the household' gives rise to difficulties. What constitutes a household? What constitutes being 'ordinarily a member' of it? Are students sharing a house a household? Are those same students members of the household of the families in which they grew up, to which they might return during vacations?"

He goes on to point out—

> "The State legislatures seem to be struggling between the desire to provide remedies for those considered to need them, and the perceived need to limit the range of applicants. Yet it is difficult to see why there should be any restrictions on the grounds of residency or relationship if the rationale for the legislation is the protection of the person. If orders are only available on the grounds that they are necessary for protection, why should applicants have to prove the existence of facts which do not directly relate to the need for protection?"

It goes on to argue that legislation with those categories that I previously outlined is perhaps better than legislation that limits the definition. That is an important point. If a person has to prove that there is a marital difficulty, that goes against the purpose of the Bill, which is that all that has to be proved to get the protection is that violence is occurring, that it does not really matter what the relationship is with the person who is providing the violence. Therefore, our legislation should be particularly broad to cover the numbers of people who may very well suffer. To leave anybody unprotected is at this stage unnecessary. I think the Government will have difficulties with it. There will be difficulties with young children, adult children, grandparents and other family members, who under this legislation are not protected.

One of the difficulties that I have heard mentioned with this legislation is the facility that is given to police to initiate prosecution. As I understand it, this stems from the fact that in a large number of cases of domestic violence an incredible amount of psychological pressure is placed on the victim, which prevents the application for protection under the law as it exists. If police require the permission of victims before proceeding, the same psychological pressure will be applied to prevent the victim granting that permission. To require that the aggrieved person needs to give permission just takes the psychological pressure one step further, because they could very well be pressured by the respondent, who might say, "If you give permission for the police to take out this protection order, I'll break all your bones." That is the sort of threat that women have had to countenance.

The whole area is quite complex. We will not deal with all the ifs, buts and maybes in one night or in one sitting. I take this opportunity to commend the Government on the production of the report by the domestic violence task force. I think *Beyond These Walls* is an excellent piece of research, which is much needed and, given the evidence from other States and other countries, somewhat late. Nevertheless, it is a very worthwhile and useful document that can be used into the future to determine policies on these matters. At last we have some hard knowledge to go on.

What we further need is the total co-operation of the police force in implementing this legislation. What we also need is not just the idea that the police will do it because they are nice people, but the police have to be given considerable resources to do it. They have to be given personnel with the specific training, which will cost money. I hope that the Government is broad-minded and magnanimous enough to make that money available to the police to make sure that those duties can be conducted in the same spirit in which this legislation has been framed.

I wish to deal with statistics and general societal knowledge. As I pointed out, the report of the Police Department does not seem to mention domestic violence or criminal assault in the home in any specific category. That is a mistake. As police are called upon to enforce this legislation, those incidents at least should be recorded for us to be able to make some kind of assessment of the effectiveness of the legislation, how many people we are helping and how many people the protection orders fail to help.

We need to know exactly how the legislation is performing the task of preventing domestic violence. We are at a bit of a disadvantage in that we do not have the hard statistics from the past—prior to legislation—of how many incidents of domestic violence occurred except for the phone-in and the assessments that have been made. So we take that as the norm and we go on to evaluate the operation of this legislation with continuing understanding of the incidents that it helps with and the incidents that it is inadequate to deal with—and those incidents will occur.

I conclude by commending the Bill to the House. I hope that improvements will occur as a result of its implementation.

Mrs GAMIN (South Coast) (8.09 p.m.): Not only does domestic violence cause untold suffering to its adult victims, it also has an extremely damaging effect on children. Of the 580 respondents to the phone-in associated with the task force on domestic violence who had dependent children in the household during the period of the violent relationship, 90 per cent said that the children witnessed the violence. Sometimes it is the children who actually call the police for assistance. And 11 per cent of respondents to the phone-in who said that police had been called reported that it was one of the children who called the police.

Children in those violent homes are often forced to assume responsibilities well beyond their years. It is not unusual for victims to report that it was the emotional and practical support of an older child that sustained them at those times of violence, and it led them to eventually leave that violent relationship.

Children are sometimes abused by the violent spouse. Indeed, they are often abused. Of the 580 respondents that I previously quoted who had dependent children, 68 per cent said that their partner was also abusing the children.

Pregnancy does not provide a respite from abuse. In fact, abuse in a relationship often begins during pregnancy, or escalates during that time. Battered women are three times more likely than non-battered women to be pregnant when injured.

Witnessing violence between parents provides the worst possible learning model for children. Children are quick learners. They soon learn that the only way to cope with stress is through the use of violence. It is quite possible to love someone, and to physically injure them—although "love" is perhaps not quite the right word for that sort of relationship. Some people think that it is legitimate to use force to accomplish their goals.

Many factors influence the future behaviour of children in adult life. Behavioural conduct and emotional problems that have been identified in child witnesses of parental violence include—

- nervous and withdrawn demeanour;
- increased levels of anxiety—that shows up in both boys and girls;
- increased mental problems such as depression;
- adjustment problems, few interests, fewer social activities and low performance levels;
- lower rating in social competence, particularly for boys;
- reduction in ability to understand social situations, including thoughts and feelings of people involved;
- bed-wetting; and
- inability to form stable relationships when older.

Some studies show up other behaviour such as excessive cruelty to animals, mimicking aggressive language and behaviour in play, teenage boys beating up their girlfriends, and running away from home.

Children are our future. The fear, the terror, the confusion, the extreme sense of helplessness experienced by children who witness spousal violence must in themselves prompt responsible adults to action.

Domestic violence must be controlled. It is an outrage. The adult victims are often horribly injured. Families are the unit of our society charged with the responsibility of caring for, protecting and nurturing our children. When one parent is being physically, sexually or emotionally abused, how can the children feel safe and secure?

Domestic violence is undermining positive family life, which is so necessary if our community is to be strong. Ultimately, it is our families and the quality of life that they enjoy which demonstrates the quality of life for our community as a whole.

So far, I have chosen to speak on the effects of domestic violence on children. Domestic violence, with its pain and its terror, has obviously damaging effects. This Bill has as its intention not only the protection of a person against whom violence is committed or even threatened by his or her spouse, but also the prevention of such behaviour that is so disruptive to family life.

Steps must be taken to call a halt to the violence. Therefore, protection orders are included in the Bill. What can protection orders achieve? What kinds of restrictions or prohibitions can a Magistrates Court impose?

The Bill is drafted to allow magistrates to tailor-make orders to suit a particular case. That approach ensures that—

- the order specifically addresses the behaviours that are causing harm;
- the order does not unnecessarily interfere with other behaviours or life-styles which are not causing harm; and
- the order is focused and precise, so that the persons subject to the order are left in no doubt as to what behaviours, if repeated, will constitute a breach.

A protection order may require a respondent to desist from domestic violence and be of good behaviour. It may prohibit specific behaviour of the respondent, that is, not to threaten the spouse with any household object, not to damage or destroy household goods or not to telephone the spouse at the place of employment. It may prohibit or restrict the respondent from approaching or making contact with an aggrieved person. Magistrates, for example, would be able to prohibit a respondent from approaching within, say, 400 metres of an aggrieved person's home, from harassing the other by sitting outside on the footpath all night, from causing disturbance, or from entering the home or the workplace of the aggrieved party.

The Bill also provides for "ouster orders", that is, where the magistrate can order that the respondent vacate the family home. That would be done only after considering the effect that such an order would have on any children and on the accommodation needs of both parents.

Protection orders could be made in circumstances in which the couple are still residing together. In many instances, the order will apply to couples who have separated. It is often during the period following separation that violence increases and protection orders are most needed. Protection orders can be for a duration of up to 12 months. The Bill contains provision for the conditions of orders to be varied or revoked.

Domestic violence is not a problem to be solved by breaking up families. On the contrary, most women do not want that. All they want is for the violence to stop. The first wish of women who suffer in this way is to keep their families together. Wherever possible, this legislation will achieve that aim of keeping families together but will also provide ways and means for the violence to stop. It will provide help for those women and children who are the victims and then provide the means of dealing with the perpetrator of the violence. It will provide assistance for him to cope with his problems and frustrations without resorting to violence.

The Bill provides protection for the victims and restraint of the perpetrators. It is good legislation. I commend the Honourable the Minister for the work that he has done, and I commend the domestic violence task force for the enormous amount of background information provided to help deal with this problem.

The legislation has come about from the report of that task force on domestic violence entitled *Beyond These Walls*, which ran to more than 500 pages of horrifying reading. The human suffering revealed was truly staggering.

Domestic violence, of course, is not new. To be frank, legislation alone will not take it out of our community. It is a problem that has been around since the beginning of mankind—ever since man first started to work out his frustrations, his worries and his own inadequacies by belting up his wife and children. It is a problem that has long been hidden behind closed doors and kept secret as something shameful—and it is shameful. Only now are we discovering the extent of the problem, how it is often exacerbated by alcohol and how it extends over the broad spectrum of social and economic conditions.

This Government is taking steps to put together a package of reforms that can provide improved protection for victims from further violence and abuse. A domestic violence awareness program is already in place which provides financial assistance to professional groups and agencies to improve the skills and knowledge of service-providers who work with victims, perpetrators of domestic violence and the children who witness the violence. Recently I have been pleased to give my support to the St Vincent de Paul Society in my area, which has applied for a domestic violence community education worker to be attached to Majella House in my electorate, which is the only women's refuge between Brisbane and northern New South Wales.

Domestic violence is a community problem. If it is to be properly addressed, the community must face up to the reality of its existence. It must accept the problem and also accept that it is the community itself that must make the commitment to tackle the problem. I support the Bill, and I commend the Minister for this initiative.

Only yesterday, some of the information and material prepared by the Office of the Status of Women from the Prime Minister's Department was delivered to my office, together with the discussion and resource kit prepared for community and professional groups and individuals. Much of this work, statistics and information come from the Queensland domestic violence task force report *Beyond These Walls*, as well as from other sources. I will quote some sections of the brochure that is being distributed. It states—

> "Domestic violence occurs when family quarrels and other conflict is replaced by threatening behaviour, harassment, bullying and bashing—violence which nobody

should have to put up with at home any more than in a pub, in the street or at work. Domestic violence is destructive for women, children and families.

It is the most common form of assault in Australia.

Up to 90% of domestic violence is carried out against *women* by the men with whom they live.

Police receive more calls for help for women in danger from violence than for any other single cause.

. . .

- nearly 50% of people know someone who is affected by domestic violence
- over one third of people refuse to talk about it or get involved in any way
- up to 80% of homicides in Australia take place between those familiar with each other—violence can lead to murder
- one in five people think domestic violence is acceptable

. . .

one in three wives is likely to be subjected to domestic violence at some time in her life.

. . .

domestic violence occurs at all levels of society in all cultural groups and at all ages. Old women are increasingly vulnerable.

. . .

physical assault is a crime, as much inside as outside the home.

. . .

battered women are often isolated and economically or emotionally dependent. They lose confidence in themselves. They don't want to break up the family. They keep hoping that the bashing will stop and often they are terrified that if they leave they will be pursued and punished further."

Although alcohol is sometimes a factor, the brochure states—

". . . many bashers are not drunk when they hit. Even if they are, drunkenness is neither a cause nor an excuse for violence . . . there is *no* excuse for violence and no one deserves to be bashed. We do not blame the victim for other crimes . . . domestic violence is often the cause of separation and divorce, though separation does not guarantee a woman's safety."

I am pleased that there is a liaison between the State and the Territory Governments with the Federal Government in the national domestic violence awareness program.

This Bill deserves whole-hearted support from both sides of the House and from the general community.

Mr CAMPBELL (Bundaberg) (8.22 p.m.): I join with other members of the Opposition in supporting this Bill. We hope that it does fulfil the requirements and the needs of families in Queensland.

Many members of the Government have quoted statistics that reveal the high incidence of domestic violence. I believe it is very important that this legislation works. There is nothing much more distressing for a member of Parliament than to have the victims of domestic violence call at his office seeking help because, in the past, the victims of domestic violence have been unable to get the protection that should be provided by the law, by the Government and by the people of this State.

Orders could have been made under other Acts, but they just did not work. I do not know if the protection orders proposed under the Bill will work. More protection orders will be made because the onus will be on the police. However, the enforcement of those orders will be very important. In the past, it was up to the wives or to the

people suffering domestic violence to obtain protection, but now the onus will be on the police to provide the protection.

At present, an order for the protection of a wife cannot be enforced. The police do not want to go near domestic violence for one very good reason—that more police are killed in the investigation of domestic violence than in any of their other duties. Therefore, police are reluctant to investigate complaints about domestic violence.

If a protection order is made, how do the women or the people whom the Government is trying to protect get the police to investigate a complaint? Most of the women suffering the problems caused by domestic violence do not have a telephone. First of all, how do they contact the police to say that somebody is violating a protection order that has been made? Secondly, in country areas such as Bundaberg, police are not available to provide full-time protection. In the whole Bundaberg district, after 12 o'clock at night only one patrol car is available to provide protection. Suddenly, a frantic woman may ring up and say, "My estranged husband is where he should not be, threatening my children and me." The nearest police car with anyone who can do anything about it may be 40 kilometres down the road. That is one of the problems that I foresee.

Although the protection order is a good initiative and many of them will be issued, I do not believe that the necessary protection can be provided. One problem that has been encountered is that, even when police arrive at the scene of domestic violence, they cannot obtain proof of any allegations that have been made. That has always been a problem—it is usually one person's word against another that threats have been made. It is very important that the enforcement or policing of protection orders be examined.

The wheel has turned in the whole area of domestic violence. Last century, in the British Parliament an Act, which was known as the rule of thumb, was passed. That Act of Parliament stated that the instrument with which a husband could inflict violence was one that was no thicker than the thumb. The other rule was that, in order to take the neighbours into account and to ensure that they were not upset, such an action should not be carried out after 10 o'clock. It is interesting that in 1989 the Domestic Violence (Family Protection) Bill has been introduced——

Mr Comben: You shouldn't have said that. He might adopt it as policy.

Mr CAMPBELL: I do not think that the Minister will adopt that as policy, but I believe that it is very important that we deal with the practicalities of the legislation.

The legislation is welcomed by members of the Opposition. However, they are concerned about the practicalities of enforcing it, which will be the hardest aspect of the whole Bill. Only two policewomen in Bundaberg could possibly be called upon in a situation in which the woman's touch will be required. That means that in most instances they will not be able to be called upon in circumstances of domestic violence. Because the orders cannot be policed, I hope that, as happens under the Family Law Act and other legislation dealing with provisions relating to good behaviour when acts of domestic violence occur, the protection orders will be enforced fully. It is usually the poor women without the resources of a telephone or a car or the resources to leave their home town who will suffer under protection orders. In those three areas facilities and resources are needed to implement the good aspects of the legislation.

I hope that the action that we are taking does not finish here tonight with this legislation and that the resources are provided by the Department of Family Services and the Police Department so that safety, security and compassion can be given to those members of Queensland families who are suffering domestic violence.

Mrs McCAULEY (Callide) (8.29 p.m.): I support the Bill and commend the Minister for his prompt action in introducing legislation of this kind. Honourable members will recall that, in October last year, the report of the Queensland Domestic Violence Task Force was released. The report was based on extensive inquiries, over a 12-month period, into the problem of violence between spouses.

The horrific violence and abuse reported to the task force by Queensland victims highlighted the need for better legal protection. The call by victims of domestic violence for better laws was repeatedly echoed by police and service-providers, such as marriage and family counsellors, staff of women's refuges, doctors and lawyers.

The Bill deals with the complex and sensitive area of violence within marriage. It is a subject that as a community we have all preferred to ignore. Last week, I and probably many members received a letter from a man named, I think, Arthur Tuck from somewhere on the north coast. He said that the legislation was very socialistic legislation and asked what we were doing putting it through the House. I believe firmly that the legislation overrides party policies. It is probably the only subject on which I will ever be on record as being in agreement with Bob Hawke.

It has been easy to turn a blind eye to domestic violence or to say that it is a private family affair. Those in our community who want to perpetuate those attitudes fail to understand the true nature of domestic violence in our community. They fail to understand its damaging effect on the victims, their children and family life in our community. Ignorance is no excuse for inaction.

Let me refer to some of the information that was provided to the task force by victims of domestic violence. It is vital to an understanding of the intent of this Bill that we grasp the nature of violence and abuse which it seeks to limit and prevent.

The task force received information from in excess of 800 Queensland victims of domestic violence. I stress that they were Queensland victims. Whereas the task force drew on research work and reports from interstate and overseas, it is important to appreciate that the findings relating to the nature of the violence were drawn from Queensland victims. This is not a case of, "It is happening in New York or London, so it might be happening here." It is happening here.

During a phone-in that was conducted over four days in April of last year, 661 Queensland victims provided detailed information which is all set out in the task force report. For those honourable members who think that domestic violence is just an argument that got out of hand or a once-in-a-life-time push or shove, they should think again. Statistics reveal that 36 per cent of phone-in respondents who said that they were physically abused reported that physical abuse was occurring more than once a week. Of those who reported sexual abuse—45 per cent said that it happened more than once a week. In 76 per cent of cases, emotional abuse, which so often goes hand in hand with physical or sexual abuse, was occurring more than once a week. Looking at it another way—almost half of the 661 victims endured violence for between 3 and 10 years; 94 victims suffered violence for more than 20 years; and for 10 per cent, only one year of their relationship was abuse free.

Domestic violence is not a mere marital tiff that got overheated. The physical injuries that are reported by victims are horrific. Most victims reported multiple injuries; 30 per cent reported four or more types of injuries. Referring to the statistics—bruising and bleeding were most frequently reported in 61 per cent of respondents; facial injuries were reported in 35 per cent of cases; head injuries were reported in 27 per cent of cases; fractures were reported in 22 per cent of cases; and loss of consciousness was reported in 10 per cent of cases.

As can be seen from the following cases, the physical injuries are serious—

Victim 1: Head pushed through wall resulting in a fractured nose and loss of consciousness.

Victim 2: Fractured skull, broken ribs, teeth knocked out and stitches in hand wound.

Victim 3: Fractured nose, jaw and cheek-bone, injury to spine; always on tranquilisers.

Victim 4: Lost hearing due to blows to head, knife wounds to breasts, every one of her teeth broken.

Victim 5: Eye haemorrhage—six weeks' hospitalisation; two miscarriages following violence.

With those sorts of injuries it is no wonder that over half of the victims—54 per cent—reported that the violence resulted in permanent damage to their health.

Last week I had a telephone conversation about this Bill with a constituent who said that he felt that it was wrong in that it did not take provocation into account. I believe firmly that provocation of any sort is no excuse for such appalling and dreadful violence.

The injuries that were reported by Queensland victims of domestic violence parallel the findings of major research conducted in emergency surgical units in the United States. That research revealed that abusive injuries tended to be clustered around the head, neck, face, throat, chest and abdomen, whereas non-abusive injuries tend to be to the extremities—elbow, hand, forearm, hip, knee or foot. In order to help doctors diagnose battered wives, a body map showing statistically the likely location of injuries has been developed.

I have spoken at length about the physical injuries, but it is the emotional abuse which victims say is so hard to deal with. It is also the most common form of abuse. Emotional abuse covers a wide range of behaviours including verbal denigration: "You're a lousy mother. No-one else would have you"; harassment—multiple phone calls each day to check on whereabouts, daily inspections to check on house-keeping and the expectation that every cent is accounted for; threats to harm pets or children—they are self-explanatory; destroying possessions—burning clothes, smashing gifts of sentimental value and tearing up photos; and the restricting of social contact—not allowing any visitors and allowing the victim to leave the house only with a partner.

Other behaviours that defy categorisation and which were reported to the task force included victims who were locked out of their own homes at night and forced to sleep in the back yard or in the garage. Some years ago everyone in my street had personal experience of such a case involving a family that lived in the street. When we went out in the morning we were never sure whether the wife would be asleep in our garage, under somebody's house or in their laundry. Like a stray cat, that woman found a home wherever she could around our neighbourhood. That situation impacted severely on what was really a very quiet street. We had not experienced that sort of thing before, and it very strongly brought the issue home to us.

As to other victims—one person was chained by the ankle to the refrigerator with a sufficient length of chain to permit her to do the housework and care for the children. Another victim's refrigerator was padlocked during the spouse's absence.

It is hard to imagine that that sort of violence and abusive behaviour are a daily occurrence in family homes throughout this State. Our views about the essence of marriage as a loving partnership are affronted when we learn of violence behind closed doors and realise that children are witnessing that violence. The honourable member for South Coast, Mrs Gamin, very adequately covered that aspect. As a responsible community, we simply cannot turn a blind eye to this violence.

The best estimates of the incidence of domestic violence available from the work of Gellies and Strauss in the United States indicate that between 3 per cent and 4 per cent of all married women are seriously and chronically battered. There have been no Australian incidence studies, but by translating those figures to Queensland's population, it is estimated that about 15 500 Queensland women are chronically battered. The studies would further indicate that 52 000 Queensland women would have been physically, emotionally or sexually abused by their partner in the past year. Between one-third and one-quarter of all marriages experience domestic violence during the life-time of the marriage. Based on Queensland's population, that means about 170 000 marriages.

Men, too, are victims of domestic violence, but all the studies show that, overwhelmingly, women are the victims. Men account for between 5 per cent and 9 per cent of all cases of domestic violence.

The realisation that domestic violence is rarely an isolated, one-off incident has prompted considerable study. The experts have identified what they call the cycle of violence, or the spiral of violence, which occurs in many of these violent and abusive relationships. There are five phases in the cycle.

The first is the build-up phase, which is characterised by an increase in tension between the couple. This build-up in tension may result from long-standing and unresolved differences between the partners or may be the result of work-related stress or feelings of personal inadequacy. In well-functioning marriages, couples have developed a range of conflict resolution skills to enable them to manage these tensions.

In the abusive relationship, however, the conflict is unresolved and the stand-over phase is entered. Here the abusive partner uses threats and verbal abuse to frighten and control his or her spouse. Then comes the explosion of rage and the assault is usually carried out with a sense of self-righteousness—"You knew what was coming. You got what you deserved"—thump.

The remorse phase then follows. The perpetrator is ashamed of his behaviour and afraid of its consequences. It is often reported that in this phase the perpetrator may verbally deny the seriousness of the assault, saying, "It was just a shove."

In the pursuit phase, also known as the buy-back phase, the perpetrator attempts to avoid the consequences of the behaviour and to secure the continuation of the relationship. Victims report that in this phase they are showered with chocolates, flowers and promises such as, "It will never happen again. I will go for counselling."

Then the relationship moves into the honeymoon phase, which is characterised by a high degree of intimacy. The couple, having come close to separation, cling to each other.

Because only some of the original difficulties have been addressed, after a while the tension again builds up and the cycle begins again. This cycle can be repeated over and over. In many cases, the violence continues to escalate. Those who work with victims and perpetrators of domestic violence and have researched these dynamics agree that generally the violence does not cease spontaneously. Usually, radical intervention, which generates a crisis, is required to disrupt this cycle. Examples of the kind of intervention required are a marital separation, police intervention or the intervention of an older child.

This Bill provides for victims of domestic violence, police officers or, with leave of the court, a person on behalf of the victim to apply to the Magistrates Court for a protection order. The making of a protection order provides another option for breaking the cycle of violence. A protection order will have the effect of imposing restrictions or prohibitions upon the behaviour of the abusive partner. When a protection order is made, there is a clear message to the perpetrator that further violent or abusive behaviour will not be tolerated and that continuation of such behaviour is a breach of the protection order and will result in a criminal charge. Protection orders will assure victims that violence will not be condoned and that our police and the courts will act if this behaviour continues.

In some cases, the making of a protection order will be sufficient to end the violence, because the abusive partner will, for the first time, realise that no longer will the victim be the one suffering; there may be a hefty fine to pay or even a term of imprisonment if the violence continues.

In other cases, the order will motivate the perpetrator to seek professional help to stop the violent behaviour. Several treatment programs for men who are violent towards their wives have already been established. More are needed. There will of course be cases in which the protection orders will benefit victims and their children who have fled the family home. The orders will restrain the abusive partner from continuing persistently to harass and terrorise them at their new home.

Although it is clear that protection orders cannot and will not totally rid our community of domestic violence, they provide an effective measure to restrain abusive

behaviour and deter family violence. The Bill has a strong deterrent emphasis. It also seeks to afford legal protection to those who in many cases have suffered for so long.

I am aware of concerns that this Bill raises in relation to civil liberties, and to a degree I share those concerns. However, I believe this problem of domestic violence is such that these measures have to be introduced. The Minister has said that, if it is necessary, the legislation will be fine tuned.

Marriage and family life are the foundation of our community and must be protected. Clearly, the victims, the adults and their children, are not expendable. Can we, as a community, morally afford to sacrifice the victims and the children when so many families are affected by domestic violence? If we tolerate violence within the family, might not future generations become even more tolerant and accepting of violence in the community generally?

An article on domestic violence appearing in today's *Courier-Mail* stated clearly that children of violent parents grew up to be violent. This Bill is an essential step in tackling violence between spouses and in protecting family life. I strongly support the Bill.

Mr INNES (Sherwood—Leader of the Liberal Party) (8.46 p.m.): The Liberal Party is very concerned about the issue of domestic violence. This legislation represents part of the struggle to confront a problem that is not modern. Although it is an old problem, it seems to have reached such proportions that legislators are compelled to try to find new ways of controlling it.

The background to domestic violence varies. It will often occur because of pressures created by economic conditions that undoubtedly impose stresses upon families which, if there were no economic stresses, would survive comparatively happily. However, worry over money, employment and a loss of self-respect that accompanies unemployment all create tensions that make people act in a manner that is totally different from the manner in which they would otherwise act. The presence of significant unemployment and the presence of significant inflation imposing obligations that are higher than earning capacity are very clearly part of the background of problems that cause stress.

Responses to stress can be quite different. In some cases, the response is to desert the relationship which aggravates or concentrates or focuses upon one's inadequacy. In those instances, some marriages break down because of problems associated with financial matters. Other marriages remain intact but the tensions become intolerable. Anger is directed by the married couple towards each other and that can lead to violence.

Violence can result from a cycle that does not have its origin within the relationship. The cycle is created because the people involved are predisposed to violence through their backgrounds as individuals. I and my party are very concerned about the cycle of child abuse that leads adults to become abusers of children and also about the almost unending future of violence inherited by children who are brought up in abusive surroundings and who themselves carry on that pattern of behaviour.

Alcoholism is often a manifestation of stress as well as of weakness. In a sense, there was particular poignancy in the Prime Minister's launch of child abuse week because his periods of alcoholism are well documented. That type of background loosens the tongue and unleashes the emotions. Alcoholism has a consequential effect on the family and everybody around the person who is affected by it. Alcoholism is a massive problem and is frequently a background factor in violence that occurs in the home.

Domestic violence has many other causes to which I have not referred. This legislation represents bandaids on bandaids because this Parliament is not dealing with the causes of domestic violence. It is attempting to find a bandaid solution for society and to stop the manifestations of violence rather than attempting to address the reasons for violence. The Liberal Party is concerned about the Government's failure to supply necessary mechanisms and to reinforce present mechanisms with sufficient resources. Members of the Liberal Party have said before that in society generally and in this Government particularly, there is an enormous tendency to indicate action by passing

legislation. The legislation stands in contrast to the actual support and sincerity of action that should be demonstrated by an allocation of sufficient funds, personnel and determination to sensitively address a problem.

One could say cynically that the largest group of victims of domestic violence will be the Queensland police force—the poor battered members of the police force on whom yet abundant problems are about to be heaped. There is no question that members of the police force do not like attending "domestics".

Ms Warner: You mean assaults in the home, not "domestics".

Mr INNES: They are emotional entanglements that are sometimes accompanied by violence.

Mr DEPUTY SPEAKER (Mr Row): Order! The conversation on my left might better be held in the lobby.

Mr INNES: I do not mind the interjection, Mr Deputy Speaker. The police have a word for incidents to which they are called. One of the group categories is "domestics". A pattern of brawling or outbursts is often complained about by the next-door neighbour. Some of it is accompanied by assaults, shouts or screams. The term is part of the jargon of the police. It is clear that the police do not like to become involved in "domestics" because those incidents have an insoluble aspect to them. They also have a very direct aspect, which is that more police are killed attending domestic disputes than any other kind of disturbance.

Mr Palaszczuk: We have heard all this before. You should have been here before.

Mr INNES: I do not mind repeating it. More police are killed attending domestic disturbances than are killed by criminals who are in the act of committing a crime.

Once again the police force is being charged with the responsibility of solving society's problems. In the same way as every burden is heaped on the schoolteachers of the world, every burden is now being heaped upon the police force. The police force does not have enough men to do their present jobs. In the present stresses placed upon them, police officers are not likely to act with the patience and dexterity that is at times necessary to deal with emotional situations. The police can charge in, grab the husband and take him off to the cooler for a four-hour period, and this will lead to more complaints about police behaviour, accusations of false arrest or that the police refused to attend "domestics".

There are good behaviour orders, offences of assault and aggravated assault under the Criminal Code and the Family Law Act, but all appear to be defective because they do not lead to simple or positive action. Quite rightly, this legislation still predicates some level of court-supervised activity and will lead to some mechanical problems. This is how it should be, because today's society does not believe that the police or anyone else should have the power to deprive someone of his liberty without a certain amount of due process.

Tonight this House is involved in debating the Government's response to the notion that domestic violence is bad. All honourable members agree that something must be done, but this Government cannot demonstrate with sincerity or through its total commitment in the past that it has supplied the police force, or the Juvenile Aid Bureau in particular, with sufficient personnel to deal with potential problems on an interventionist basis. It has not supplied children's services or the voluntarily organisations dealing with these problems with enough resources. Previously I have raised in this House the fact—and I believe this comes under the responsibility of the Minister—that the people who volunteer their services to act as telephone counsellors for Lifeline or grief counsellors for other volunteer organisations have been charged $125 to attend TAFE college courses. These people do totally voluntary work that is of enormous benefit to the community. The existing structures have not been given a fair go. They have depleting resources, and yet this Government is merely demonstrating its commitment through legislation.

However, this legislative method of doing something about the problem is falling upon the same depleted resources as those that have failed to provide the answers in the past.

The police might find it useful to be able to telephone a magistrate or take someone off to the cooler, but the police do not exist in sufficient numbers to be able to act in response to all the "domestics" existing throughout Queensland. They will not have the time to try to unravel the problem, settle the wife and children down and find out whether the husband needs to be taken into custody and put in the cooler. This may not only apply to husbands; a growing proportion of wives commit either physical or emotional violence upon their husbands.

The Liberal Party believes that a standing committee of this Parliament, and not merely a domestic violence council, should be established to supervise this legislation. The legislation must be reviewed within a period of one year to see if the very considerable powers that are being given to the police by this legislation are actually working; to ensure that the powers are not exceeded; to find out if the legislation has any salutary or beneficial effect on the people who are the subject of police action; to find out if the police need more resources; and if any of the other agencies that exist in society to help families are sufficiently supported.

The Liberal Party does not believe that it is good enough for the Government to stand up in this House once every four or five years and say, "We are acting." The Government has to back up its actions by a solid commitment of administrative control and resources. Many people would say—and my experience in the matrimonial courts, Children's Court and other related areas some years ago bears this out—that by the time one spouse has complained about another and had him or her sent off to the watchhouse overnight or for four hours, it does not matter whether or not it counts as a conviction; there has been an event in that married or de facto relationship which has sealed its fate and destruction. There is no social barrier as to where domestic violence might take place, but there is one hell of a social stigma attached to being taken to the watchhouse for four or five hours and put up before the beak.

An event of this kind would normally be associated with the complete termination of any relationship. It sounds harsh to say this, but there are people who prefer to stay in a marriage or relationship containing violence, with their pride intact, and insisting that they not tell anyone else that the violence goes on. To the outside world they will continue to act as an ordinary married couple. Occasionally one might see a scratch on one of them, or it might be unpleasant to go out with them because of the tensions. These people can survive as long as the outside world does not know about the violence. However, the moment some friendly neighbour or police officer takes action and sends one of them off to the slammer, that relationship is finished. The relationship will not be assisted by the fact that one of them—probably the husband—was taken off to the Magistrates Court or the local watchhouse. That will be the ultimate indignity and it will break down the marriage.

It is a bit like divorces. I think many teachers of long standing know that kids can cope with an extraordinary amount of fighting and brawling in the home. Unless the fighting is disastrous, their grades and their performance in school will go along quite satisfactorily, but when there is a parting of the ways of the parents, the grades go berserk and the children act up. The consequences of the separation and the tug of the loyalties are far more devastating to the child than putting up with mum and dad's brawling night after night, unless that brawling is so intense that it leads to extreme violence on the mother or child.

Often people will live with substantial conflict that most of us could not abide, as long as they can present to the outside world as a normal couple or a normal family. So there are dangers in intruding into emotion-charged situations, as many police find to their cost and as many friends and neighbours find to their cost. The old analogy of the Irish family is not unrealistic. They will fight like Kilkenny cats until somebody else intrudes and then they will fight against that outside person. So we really have to be very careful in any major step we take. It is so trite—so easy—for us to say, "We must

do something about domestic violence. Give the police more powers." We do not have to solve the problems. It is not one of us who will be involved in going at 10 or 11 o'clock at night or whenever to intervene in an emotion-charged family situation. I can guarantee that some of us will get the complaints which will be the result of the powers granted under this legislation.

I am glad to hear the Minister say that this must be monitored. It has to be monitored, because they are unusual and novel powers. I really believe it falls upon this House—it is a matter of responsibility for ourselves, not just another council or committee—to provide some monitoring for very novel laws that we introduce. Let us, through a standing committee of this Parliament, accept some responsibility for this novel legislation and its novel powers. Let us directly find out whether it works or whether it fails or falters because of a lack of resources. Let a committee of this House advise us on whether we need more resources and whether the police can cope with the additional work that this causes. If it is going to be anything other than tokenism, it has to have a level of commitment that, frankly, the Government has not given to any of its existing agencies over the last several years.

Mr FRASER (Springwood) (9.04 p.m.): Perhaps the most controversial area of this Bill is Part V, which clearly sets out police functions and duties. It is this part of the Bill to which I will address my comments. When they respond to a call for assistance at a family home, police officers often find themselves in volatile situations. A talk to constables at the local police station will provide a pretty clear message that attending "domestics" is rated as one of the worst jobs in the force.

That is a very understandable reaction. Everyone feels uncomfortable about interfering in private family matters. This feeling is exacerbated for police officers because they actually need to enter the family home. Another factor is that the police officers concerned are often young, in their mid-twenties, and inexperienced. They find themselves in someone else's marital conflict, with in most cases the parties involved old enough to be their parents. Attending domestic violence cases can be risky for police, especially when firearms are involved. They are also risky situations because the police are never too sure how many people are in a house, where they are inside the house and what has been happening prior to their arrival. Police officers themselves can get injured when they are trying to restrain a household member. So it is not hard to see why police officers are reluctant to attend domestic disputes.

Another factor that has influenced the police response to domestic violence calls has been the uncertainty in their minds, and in the minds of the community generally, about what action police can and cannot take in these cases. The whole issue of a police officer's power to enter a private home has, rightly or wrongly, been fraught with differing opinions. The Domestic Violence (Family Protection) Bill clearly sets out in one piece of legislation the duties and responsibilities of police officers in responding to domestic violence cases.

It is my view that spelling out these police duties and responsibilities will be of very real benefit to police officers themselves and to the public generally. With the passing of this Bill, the uncertainty and apprehension with which many of our police officers, particularly the younger ones, approach cases of domestic violence will be a thing of the past. The Bill provides that it is the duty of a police officer who reasonably suspects that a person is a victim of domestic violence to investigate the case, or cause it to be investigated. It will be his duty to do this in circumstances such as when he has received a personal complaint from the victim, a report from a neighbour or a relative, or has perhaps whilst on patrol heard a violent episode himself. There will be a duty—an obligation—upon the police officer to investigate; it will not be a matter of turning a blind eye to the episode.

When a police officer responds to a call to a household and reasonably suspects that domestic violence is occurring, or has occurred before his arrival, the Bill provides that he may enter and remain upon the premises in order to verify whether or not domestic violence has occurred and to ensure that no-one on those premises is in

imminent danger of suffering further domestic violence. Where necessary, the Bill provides the power for the police officer to search the premises. These powers of search may seem unnecessary to those who are unfamiliar with the problem of domestic violence in our community. What needs to be kept in mind is that police officers must be in a position from which they can assure themselves that all persons on the premises are safe and that they are not injured.

Police attendance at a domestic dispute will be a meaningless exercise if, on arrival, they are greeted at the door by the head of the household and told that everything is under control, when in fact the spouse is barricaded in the bedroom with the children and has a fractured jaw and a bleeding nose. It is also a totally meaningless exercise if, just minutes before the arrival of the police, a firearm or other weapon has been used to threaten the spouse. Thirty-five per cent of victims who responded to the task force phone-in said that they had been threatened or injured with weapons. That is a very high ratio. The weapons included guns and rifles, knives, pieces of wood and glass. Guns are more frequently the instrument of death in spousal killings compared with non-spousal homicide. In Queensland, 42 per cent of the victims of spousal killings died from gunshot wounds. Police need to ensure that weapons on premises are not being used to threaten spouses. If police suspect that weapons are being used for that purpose, they may be seized. That is a sensible preventive measure.

The Bill provides stringent safeguards. If the police officer intends to search the premises, he must inform the occupier of the premises, who is entitled to accompany the officer during the search. Whenever a police officer conducts such a search, he must, at the first available opportunity, record in a special register all the particulars surrounding the search—date and time of entry, the reasons why he suspected that domestic violence had occurred, what he was searching for and the description of any weapon or weapons seized. Failure by a police officer to record those particulars renders his actions unlawful. Also, the register will be available for inspection by the person whose premises were searched. Those strict procedures which must be followed by police officers have been specifically included in the Bill to ensure that the rights of individuals are safeguarded and that any overzealous police officer is called to account for his actions.

It is fair to say that balancing, on the one hand, the rights of spouses to be protected from violence and, on the other hand, the rights of individuals to maximum privacy in the family home is not easy. In my opinion, the Bill has treated that emotive area in a sensible manner. Time will tell whether or not the balance is precise enough. If it is found wanting, I have no doubt that the necessary adjustments will be made.

The bottom line, of course, is that if as a society we want everyone to feel safe in the family home and if we regard it as a duty of the police to protect life and property, we must also ensure that proper procedures are in place to enable them to discharge that duty. We cannot have it both ways. We cannot say that the police should do something to control domestic violence and yet, at the same time, do nothing to help them carry out a job which, let us face it, the majority of us would be unwilling to do. The Bill makes it clear what police can and cannot do.

The Bill clarifies an area of the law which has been murky and which has probably resulted in police officers being criticised for inaction; persistent perpetrators of domestic violence thinking that they are beyond the law, and, worse still, some of those perpetrators believing that it is okay to bash the person they marry.

The Bill must be put into perspective. As I understand it, the police powers of entry proposed in the Bill are very similar to our current Animals Protection Act. Surely we have to extend similar protection to people in the community. Wife-bashing or, for that matter, husband-bashing is unacceptable behaviour. It cannot be tolerated. I support the Bill.

Mr WHITE (Redcliffe) (9.12 p.m.): Like my colleague the Leader of the Liberal Party, I have grave concerns about certain aspects of the legislation. However, I recognise that the legislation is an official recognition of domestic violence as a social problem.

Those of us who have read the work of the task force chaired by Ruth Matchett, *Beyond These Walls*, could not have read it without having a great deal of compassion and concern for a very real social problem in our community.

Members of the Liberal Party wonder whether or not the Government has the resources and whether or not the police force is in a state in the current climate to do the job that has to be done. There is also the whole question of police powers and the evasion of civil liberties. I will come to that later.

The significant thing about this legislation is that it separates domestic violence from the general law of the land regarding assault, threats and things of that nature. The Government's initial steps in this regard were taken with the introduction of the Peace and Good Behaviour Bill in 1982, which allowed complaints to be made to magistrates with respect to such assaults or damage to property. It allowed the magistrate to make an order that the defendant keep the peace and be of good behaviour. The order could contain such other conditions or stipulations as the magistrate saw fit. A person made the subject of such an order could be fined $1,000 or imprisoned for one year if he or she breached that order. The Bill goes well beyond those provisions, of course. It effectively gives the magistrate power to provide injunctive relief to prevent a potential breach of the criminal law. Such powers are not normally available to the courts.

The significant items in the legislation are as follows: clause 4, which provides that the standard of proof shall be the civil standard of on the balance of probabilities and not the criminal standard of beyond reasonable doubt. However, one should note that clause 4 requires that the magistrate be satisfied that the threat or act is likely to be carried out—a very grey area. Clause 5 provides for more detailed orders that may be made by the magistrate. Clause 5(3) allows the magistrate to make orders with respect to the children of a respondent. The prescribed factors require that the magistrate take note of existing orders relating to guardianship, custody or access. However, I must ask how that clause will operate when orders exist under the Family Law Act. To my reading as a lay person, there seems to be some conflict in respect of the State and Federal jurisdictions in that regard. I hope that in his reply the Minister might advise us on that aspect.

Clause 6 allows a magistrate to make orders upon conviction of an offender of an offence involving domestic violence. Clause 7, of course, allows for interim orders to be made where final orders cannot be made.

Clauses 12 and 30 relate to police involvement in these matters. It should be noted in particular that these provisions allow for detention without arrest, as it is normally known, for a minimum of four hours and perhaps significantly longer. That is quite a significant discretion in the hands of the police.

Clause 17 allows a police application by telephone, radio or, these days, fax machine, and clause 17(4) allows a magistrate to presume that such an application is proper. It should be noted that under clause 31(2) a person may be taken into custody for a period of four hours or until an application is heard and determined or until an interim protection order is made, without the need for the intervention of the courts whatsoever. Those are significant police powers. Such a person can be kept in custody until the expiry of a prescribed maximum period of detention. One would think that that period should be dealt with in the legislation and not by way of subsequent prescription. Again I raise that issue and seek a response from the Minister in his reply.

It should also be noted that clause 23 allows a member of the police force to appear and act in court on behalf of an aggrieved person. This raises a serious question as to the role of the police in such matters. It effectively allows them to adopt a prosecution role on behalf of private citizens rather than prosecution by police officers who prosecute police matters to the standards required by the department.

Clause 40, of course, removes the normal rules of evidence and allows a magistrate to inform himself in such manner as he thinks fit. Would it be sufficient, for example, for a police officer to say, "I am reliably informed by an informant whose name I cannot

reveal that so-and-so is beating up his wife, de facto or girlfriend"? I draw the analogy of a suggested case of child abuse. Those honourable members interested in this matter for a number of years would have read about the recent case that came before the Supreme Court in South Australia in which officers of the Department of Community Welfare had clearly overridden their powers. Medical practitioners involved in the case were singularly inflicted upon the children and the parents. The end result was that the children were separated from their natural family for a considerable period, causing great stress.

I raise the fact that the legislation contains grave powers. I understand probably as well as any other honourable member the great difficulty in dealing with social problems. I have a great deal of sympathy for social workers and policemen who become involved more and more in social welfare matters.

However, the fact of the matter is that there is increasing evidence of abuse of powers in the case of child abuse. One only has to examine the evidence in the United States, where widespread powers have been given to officers of the various departments responsible for community welfare. It has been abundantly shown in the courts that those powers have been abused.

Recently a worker in a women's refuge made a complaint that a man was sexually abusing his daughter. The end result was that the child was separated from her parents. The couple were subjected to horrendous legal problems. The child herself was subjected to the great indignity of being regularly medically examined and different opinions being formed. The end result was that there was no evidence whatsoever.

I use that analogy to point out that the Government is on dangerous ground with this legislation. It gives enormous powers and discretion to the police and, of course, in the final analysis, to the magistrate. I really question whether or not, in the present climate, our police force is ready to take on such a responsibility.

One change that this legislation provides for is that police officers can effectively seek orders where the aggrieved person may be unwilling to do so, for whatever reason. It is up to the discretion of the policeman. He can actually pursue the matter, even if the woman concerned is not in favour of action being taken or does not want that action to proceed. That discretion is contained in the legislation.

I simply sound a note of warning and express the deep concern held by the Liberal Party about the fact that enormous powers and discretions are being given to the police. There is a case before the courts at present in which a policeman intervened in a domestic violence situation, put the husband in the clink for the night and, according to the press, went back, and is now on a charge of raping that woman. One only has to consider the Toowoomba incident, let alone any others. The Minister may shake his head and frown, but he is going to be faced with this situation as time goes on. I just hope that it does not come back and bite him too much.

Mr Sherrin: I think you are having two bob each way. You are trying to cover yourself on all fronts, as per usual. If you don't like it, divide on it.

Mr WHITE: The Minister always likes to play petty politics with anybody who does not agree with him.

The fact of the matter is that the provisions in this Bill regarding police involvement represent a major change in police activities and a major intrusion into civil liberties by allowing for detention without arrest in the normal sense, detention without trial and the judicial determination of matters put before the court by telephone, fax machine or police radio, without the verification of a witness before the court. As I have said, those are very serious and substantial powers, and with those powers goes the grave risk of abuse.

One of the tremendous difficulties encountered in dealing with this whole program is the availability of resources to deal with the problems. I have said that I have a great deal of sympathy for the very fine people in the police force who are doing an incredibly

difficult job. As I said earlier, regrettably an element in the police force has been found wanting, to say the least. For three years I had very close involvement with the women's refuge program. Continuing reports are made about the abuse of refuges. Many of the people working in women's refuges say that great use is made of refuges for financial and housing needs and not for genuine crisis or emergency reasons.

For argument's sake, a woman with two children can receive an emergency relief payment of $300. Three days later she can go back to her husband or de facto without any questions being asked. Are women's refuges being operated to help those people in genuine need or are they being used as another form of welfare housing or as a social welfare system? To obtain rent relief, a woman must stay at a refuge for 28 days. During that time she must pay a nominal amount of $20 a week. Allegations are made that many women use refuges as semi-holiday/relief accommodation. Some women stay overnight and have other people mind their children. They are facts of life that have been revealed by people operating the women's refuge program.

Some women have given the address of women's refuges to their boyfriends and de factos. In a number of instances that has caused problems. The addresses of the people using the services provided by women's refuges are supposed to be sacrosanct. I raise the subject of the security of such information. Unfortunately, the real problem is that many people entering women's refuges today are homeless and very often in need of crisis treatment and counselling rather than in need of crisis accommodation to overcome some of their financial difficulties. I am quite sure that all honourable members are genuine in coming to grips with the problem. However, we are not ready with our infrastructure—our social welfare program—to really help those people who are suffering domestic violence.

As I said earlier, the Bill is a recognition by the Government of a major community problem. It is similar to legislation that has been introduced in other States. Ample evidence can be found in the report of the task force to make it clear to all honourable members that a significant problem exists in the community.

Even though women may not wish to initiate action, the Bill gives power to the police to take action. As my colleague the member for Sherwood pointed out, sometimes that can rebound against the family unit itself. I raise again the question of how more powers can be given to the police when it has been abundantly demonstrated that widespread abuse of police powers takes place today.

The Liberal Party also raises the subject of police resources. It is no news to anybody in this Chamber that police resources are strained to the limit and that police officers cannot cope with their existing responsibilities in the community. In my view, it would have been far better to get our police force in order and to put our social welfare programs in order before we went ahead with this legislation.

Hon. C. A. SHERRIN (Mansfield—Minister for Family Services) (9.28 p.m.), in reply: I thank all honourable members for their contribution to the debate. Once again, I take the opportunity——

Mr INNES: Mr Speaker, there was on the list another speaker, the Deputy Leader of the Liberal Party, who was temporarily out of his place. In the circumstances, I would ask that you use your powers——

Mr SPEAKER: Order! There is no point of order. The honourable member will have to speak at the Committee stage.

Mr SHERRIN: I take the opportunity of acknowledging the significant contribution made by my predecessors, the former Ministers for Family Services—Mrs Chapman, who had the initiative and the foresight to introduce the domestic violence task force and to steer it through some interesting pathways at the time, and Mr McKechnie, who took over the responsibility for that, received the report of the task force and then gained Cabinet approval for all the recommendations of that task force.

I acknowledge the outstanding work of the task force, particularly under the chairmanship of Ruth Matchett, who is in the public gallery today. Not only this House but also the people of Queensland will be indebted to members of the task force for their conscientious and diligent work in producing what I believe is an outstanding report.

I acknowledge also the work of the senior officers of my department who have played a key role in the preparation of the legislation and other initiatives associated with combating domestic violence, particularly the Director-General, Mr Alan Pettigrew, and the Deputy Director-General, Mr Col Thatcher, who have provided outstanding assistance and back-up to me.

The legislation is not to be viewed as a separate entity but as part of the Government's three-pronged attack on this serious blight on Queenslanders. Only today in the precincts of the House, the Honourable the Premier launched a domestic violence awareness kit. That is part of the Government's $200,000 campaign against domestic violence. I believe that it addresses some of the concerns that have been expressed by members on the other side of the House about the resources that the Government is committing to that campaign. It represents the first step in promoting awareness in the community.

When viewed in the light of the Federal Government's contribution to its awareness campaign—and I do not want to be seen to be running down that campaign—the State Government's contribution is seen to be a more than favourable one. I do not want to play politics on that issue. This Government has been only too happy to work closely with the Commonwealth Government on the issue, which, I believe, transcends party politics. I hope that members from all three political parties in this House will support this legislation to combat a very serious problem.

An officer of the Commonwealth Government has been taken on board in my department and has worked side by side with our Domestic Violence Task Force. This issue is so important that it transcends any Commonwealth, State or party political boundaries.

The other aspect of the three-pronged attack relates to the establishment of the Queensland Domestic Violence Council. As honourable members have said, in the future that council will have the very important responsibility of monitoring the implementation of this legislation. A number of issues have already been referred to that council. One of the first matters that I intend to refer to the council will be this debate so that it can examine some of the issues that have been raised by honourable members, investigate them and report back to me.

This legislation is pro-family. It supports the family and will allow families to stay together under the protection of the orders. It must not be seen as legislation that will contribute further to the decline or the break-down of families; it must be seen to be legislation to allow those families who are experiencing stress and difficulties to continue in an existing family situation under the protection of those orders.

Later I intend to refer to the training program that is under way in the police force. I publicly acknowledge the tremendous co-operation that my department has received from officers of the police force who have been outstanding in their dedication to the task. Those officers who have been working with officers of my department have been very conscientious in their work and advice. I publicly acknowledge their role and support.

I turn now to some of the contributions that were made by honourable members. I thank the honourable member for South Brisbane for her support of the Bill. She demonstrated a great knowledge of the subject and a deep-seated personal concern on this most serious issue.

The honourable member's reference to the lack of statistics in the report is an issue that I took up very soon after I took over my portfolio. I am pleased that it is now planned that those statistics will be maintained by the Police Department and the courts. As a result, from this point on there will be a very firm base of statistical evidence on

which to examine the success or otherwise of the implementation of this legislation and other initiatives that the Government will be taking in this most important field.

I noted the honourable member's concern about the absence of the term "assault" in the title of the Bill. I point out to the honourable member that domestic violence is not solely related to assault. Although that is a very important aspect, the honourable members for South Coast and Callide referred to the fact that we are talking not only about physical assault but also about emotional abuse and other forms of abuse that are present in families. Harassment, intimidation and so on are all covered by this legislation. I believe that we would be in error if we put "assault" in the title of the Bill and focused primarily on that aspect. This legislation should address many other forms of abuse.

I agree with the honourable member that the legislation is not enough, but it certainly goes a long way. I give a very clear undertaking that this is just one initiative that the State Government is taking in this issue. When accepting the recommendations of the task force, many agencies including the police, professions and non-Government agencies have been recognised as having a vital role to play. As I have said, the Police Department has shown considerable enthusiasm in assisting my department in the implementation of this legislation. The Police Department is preparing specialised training for its staff and revising police instructions. As to the dedication of resources to this effort—the Police Department will be appointing special liaison officers throughout the State to help monitor police practices in this important field. That is the type of commitment that is being provided not only by my department but also by the Police Department, for which I commend it.

I noted the honourable member's concern about potential problems that could arise. As I said, the implementation of the legislation will be monitored closely by the council. Should deficiencies come to light, I will not hesitate to consider recommending further amendments to Cabinet and my department.

I take on board the comments that were made by a number of honourable members about the role that the House has to play in this issue. Although it is not a statutory body, the council has a responsibility to answer not only to me but also to the House. In the report of my Department of Family Services I will be setting in train provisions to include a very clear section relating to the reports that are received from the council so that Parliament will be informed of the ongoing monitoring work of the council. It is important that Parliament has an interest in that information, and that vehicle will be used in an endeavour to allow Parliament to continue to be informed.

I take this opportunity to inform the honourable member that the Bill—particularly clause 37—provides quite significant penalties for breaches of orders. From memory I believe that the penalty is $2,400 or 12 months' imprisonment, which is significant.

As to the honourable member's concern about clause 31—that clause empowers a police officer to take a spouse into custody if that officer reasonably suspects that the aggrieved person is in imminent danger of personal injury. In that respect an aggrieved person is defined as—

"... a spouse for whose benefit a protection order is in force or may"—

and that is the important word—

"properly be made under this Act;".

That limitation on persons who may be taken into custody is consistent with clause 31 (3) (b), which casts a duty on the police officer who takes the spouse into custody to make application for a protection order as soon as possible.

In summary, under clause 31 (1) a police officer cannot take a person into custody unless he is able to make application for a protection order in respect of the case, which is a very important principle. It provides an important safeguard in the legislation, because it would be inappropriate to allow police to take persons into custody and hold them for up to four hours if they had no intention of making an application for a protection order, which would ensure that their actions would be scrutinised by a court.

As to the honourable member's concern about the legislation being limited to spouses—I acknowledge that it may be necessary to widen the scope of the legislation. However, the Government has accepted recommendation 23 of the task force report, which suggests that that issue should be considered by the Domestic Violence Council. The Government has accepted the suggestion and, as one of its first tasks, the council will be considering the widening of the scope.

I acknowledge the contribution made by the member for South Coast. She reminded us of the traumatic effects that domestic violence has on children. She also made the very significant point that, as I have said, this Bill is pro-family. I can assure the House that I hold the firm view that our society's strength is dependent on the successful functioning of the family unit. I see this Bill as being an initiative to strengthen and support its role in an area in which sufficient protection has not been available previously. In her presentation, Mrs Gamin demonstrated an excellent knowledge of the legislation and the range of orders that will be made. I thank her for her valuable contribution to this debate.

I thank also the honourable member for Bundaberg for his support of the Bill. He expressed concern about police enforcement of the legislation. However, I believe that the police have been given sufficient powers to allow them to play their part. As the honourable member for Springwood quite clearly explained, Part V of the Bill gives police quite significant powers. As has already been indicated, the Police Department has demonstrated that it will play its role through the provision of quite comprehensive training to all operational police at the regional and district levels. Internal training for all members applying for promotion will also provide them with an aspect on domestic violence. At the Oxley Police Academy, detailed training in that area will be provided in the basic training of police. Therefore, that training will be widespread.

The honourable member for Callide reminded us that we are not talking about what is occurring elsewhere; we are talking about what is occurring right here in Queensland. The problem affects not just people in low socio-economic areas but those right across the State. No matter where they are geographically, no matter where they are on the socio-economic scale, this is a problem that affects and can have an effect on all Queenslanders.

We are not talking about relatively minor or once-in-a-life-time expressions of anger. Some of the detailed examples that the honourable member provided to the House were quite moving. I do not believe that anyone who has taken the opportunity to read the report of the task force can put it down without a lump rising in his throat. As has already been expressed by a number of members, quite often and quite unfortunately, some of this anger, if left unchecked for prolonged periods, will result in death or very, very serious injury to those spouses involved. I thank the honourable member for her contribution as well.

The honourable member for Sherwood made the point that there are many causes for domestic violence. I certainly agree with that. Besides the stresses that he mentioned, there are many other factors involving basic community values that have existed for a long time. That is the reason for the contribution of significant State resources towards the State domestic violence awareness campaign. Although I appreciate his point that legislation in itself will not be sufficient, I have never indicated that this is the case, and I have taken great pains tonight to indicate that it is just one part of a three-pronged attack that the Government is making in this area.

In respect of his concerns about the role that police will play, I believe that the Bill provides police with sufficient teeth to allow them to act meaningfully, instead of continually revisiting "domestics", as is at present unfortunately the case. The task force report cited a study which revealed that, in more than 85 per cent of cases, police do return to the same household. The Bill will allow action to occur. In cases where police are called, no longer will they be unclear, as they are now, about their roles. I thank the honourable member for Springwood for his very useful and erudite contribution to the

debate through the detailed examination of the police powers and provisions in the legislation.

In his contribution, the honourable member for Redcliffe demonstrated that he had studied the Bill in some depth and that he had a significant sensitivity to the issue. However, I am disappointed that he could not support the Bill in toto and that he misunderstood many of the provisions that are contained in the legislation. I have noted his concern about the orders that could be in conflict with orders under the Family Law Act. However, the Government's legal advice is that there is no conflict in this area at all. I have noted that the honourable member appears to be under the misunderstanding that any police officer can apply for a protection order. Reference to clause 12(1)(c) indicates that this is not the case. Clause 30(2) clearly states that a police officer may apply only if "there is sufficient reason for his taking such action", which would no doubt include consideration of whether the victim intends to make an application or not.

I commend the Bill to the House.

Motion agreed to.

Committee

Hon. C.A. Sherrin (Mansfield—Minister for Family Services) in charge of the Bill.

Clause 1—

Mr BEARD (9.44 p.m.): I would like to take a couple of minutes to talk about violence, because I am not too sure whether previous speakers examined the problems of the perpetrator in as much detail as they might have. When I say that, I am not saying that we should forget about the victim and look at the perpetrator.

A week ago in Mount Isa, a seminar on domestic violence was held, which was attended by about 50 people, including myself. Some very interesting points were raised. The local psychiatrist at the Mount Isa Base Hospital pointed out that of 50 consultations she had had in the previous week, 14 were from people with reasons related to domestic violence and seven of those were perpetrators who were looking for some help.

Another interesting point was raised about violence. The seminar was attended by Aboriginal representatives, including a very dignified and charming woman from the Doomadgee mission, who spoke with great dignity and great feeling about the problems experienced by Aboriginals in communities. Those problems were attributed almost entirely to alcohol. She pointed out that, in the absence of alcohol—for example, when the mission stations were rained in and flooded and alcohol could not reach the place—the problems almost vanished. But as soon as the alcohol came back, the problems were there again. She pointed out that, since the establishment of support agencies in Mount Isa, Doomadgee and Mornington Island, victims were now venturing to seek help, which is a great step forward. Previously, people had to put up with the problem and rely on their extended families for support.

I suggest that the problem of family and domestic violence is far wider than the Minister or some previous speakers realise. In the seventies, an American negro radical said, "Violence is as American as cherry pie." Australia tends to follow America in many of its trends. In Australian society, violence is almost accepted as one of our morés. Films such as *Rambo* and others of that ilk lead the popularity stakes in video stores. In the United Kingdom and elsewhere, soccer violence is becoming commonplace. Even at the pubs, the behaviour is different from the old days when, as one young fellow was knocked down, the bystanders would pull back the other fellow and say, "Okay, he's had enough. Let's have a drink." These days the young fellows sink the slipper and say, "Get in and kill him while he is down." A process of desensitisation is taking place in society because of all the violent input that young people are subjected to. Violence is becoming as accepted, as that American said 25 years ago, as cherry pie in America.

In the few minutes that are available to me, I indicate that I am not sure that domestic violence can be solved by legislation. Violence that is accepted as a mode of coping behaviour in the community is a king-sized problem. Only a long-term program of education and awareness will be effective in solving it.

Mr Austin: What you are saying is that you support the title.

Mr BEARD: I support the title, but I wish it was extended a little wider.

Clause 1, as read, agreed to.

Clauses 2 to 43, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

MOBILE HOMES BILL

Second Reading

Debate resumed from 17 November 1988 (see p. 2901).

Mr COMBEN (Windsor) (9.47 p.m.): Mr Speaker——

Mr Lee: It is called the "Mobile Homes Bill".

Mr COMBEN: There seems to be some confusion among members of the Liberal Party about the Bill that is being debated.

This legislation is obviously a step in the right direction as far as members of the Opposition are concerned. For a long time, the Opposition has supported the concept of legislation that is designed to strengthen the tenancies of people who occupy mobile homes. The Bill presently before the House provides significant safeguards for people who for too long have not been accorded recognition and protection by either common law or by ordinary residential tenancy legislation.

Although my colleague the member for Murrumba will discuss the Bill in greater detail at a later stage, the comments I wish to make relate to the scope of the legislation. This Bill does not go far enough. It should be extended to protect people who live in caravan parks. Recently I visited the Redlands electorate of the Minister for Justice and Attorney-General to inspect caravan parks in that area. It is certainly my view that the caravan parks in that area are atrocious. The people who occupy them have no rights to any type of tenancy or security of tenure at all. The long-standing policy of the Labor Party has been to extend safeguards of the type contained in this legislation to caravan parks.

In conclusion, I indicate that the Opposition supports this legislation. I look forward to the contribution that will be made by the member for Murrumba.

Mr WELLS (Murrumba) (9.52 p.m.): I thank the honourable member for Windsor for his usual erudite comments on this legislation. The Opposition intends to facilitate the speedy passage of this legislation through the Parliament. Members of the Opposition support the concept upon which the Bill is introduced, namely, that of extending appropriate protection to the denizens of mobile homes.

I wish to take further a point that was made by the honourable member for Windsor, who pointed out that the term "mobile home" expressly excludes caravans. This Bill does not apply to caravans; it applies only to mobile homes of the type that have been defined in the Green Paper and in the Interpretation clause of the legislation. The exclusion of clauses that relate to people who own or rent caravans is indeed unfortunate because Queensland has the highest proportion in Australia of people who occupy that

type of accommodation. Those people have not been included in the coverage of this legislation. Recently the Mobile Homes Bill and Rental Bond Bill were introduced in this House. The provisions of the Rental Bond Bill were extended expressly to cover caravan parks. There is no overall legislation to look after people living in mobile homes.

Sometimes I wonder what motivates the Government to make these determinations. Page 2 of the Minister's second-reading speech contains a piece of rhetoric which may be of interest to certain honourable members. He stated—

> "It is unacceptable that persons who invest more than $30,000 in the purchase of a mobile home are placed in no better position than a boarder or a person renting a caravan."

There might be a valid point in that statement, although it was expressed rather infelicitously.

Mr White interjected.

Mr WELLS: I thank the honourable member for Redcliffe for his helpful interjection.

Behind that statement is the assumption that people who invest more than $30,000 should have a better position so far as their security is concerned than a person who is renting. Obviously, if someone owns his property, he has permanent residency, but one would have thought that the Minister would be concerned to ensure that everybody in Queensland has the degree of security to which all Queenslanders ought to be entitled; namely, the degree of security that would allow them to plan for the future, prevent them from being dismissed without notice from their habitual lodgings and allow them to make arrangements for their family extending beyond the next week. It is important to remember that many people who live in this kind of temporary accommodation in Queensland have children who attend the local school and other ties with the locality. These people have been neglected under this mobile homes legislation.

The Mobile Homes Bill is based on the British legislation, which has worked quite well. The Labor Party is happy to support the Bill and feels that it is a step in the right direction in providing greater security to people living in various kinds of accommodation throughout Queensland. However, the Opposition believes that the legislation does not go far enough. I do not intend to take up any further time of the House other than to say that the Opposition looks forward to further initiatives from the Attorney-General in the provision of more secure accommodation, particularly through the introduction of legislation that will benefit people who live in caravans.

Mr HYND (Nerang) (9.56 p.m.): It gives me pleasure to congratulate the Honourable Paul Clauson, MLA, Minister for Justice and Attorney-General and Minister for Corrective Services on his continued support of those people who reside in relocatable home parks. The Attorney-General has shown great compassion and initiative in ensuring that this Bill is introduced to right previous wrongs that have crept into the home park industry during the short time that the industry has been in existence. I wish also to place on record my deep gratitude to the previous Attorney-General, the Honourable Neville Harper.

Mr Davis: Who wrote this?

Mr HYND: I wrote every bit myself; I live and breathe this. I knew that the honourable member for Brisbane Central would interject. I only have 30 minutes.

Mr White interjected.

Mr HYND: The honourable member for Redcliffe might be able to say that at the end of the year. Members on the other side of the Chamber love to interject; they do not want to hear the truth. If they pay attention they will find that the truth is in here.

Mr Comben interjected.

Mr HYND: The honourable member for Windsor is all right; he is on my side.

I thank the Honourable Neville Harper, who supported me during my election campaign in 1986, and full credit should be given to the many people who took the time to read his Green Paper and make submissions on behalf of the industry and residents of home parks. August 1986 was a time of great emotional stress for residents of home parks, particularly residents of the Riverside home park, which at that time was undergoing a transfer of ownership. The original owner had sold all or most of the sites and homes and then, by selling off the park, he dissolved all previous 99-year agreements. The situation was further inflamed by the threat of a $15 per week increase in rent. The rent increase, which was to be enforced by the new park owners, Bondson Pty Ltd, on 1 September was the latest development in a long-running battle by residents to get the things that had been promised to them by the original owners.

At the top of the list of promises was a 99-year lease as a guarantee of residency that had been offered by the original owners, Glen Pitney Pty Ltd, but which later turned out to be a legally unenforceable residency agreement. This agreement allegedly fixed the lease fees for the ensuing three years until the end of 1986 and provided further adjustments in line with CPI increases. One resident's solicitor told her that the agreement was not only worthless but also illegal, and that by entering into the agreement the residents had actually been parties to an illegal action.

At that point in time I called on the then Attorney-General, the Honourable Neville Harper, MLA, to meet with a deputation of residents from Riverside park in my campaign office on 8 September 1986. That was the first positive step taken to assist these people living in relocatable homes. Complaints were aired during the closed meeting and later the group went on an impromptu tour of the park. The Minister said he was impressed by the general cleanliness and orderly life-style adopted by the park's residents. There were genuine grievances concerning security of tenure and the closeness of some of the units. Legislation clarifying these grey areas was urgently needed, specifically covering security of tenure.

At that time the Minister advised the deputation that—

> "Home park developments do not come within the provisions of the Residential Tenancies Act. The circumstances at the Riverside home park indicate a necessity for the State Government to give consideration to legislation to provide greater protection to people who choose to adopt this lifestyle."

At that time more than 250 000 people in Australia were living in transportable homes and Queensland claimed a large slice of that number. In fact, research shows that in 1986 Queensland had some 10 000 transportable home residents.

Mr Lee: How many in Nerang?

Mr HYND: About 350.

During those early meetings the then Attorney-General made it clear that, before legislation was drafted and introduced, as much information and detail as possible was needed from people in the industry. Departmental research was undertaken looking at legislation in Canada and the United Kingdom, but the initiative was always to develop pioneering legislation for the protection of Queenslanders.

At this early part in my presentation I know that I can expect the total support of the other parties within the Chamber, because on 22 September 1986 the then State Opposition Leader, Mr Nev Warburton, MLA, told a gathering of Riverside residents that their tenure problem would be the first thing that he would fix as Premier of the State of Queensland. He went on to say—

> "I can say to you it will be the first piece of legislation introduced."

That is what he told the crowd, who naturally applauded and cheered. Mr Warburton's wonder-bus had made a surprise stop at Riverside so that he, the Opposition spokesman on Mines and Energy, Kevin Vaughan——

Mr Vaughan: It is "Ken", not "Kevin".

Mr HYND: I apologise to the honourable member. I have "Ken" written in my notes.

The Australian Labor Party candidate for Nerang, Ms Marjorie Thompson, also spoke to the residents. It should be noted that ALP candidates Ms Marjorie Thompson and Mr Noel Elliott supported my stand then, along with the then State Opposition Leader, Mr Nev Warburton, and Mr Ken Vaughan.

For this reason I would expect total support for this legislation from the Opposition. This pioneering legislation gives the Queensland branch of the Australian Labor Party the opportunity to stand apart from the other branches in Australia. This provides a chance for the ALP to assist the mobile home owners of Queensland as the Government takes the lead in enhancing the position of mobile home owners.

The Queensland Government's ongoing commitment to the protection of mobile home residents is in sharp contrast to what is happening in the other States, where the legislation has been watered down, by political representatives bowing to the pressure of the park-owner lobby, to the point of being not in existence. I draw attention to the fate of similar legislation introduced in New South Wales. During the passage of the legislation the Liberal Party insisted on inserting 44 amendments. The ALP still controls the Upper House, yet that legislation has been shelved. When legislation is taken so far, yet is not allowed to do something for the people who are supposed to be represented by politicians, it is disappointing.

I will now address the Bill and the enormous job undertaken by the Honourable Paul Clauson. As he entered the portfolio the submissions on the Green Paper were flowing into his office. Enormous support was given to the initiative from all sectors of the industry and residential population. For my part, I was fortunate in receiving an offer from a barrister within my electorate to research the Green Paper. He visited the home parks with me and his submission has encouraged me to continue with total and complete confidence in both the Green Paper and this Bill.

The Caravan Parks Association of Queensland replied in February 1987 that a consensus of opinion would contribute to the quality of the legislation, concurred with the thrust of the Green Paper and concluded that it was of the utmost importance that the Government implement the necessary legislation to secure the future of both the dweller and the supplier of relocatable homes.

Since 1983 the industry has had a rapid and bumpy growth. It has been almost too fast. To say that it has grown like Topsy would be an understatement, but this Bill grasps the nettle and attacks the problems I enunciated earlier. The passing of this Bill today will herald a new era in accommodation for both elderly people and those saving for their first homes, as first homes are currently accepted. Security of tenure should make funds for relocatable home buyers available through the First Home Owners Scheme. This alone will have a big impact on the housing problems of those young marrieds who need to be close to their places of employment, while our more senior citizens who require accommodation without the problems of maintaining large grounds will be content in their later years.

This legislation provides a fair balance for all participants in this alternative life-style. From these new guide-lines, the industry will flourish and the development of good marketing strategies will eliminate some of the malpractices that previously developed in the industry. The legislation has been designed with great flexibility, with guide-lines for the landlord and tenant alike.

Home park developers can now develop parks and build business on long-term strategies, knowing that their investment will be legally adjusted annually in line with the consumer price index. On the other hand, residents, knowing that they have security of tenure, may now feel safe in investing their life-savings.

The home parks of the future will be small villages, with new guide-lines being set down by the Minister for Local Government. Those guide-lines will soon be introduced into the House. Earlier I mentioned how close together some relocatable homes are. In

the future, this will not be allowed. The squeezing up of allotments to make room for more homes in a park will not be permitted. The greed of earlier developers will in the future be controlled by additional legislation.

Those members of this House who have not visited relocatable home parks should do so and acquaint themselves with these premises and homes. Residents are closely united and extremely proud of their position within society. The unity within the parks creates an in-house type of competition to achieve the neatest presentation of their homes, the best garden plot and even the greatest personal contribution to the well-being of all people within the park complex. They become a self-regulating club, which makes the control of parks extremely simple for the landlord.

The Bill applies not only to the future residents of mobile home parks but also to those who have already established their homes and have fought the tireless battle for the security of tenure. The Government is absolutely determined to get security for those people now and for people who choose relocatable home parks as their place of residence in the future.

The Mobile Homes Bill continues to remove many fears of tenants by placing an obligation on local authorities to supply a certificate stating that appropriate town-planning approval has been granted for a home-park site. It is then the park-owner's responsibility to exhibit such approval, or a copy of such approval, in a conspicuous place within the park. In addition, he must provide a copy of such certificate to residents about to enter into agreements.

The Bill provides protection for the spouse or beneficiaries of a mobile home resident who dies while occupying a relocatable home as his principal place of residence. However, this provision gives residents peace of mind during their tenancy within home parks and, further, it provides that home park residents may go about the selling of their relocatable home without undue interference by the park-owner or the paying of commission to the park-owner on such a sale unless the park-owner has rendered some service with respect to such a sale and such a commission is intended to remain within the bounds of commission set by the Real Estate Institute of Queensland.

The Bill will be responsible for giving a new image to the home park industry. There are no unreasonable restrictions being placed on park-owners. They will have the responsibility of managing high-standard parks and maintaining new levels of quality which will ensure that their investment is secure and increasing in value throughout the growth and development of the home park.

Until this point in time, there has been inadequate protection for the home park owners, the residents and, of course, the mobile home industry. People have been reluctant to invest their life savings in relocatable homes with no security of tenure.

Some of the remarks at the beginning of my speech alluded to the bumpy beginning of this industry and the unscrupulous treatment received by those pioneer residents who chose that life-style. The Bill sets new goals for a new life-style and a new industry.

The Bill opens up many more advantages to the industry. For the first time, we read a new advertisement in the *Gold Coast Bulletin* dated Tuesday, 17 January 1989. Under "Investments for retirement" we find a Settlers Village advertisement, which states—

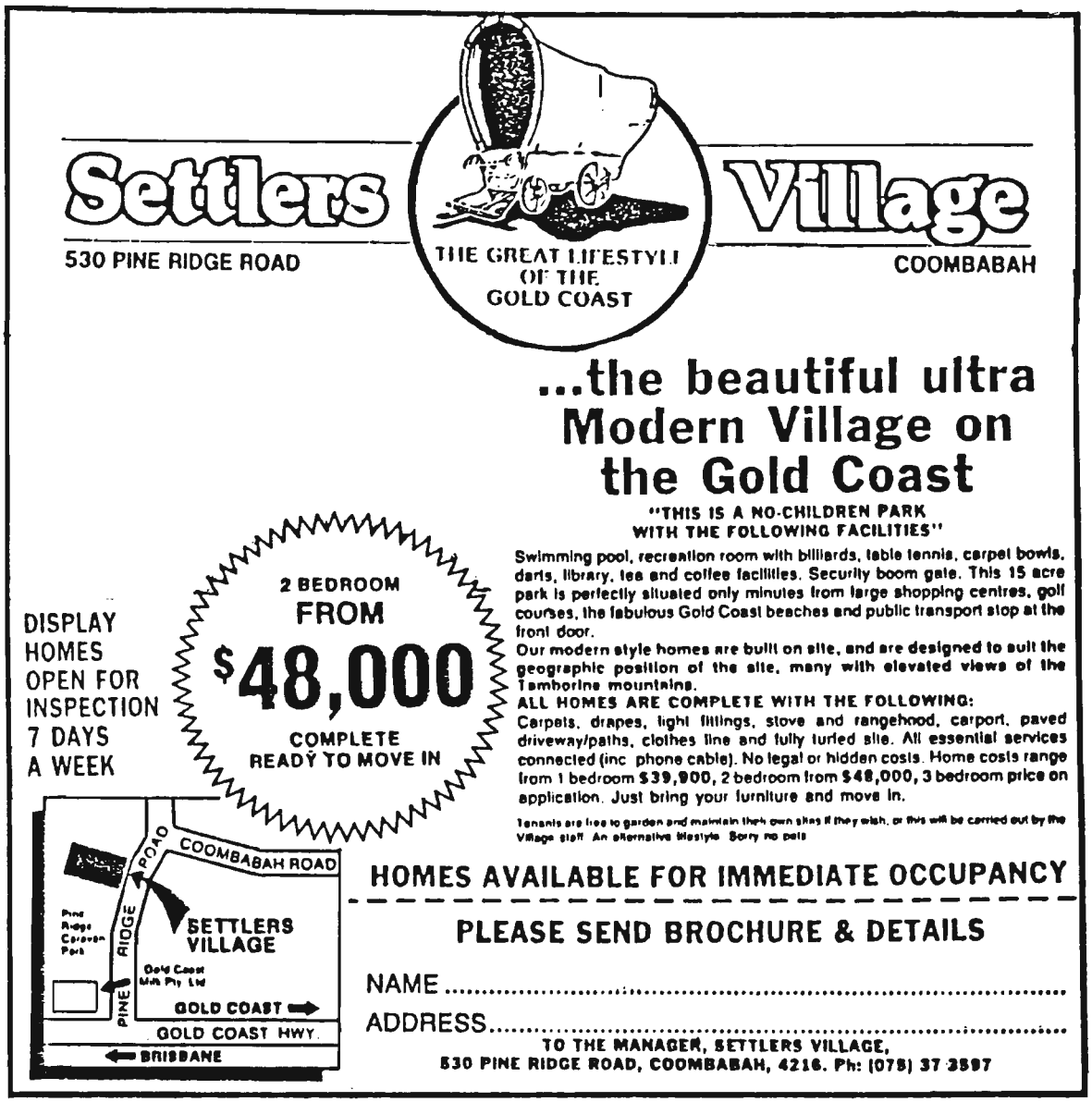
> "The great lifestyle of the Gold Coast."

The same newspaper also contains an editorial headed "Peace of mind for 'mobile' owners" and states—

> "Legislation introduced in September 1988 will give relocatable home buyers peace of mind."

I seek leave of the House to have that item incorporated in *Hansard* without the illustration attached to it. I discussed the incorporation with the previous occupant of the chair.

Leave granted.



Page 42 — GOLD COAST BULLETIN, Tuesday, January 17, 1989

Peace of mind for 'mobile' owners

LEGISLATION introduced in September 1988 will give relocatable home buyers peace of mind.

The Act requires Park Management to have shown just cause to the courts as to any eviction notice.

They are now protected by the Tenancy Rights Act.

Bob Holmes of Settlers Village Coombabah welcomes the new regulations.

The protection will give prospective buyers peace of mind, knowing that they will not face the order of having to re-locate their home or to suddenly be fronted with thousands of dollars in costs to re-locate.

Settlers Village also has a lease that gives security to tenants.

This lease, apart from giving tenants long-term rights to their site, also gives clarification as to their rights and privileges.

Mr HYND: In conclusion, I congratulate the Attorney-General and his departmental officers responsible for the drafting of such impeccable legislation in the interests of relocatable home owners. I also invite all parliamentarians in this House to assist the passage of the Bill without excessive amendment.

I commend the Bill to the House.

Mr INNES (Sherwood—Leader of the Liberal Party) (10.12 p.m.): I am afraid that the Liberal Party will have to resist that invitation by the member for Nerang.

That this is a bad law is perhaps an illustration of the old maxim that hard cases can make bad law. This law proposes to give to people who have no security of tenure in some instances a type of tenure which is all but a fraction short of freehold. The Bill is restrospective. It will go back to cancel out rights that relate to the freehold title to land currently and impress rights of indefinite tenure on land on which the resident of the mobile home will be able to stay as long as he wants. Even his heir and successor can stay there as the owner of the land and get out when he wants to on four weeks' notice, and the owner of land will have no rights to get that person out except in terms of very limited infringements which do not even include non-payment of rental.

Some of the mobile homes in the electorate of the member for Nerang are certainly more elaborate than caravans and therefore would fall within the definition of mobile homes, but still sit on their sites with tandem wheels. They still have axles and wheels. That is the truth.

Mr Hynd: There is quite a difference.

Mr INNES: That is the situation. There are residences in mobile home parks—some of them are described as caravan parks—that fall within the definition in this Bill but which are still standing upon triaxle or biaxle trailer wheels.

There are a number of ways to address a problem. If a freehold owner was seen to be too harsh, the Government could facilitate the removal or movement of that mobile home onto another place.

Mr Comben: I don't think you've read the Bill. If there has been a breach of the term, wouldn't you as a good lawyer require a full contact?

Mr INNES: This Bill is involved in rewriting any terms, despite the statement in the second-reading speech which said that most people will not invest their life savings in a structure in which they have no security of tenure. Apparently that is precisely why we are passing the legislation, because people with no security of tenure moved mobile homes onto those sites.

As I understand it, the tenants of some of those sites pay rental from month to month. One of the particular instances was that an owner with a month-to-month tenancy who received an offer to buy his property gave the residents a year's notice. Without any legal obligation at that time, and having no legal obligation for more than a month, the owner gave the residents a year's notice to enable them time to remove their mobile homes from the site. That, I understand, brought down the venomous attack of the member for Nerang and the outrage of the people involved on a person who had a legal obligation to give no more than a month's notice but who in fact gave residents a year's notice, yet drew the crabs.

If those people are in an unfortunate predicament because of the way in which that industry has grown—if people have been prepared to put themselves at risk by placing or buying mobile homes on a site where they have no tenure—the Government should not help them out. If the Government is going to pass legislation, let it make the legislation retrospective. Let it not impress upon people who own freehold land; let it

not cancel out their rights, giving them no right to sell as long as the owner of the mobile home, who had no security of tenure when he went there, wishes to stay. The owner of the mobile home can leave on four week's notice, but the owner of the land cannot do a darned thing with his block of land.

Mr Hynd: You don't understand the legislation.

Mr INNES: I understand it only too well. The people who do not understand it are those with a limited view, such as the member for Nerang. The honourable member is imposing upon an entire group of owners his own short-sighted, socialist and draconian views. That is why he is supporting the legislation.

The owners of these mobile homes do not lose their investment. The structure is worth $30,000. They can move it. It is hooked up by polythene pipe to structures in the ground, in situ—that is, sewerage and water supply—which are provided by the owner, on a block of land provided by the owner, developed by the owner, with permanent concrete pads provided by the owner, with an amenities block provided by the owner and often with swimming-pools and tennis-courts provided by the owner.

The member for Nerang referred to a case involving absolutely prime, priceless land in the middle of his electorate on which some people have been living for a rental of approximately $30 or $40 a week——

Mr Hynd: $80 to $85.

Mr INNES: Some of the rentals have risen.

The owners of those mobile homes have their rates paid for them. The only thing that they have to pay for themselves is electricity. Those people live riverside in the honourable Member's electorate. By any standards, that has to be absolutely bargain-basement, prime living.

I do not propose that those people be thrown to the wind. If the Government wants to solve that problem in that community, then let the Government assist with the location of a site that will have attached to it rights of permanency of occupation for nominated periods. If the Government wants to propose a law to secure the position of those who own mobile homes for the future, then let it say that any new park will be impressed by an obligation to enter into a contract which will have a fixed term of years. It could be whatever the Government likes—10, 10 plus 10, or 25 years.

I understand that the more recent parks solely developed for the better-quality, modern mobile homes are in fact having attached to them long terms of lease. I understand that even the present proprietor of one of the parks situated in the electorate of the member for Nerang, to which he referred, has developed other parks in which people are given long-term leases—leases for 25-years odd.

The number of mobile homes in the electorate of the member for Nerang has increased because of the number of caravan parks converting to mobile home parks. It was a progressive situation, which led to the lower quality mobile home. Other mobile home developments have taken place in the electorate of South Coast. There is a mobile home development of a more substantial and permanent nature which has attached to it leases for longer terms.

I understand that the local authorities of this State are concerned. The member for Redcliffe has certainly indicated to me that his local authority, among others, has written to him and expressed concern. The local authorities see the status of a mobile home park as a convenient interim way of accommodating people, progressing from raw land through to residential A. So at the edge of a community, as an interim sort of development, one could have a caravan park or a caravan park and a mobile home park, intending that in 25 years or 50 years the rate of permanent, hard-core development and the development of the more permanent local authority facilities, shall we say, will have moved out and the land will convert into permanent, long-term residential A or residential B accommodation. That is perfectly legitimate.

In a sense, what the Government is doing today is putting restrictions on the development, which will stop the flexibility. One would have to call a $30,000 investment, costing $60 or $70 a week on the riverside at Nerang, in the middle of the Nerang electorate, absolutely bargain-basement, top-flight living. The honourable member knows what price one could get for that land. It is a great address, involving a tremendously valuable piece of land.

The Government, in passing this legislation, which is completely retrospective, is telling the owner of that land, "Your rights are finished. Although these people have had no permanent rights whatsoever, from now on they have, and even their successors in title have. As long as they want to stay on your freehold land, use your development facilities, your sewerage, your water and your amenities blocks—your property—they can stay there. They only have to give four weeks' notice of getting out, but your right is limited to the right to go to the Small Claims Tribunal and, so circumscribed, not even non-payment of the rental will allow you to put them out."

This legislation is cock-eyed. It is a classic illustration, as I have said, of hard cases making bad law. If the Government is concerned about the people who live riverside, then let it do something to help them. If the Government wants to be charitable, let it be charitable with its land and its powers, not with somebody else's land. Some of these trailer homes still have tri-axles. They still have wheels with inflated tyres. If the Government wants to, let it provide the assistance for the owners of these homes to move elsewhere, and let the land-owner have the rights of a freehold land-holder. Let the Government set up a scheme for future mobile home parks which has impressed upon it some standard form of lease and some special powers.

The Government is changing the rules. The legislation is retrospective legislation of the most serious type. Or is the Government going to pay to the owners of these properties who do not have leasehold arrangements over their mobile homes compensation for the injurious effects on their title to the land? I have not heard that come out of the Minister's mouth. It is half-baked, myopic socialism. It is expropriating property rights. The Government is giving these people better rights——

Mr Hynd: They have chosen that as a business and they can sell that business.

Mr INNES: The honourable member says that they have chosen that as a business.

A Liberal Party member: Rubbish!

Mr INNES: As the honourable member says, we have heard some rubbish.

The right of an owner of freehold land is to use that land as he will, subject to legal agreement that he enters into or to town-planning zoning. This person will not have offended any zoning. If he has entered into leasehold obligations, they should be honoured. If it is a 20-year lease, in 20 years' time he can do what he wants with it. Anybody who then has a mobile home must make alternative arrangements or enter into a new relationship with the owner. If it is a month-to-month arrangement, so be it. The Government is saying that it does not matter whether it is month-to-month, for 10 years, 20 years or 25 years; this person cannot use his land until the owner or the successor entitled to the land decides to give four weeks' notice. I will tell honourable members what will happen—there are more ways than one of skinning cats; one alternative is that the owner will just let the whole darned thing run down and let the area become a total slum.

As I understand, mobile home parks are well kept. They are mowed. It is not the owners of the mobile homes who mow the grass or who pay the rates and meet the obligations imposed by the local authorities. They have all the burdens of freehold ownership, all the burdens of compliance with local authority requirements and all the threats for non-payment of rates, except that the Government heroes—the champions of private enterprise—looking through the perspective of a pinhole, have decided that because there are some disgruntled people for whom they can feel some sympathy they

should change the whole fundamental principles of law in this State. The answer from Mr Hynd——

Mr Campbell: What about some sympathy and compassion.

Mr INNES: There is none.

Let the Government be sympathetic with its own land and money. There will be some Crown land somewhere near the mobile home park. If the Government wants to be charitable, let it be charitable with its own money and land and let us not have retrospective legislation imposing massive limiting obligations on land used for mobile home parks. The Government's action is unbelievable.

The Minister who introduced the Rental Bond Bill is the marshmallow socialist of the National Party. He is the new marshmallow heart of the National Party. I suppose that nothing would surprise him. He does not have responsible local authorities writing to him unless they have come to grips with the fundamental principles involved in this exercise.

Mr Clauson: Don't worry; I've got a surprise for you later. I wouldn't yap too loud.

Mr INNES: I suppose that the Minister has some amendments.

Mr Clauson: I have some amendments, but don't yap too loudly.

Mr INNES: Once again, the Attorney-General, with all the might of his department, Green Papers and the lot, has said that honourable members are about to face amendments. I suppose that we will be given two minutes to look at those amendments. It is an unbelievable way to do business. The legislation is ill-conceived and half-baked. The Liberal Party will oppose it.

Mr WHITE (Redcliffe) (10.27 p.m.): Again, with considerable regret, the Liberal Party finds itself opposing another socialist piece of legislation introduced by the Justice Minister, who should be aptly described as the leader of the New Left of the National Party.

Mr Stoneman: Here we go again.

Mr WHITE: Mr Stoneman says, "Here we go again." He does not like it. Some time ago he used to sit on this side of the Chamber and send rude messages to the Liberal Party. However, because he is a party to this legislation, he is culpable. People in private enterprise will not forget it.

This is the second piece of legislation introduced off the deck in this session by the Minister for Justice. It has irritated many people in the private sector. In its present form, the Bill gives unlimited security of tenure to residents, and the subsequent power for tenants to bequeath their interest in their home to beneficiaries means that the right of the owner of the land to deal with his own property has virtually been alienated in perpetuity.

If I understand the legislation correctly, if it is passed, which I assume it will be, no incentive will be given to investors to invest in land to establish mobile home parks as they will never be able to dispose of them other than by a lengthy and complicated process. The Bill is retrospective and introduces something which honourable members have witnessed only once before in this House. Members of the National Party continually criticise Malcolm Fraser and John Howard for introducing retrospective legislation. However, tonight the Government is introducing retrospective legislation. Members of the Government should not make hypocritical statements criticising the Liberal Party. After all their years of criticism of retrospectivity, tonight they are putting retrospective legislation into the statute-book. The retrospectivity introduced by the Bill strikes down the basic rights of the owner of the land, and contracts which the owner had already entered into, in retrospect. It does not make logical business sense and nullifies any contractual arrangements that owners of mobile home parks have entered into in the past.

It is fair enough for the Government to introduce such legislation for the future, but to introduce it retrospectively is reprehensible and something which no conservative political party should have anything to do with. Because it basically amounts to compulsory acquisition of land without adequate compensation being paid to the dispossessed owner, that element is unfair. The Government is dispossessing owners of land.

The Government has expressed its desire to provide security of tenure for the residents of mobile home parks while at the same time ensuring that the amenity and life-style of those residents are protected. That is an admirable ambition and nobody would argue with that. Although appearing to achieve those aims in the short term, in its present form the legislation will not achieve them in the long term.

The security of tenure is for a pre-determined period which is negotiated between the owner and the resident with both parties entering into the agreement willingly. If owners are locked into a no-win situation in which they are holding a property which is theoretically escalating in value—as would be occurring on the Gold Coast—but cannot be realised on, they will commence to buy back homes which become available for sale in their parks and will introduce tenants to those homes. As a result, the whole basic balance of mobile home parks as a pleasant place for retired people to live will be upset. Retired persons who purchased homes to enjoy a quiet retirement will find themselves as residents of busy housing settlements. The Government is not going to achieve what it has set out to do in this legislation.

Much has been said about the economics of residents of mobile home parks and that the mobile home park provides alternative low-cost housing. That was one of Mr Hynd's arguments. The term "low-cost housing" has been taken out of context. In the majority of instances residents of mobile home parks have adopted that life-style not because of economic necessity but because of economic choice.

If honourable members were to walk through several of the mobile home parks that are located on the Gold Coast and observe the quality of motor vehicles that are parked in the home car ports, they would realise that the majority of those residents lead a far better life-style and are more economically sufficient than their counterparts who do not live in mobile home parks. It is a misconception that all residents of mobile home parks are in impoverished circumstances, live on the breadline and have no means of support other than social security.

Statistics that were taken from the Riverside home park at Carrara indicate that only 80 of the 150 residents in that park are in receipt of a social security pension. The Government's argument is blown out of the water there. Of the 202 residents at Burleigh Town Village Park, which recently has been completed, only 77 are in receipt of pensions. Those figures were extracted from the pensioner rebates that were claimed by residents of those two parks when they paid their electricity accounts. Although those statistics may not be entirely accurate, it would seem fairly reasonable to assume that any resident of a mobile home park who was entitled to a reduction in his electricity account would avail himself of that reduction.

It would appear that the majority of residents of the various mobile home parks are quite well off, having disposed of residential property in which they lived. Many of those people come from the southern States and sold their residential properties for two or three times the cost of their mobile homes. Consequently, once those people elect to purchase a mobile home, they have considerable investment funds available to allow them a life-style which, in many instances, is far better than they had previously.

The Liberal Party does not dispute the rights of those people to ensure that they will not be thrown out on the street the next day and be told to take their homes with them when, in most instances, they have invested $30,000 to $40,000 in their mobile homes. However, the Liberal Party believes that if, by negotiation, those people were able to enter into a 10 to 15-year lease with the owner of the park and were made aware that at the end of the lease they may have to move their homes elsewhere or be able to renegotiate a further term with the owner, that would be a fairer arrangement to both

parties. Only if that can be achieved will investors be prepared to invest in mobile home parks, which would ensure that high standards are maintained at all times in order to attract more people into the mobile home park life-style. That will certainly not be the case if the Bill in its present form is passed through the House tonight.

As the Leader of the Liberal Party, Mr Innes, stated, the Liberal Party opposes the legislation. It represents yet another case of overriding the rights of individuals and property-owners. As well, the legislation is retrospective. If there is anything that should be anathema to conservative politicians it is retrospective legislation. No honourable members should criticise Malcolm Fraser or John Howard, because they will be shot down.

Hon. W. D. LICKISS (Moggill) (10.36 p.m.): This legislation contains a number of issues on which I wish to comment. I intend to deal mainly with land and landed interests.

The Minister cited the incident that occurred on the south coast in Mr Hynd's electorate, which necessitated a closer interest in mobile home parks. In his second-reading speech, the Minister stated—

> "To appreciate the necessity of this legislation it is necessary to outline in brief form the facts regarding a mobile home park on the Gold Coast."

The Minister's second-reading speech contains a number of points that I would like honourable members to note. He stated—

> "In 1986 the owner of the park"—

presumably he holds the land in fee simple—

> "sold approximately 150 mobile homes to persons on the basis that they could site their mobile homes in his park pursuant to leases . . ."

That owner is alienating some of his rights or interests in land to the people who are going to site their mobile homes. That lease alienates certain of his rights and gives those rights to the 150 mobile home owners. The majority of the leases were for terms in excess of 90 years.

I think my facts on this matter are right, and I will stand corrected if I am wrong. If the owner of freehold land sells a lease or alienates a lease for more than five years, he is required to register that lease on the title. When the lease is registered on the title, the local authority is notified and the site is then subject to local authority rating. This Bill is very badly drafted and really does not reflect the thrust of what it should in fact be doing.

The second-reading speech stated further—

> "The rental and other charges contained in the leases"—

and presumably they were leases—

> "was sufficiently low to encourage many elderly persons to purchase the mobile homes and to execute the leases without obtaining legal advice."

A person would not buy a home anywhere without legal advice unless he was totally sure about it or had good advice. It comes back to the old principle of caveat emptor—let the buyer beware. Legal advice in relation to this would be readily available.

If leases are properly drawn up and registered, it is incumbent in the transfer of the title from one owner to another for the leases to be transferred with the title and they are as legally binding on the new owner as they would be on the vendor. The second-reading speech makes reference to the consideration being $1.79m and states further—

> "The new company informed the residents that it was not bound by the leases and that the rent and other charges had been set at an artificially low level."

If these provisions had been set in the terms of the lease as covenants of the lease, the new owner would have had to take and observe at face value those covenants, if they were registered.

Tonight a problem is being solved, but it is intended to inject the solution to the problem into all of the situations dealing with mobile homes. Mobile homes are of a peculiar nature in that they are able to be shifted readily. They can be put on a low-loader and taken somewhere else.

Apparently the person or owner in question gave the leases for a period of 93 years. Now that provision will be extended to indefinite occupancy. A lease will not be given for a number of years, but the registered proprietor, who presumably would be the owner in fee simple, is to be told that once he lets a mobile home site, it is there for ever, except under certain conditions for non-compliance as provided in the legislation. That means that the registered proprietor is virtually being asked to give away for ever his total interest in that parcel of land in exchange for rental.

A registered proprietor in freehold cannot give a greater title than that which he himself already holds, so he must be able to give a lease for years. Some people say that a perpetual lease is a leasehold. In fact, it qualifies under the definition of freehold because the definition of freehold is that at the commencement of the title or the tenure it cannot be said with certainty when that tenure will end. That applies to a perpetual lease and to a title in fee simple. But for a person holding a fee simple title who intends to alienate his rights, in law he cannot alienate more interest in land than he already holds and therefore he must at the best give a lease for years. It may well be for 99 years, or it could be for 999 years. But it must be a terminable-interest lease.

The Bill also points out that people are entitled to the quiet enjoyment of the site. For argument's sake, if a public purpose resumption was required in a park area, the person who held the fee simple title would find that a great deal of his park would be alienated in terms of his rights to the land and that compensation would apply squarely to the occupiers of the mobile home units, who in fact had a variable interest, subject to the four weeks' notice that has to be given, right through to almost freehold interest in the land in terms of compensation. They are some of the points that emerge from what I believe is this rather ill-conceived legislation.

Other matters could be raised. For argument's sake, it might well be that, on land held in trust for housing purposes, a local authority may require to institute or bring into being a mobile home park. Under this legislation, unless it holds the fee simple of the land, it is precluded from so doing. What happens if a person owns the freehold of an area and decides that he wants to establish a mobile park? At this stage I do not believe that he is required to carry out a suitable subdivision. This legislation omits to amend the Local Government Act to provide suitable subdivisions and allocations of areas for mobile homes.

All in all, I believe that in order to solve one problem that has occurred, rather draconian measures are being introduced to protect those people who wish to reside in mobile homes on the basis that they have no land tenure at the outset; that they would be given some form of lease, but the terms of the lease would be indefinite. In my view, the agreement would not be a lease unless it applied to a lease for years.

Although I believe the spirit of this legislation is intended to provide a greater measure of protection to people than has been afforded in the past, I think a number of policy matters have to be determined. First of all, are mobile homes acceptable? To what extent are they acceptable? Under which local zoning will they be permitted to be established? What will be the conditions under which local government approves their establishment? I believe that local government should be the authority that controls location and most of the management aspects of the sites, depending on which local government services are required. Secondly, does the Government really require this type of draconian legislation, which I believe is inequitable and distorts the relationship between the registered proprietor of the land and the tenant? After all, when all is said and done, the proprietors are putting mobile homes on sites in a suitable park with permission—which park is owned, managed by a registered proprietor in fee simple.

Mr BEANLAND (Toowong) (10.47 p.m.): This is one of the most draconian pieces of legislation that has ever been presented to this Parliament. It strikes at the heart of

the British legal principles that relate to property rights as we know them. This legislation has been brought forward by the shining light of the New Left, the great socialist reformer. The Minister for Justice is certainly becoming known by those descriptions throughout this State. Last week it was the Rental Bond Bill; this week it is the Mobile Homes Bill.

Tonight, honourable members are ostensibly solving what is probably a small problem. In reality, honourable members are creating a major problem but are solving nothing. In form that is typical of this Government, honourable members are using a sledge-hammer to crack a nut. Although the member for Nerang, Mr Hynd, has a problem in relation to mobile homes, he is now a party to creating a far greater problem throughout this State by virtue of this legislation. One only has to refer to comments made by local authorities including the Gold Coast City Council, the Redcliffe City Council and the Redland Shire Council to realise that what I am saying is right. All those councils control areas that are used as mobile home parks and they are all extremely concerned about the effects of this legislation.

This legislation will give to the occupiers of mobile homes the equivalent of freehold title. They will have unlimited security of tenure. This legislation also gives to tenants power to bequeath their interest in the home to beneficiaries. As a result, the owner of the land will find that his rights to deal with his own property have been alienated in perpetuity. Those words ought to sink in, because in years to come this legislation will have grave consequences.

If this legislation is passed and becomes law, investors will have no incentive to invest in land that will be used to establish mobile home parks. I say that because investors will never be able to dispose of their asset—and that much is clear from the legislation—other than by a lengthy and complicated process. Moreover, the legislation is retrospective, which is of grave concern to all the local authorities I have mentioned. If this Bill is passed, the rights of owners of land will be quashed retrospectively. Contracts that previously were entered into on a normal business basis will be nullified.

If one examines the effects of clauses contained in the legislation, one realises the enormous scope of this Bill. Clause 3(2) does not confer any rights on the owner of the land but certainly gives enormous rights to the occupier of the land. At this stage I should say that many local authorities that are involved in the control of mobile home parks have indicated strenuous opposition to this clause. They have indicated clearly their intention to terminate arrangements that presently operate to provide a 12-month tenancy arrangement. If this legislation is passed, all those arrangements will be terminated, which indicates the seriousness with which those local authorities view this legislation.

It is all very well for the member for Nerang to wave his arms about and complain about the problem that he has in his electorate. Obviously, in his attempt to thrust upon the whole State some of the problems that he has encountered, he has forgotten about the concerns of local authorities. Perhaps he thinks that he alone is confronted by this problem and that it will be fixed up when this legislation is passed. But what about the problems that he will cause for hundreds of other people who live in mobile home parks controlled by local authorities?

Mobile homes should be the responsibility of local authorities and should be controlled by the town-planning, water supply and sewerage, and parks by-laws administered by local authorities. Local authorities have been set up to handle this type of residential site. They have the necessary field staff and the desired proximity to the people involved that enables them to meet changing needs. Local government is the area of government that should be handling the administration of mobile home parks—not this level of government, by virtue of the draconian legislation that is presently before the House.

This Bill gives the Small Claims Tribunal enormous power to settle disputes. Part II of the schedule sets out seven points which largely deal with the right of the occupier. Although a couple of them touch on the rights of the owner, the occupier is the main beneficiary of the terms of the schedule. I ask the Minister what will happen if a

grievance is aired by 50 people? Will all of them go to the Small Claims Tribunal? Each day, reports come to the attention of honourable members about delays that occur in the hearing of complaints by the Small Claims Tribunal; yet, because of this legislation, more disputes will have to be heard by the tribunal. The logical consequence of that action is that the process will be delayed even more. The Small Claims Tribunal will suddenly grind to a halt and delays that are presently experienced will become lengthier. There is no right of appeal to a higher court.

It is all very well for the Minister to laugh about it; he is laughing at private property rights. I am sure all private property owners, including the owners of mobile home parks, would like to hear the Attorney-General laughing at them. He thinks it is a huge joke as he alienates their democratic rights through this draconian legislation. He does not give a damn about local authorities, but he will not think it is such a huge joke after the Redland Shire Council has had a piece of him over the coming months. As a result, as time goes by, there will be a change of attitude. The Redland Shire Council has told the Minister exactly what it thinks of the legislation and how many people it will have to dispossess as a result of it. It is clear that local authorities throughout the State will be putting hundreds of people out of mobile home parks.

This legislation is shameful and should never have been brought before this House. Like other members of the Liberal Party, I am totally opposed to it. In the coming months people will be made homeless as a result of this legislation and within a very short period the Government will have to introduce amending legislation. Alternatively, powers will have to be given to local authorities to take over total control of and responsibility for mobile home parks.

I give the Minister one last chance to withdraw this legislation—

Mr Beard interjected.

Mr BEANLAND: In answer to the honourable member for Mount Isa, the Minister is a great member of the new Left——

Mr Beard: The Redlands "Red".

Mr BEANLAND: Yes, the Redlands "Red", that is what the Redlands Shire Council and the people of Redlands call him.

This legislation will be brought back to this House for amendment or, alternatively, power will be given to local authorities to take over the control and running of mobile home parks.

Hon. P. J. CLAUSON (Redlands—Minister for Justice and Attorney-General and Minister for Corrective Services) (10.56 p.m.), in reply: I thank all honourable members who supported this legislation in their contributions to this debate, and in particular I thank the honourable member for Nerang.

As all honourable members know, Mr Hynd has worked very long and hard behind the scenes to achieve the significant legislative reform that this House is presently debating. I compliment him for that and I am sure that his constituents, particularly those living in the Casino Village and Riverside home parks in his electorate, will be the major beneficiaries of this legislation. It is appropriate that it be recorded in *Hansard* that Mr Hynd has had the foresight, diligence and compassion—which is so lacking in the Liberal benches of this place—to push long and hard for legislation offering significant security of tenure to mobile home residents.

Since the introduction of the Bill there has been significant community debate. Unfortunately, some confusion exists and I take this opportunity to clarify a few points contained in the Bill. The legislation contains a number of minimum requirements so far as agreements between park-owners and the residents are concerned. The parties are at liberty to supplement these minimum terms by other conditions that are suitable for their particular needs. Some organisations representing park-owners are developing standard conditions that may be inserted in agreements between the parties. In addition,

I have pointed out to people that, provided the standard conditions do not contravene a provision of the Bill and that residents agree to their inclusion, park-owners are at liberty to use such agreements.

The aim of the Bill is to ensure that a person who invests significant sums of money in the purchase of a mobile home is given the appropriate security of tenure. That is not an unreasonable goal. People will not purchase one of these structures if their security of tenure is no stronger than the whim of a park-owner. At the present time, mobile home residents are not afforded protection under the Residential Tenancies Act and are treated in the same way as a lodger in a boardinghouse or a person renting a caravan. This is both unrealistic and totally unfair. Despite their name, mobile homes are both difficult and costly to relocate and alternative park sites are difficult to find. The resident is not leasing the property of another, but is merely leasing the real estate upon which the home is sited. Residents often expend significant amounts of money in having mains water, electricity, telephone and other services connected to their properties and, in addition, often pay for the cost of picket fences around the site and for the upkeep of the gardens around their home. In many ways they are in a totally different situation to a tenant, and it is appropriate that the law take account of their special position.

Honourable members may have received some correspondence from the Caravan Parks Association or its members opposing the legislation. It is most unfortunate that the association has taken this attitude.

Mr Beanland: Give them a bucket.

Mr CLAUSON: The honourable member for Toowong should listen to this. Who is scoffing now? The honourable member for Toowong referred to my laughter at his inanity and not at caravan park owners.

On 10 February 1987 the then State secretary of the association, Mr Noel Rixon, wrote to me supporting legislation based on the proposals contained in the Green Paper on mobile homes. As honourable members would appreciate, the Green Paper recommended the introduction of legislation along the lines of the legislation that this House is debating tonight. I will quote a few of the sentiments expressed by the association at that time. It stated—

> "In principle, the association totally supports the Government's initiative with regard to the Green Paper. The introduction of appropriate legislation to regulate this fairly rapid growth industry is overdue and the sooner proper guidelines are introduced to regulate such development the better it will be for both the consumer and those associated in the industry with the provision of both facilities and products."

The sentiments that were then expressed by the association reflect the reality of the situation. Unless legislation is introduced to put this industry on a sound legal footing, it will face a crisis of investor confidence. In some areas that has already been evidenced. Putting it bluntly, people will not invest their life-savings if they can be treated like mugs and ripped off at will, which seems to be the Liberal Party's approach to this problem. This legislation will introduce appropriate standards and enshrine practical safeguards that will guarantee that mobile home living can be a housing alternative for Queenslanders.

Honourable members may have also noticed certain unfortunate statements made on behalf of the Gold Coast City Council, threatening that unless the Bill was withdrawn mobile home residents would be evicted from its parks. Following the publication of those statements I met with the Mayor of the city of the Gold Coast, Mr Bell, and I will read to the House the contents of the letter he forwarded to me, dated 27 February 1989—

> "Dear Mr Minister,
>
> I am writing to express thanks for your time and co-operation extended to me on Thursday.

Following that visit, I have come away quite satisfied that the amendments proposed to the Mobile Homes Bill will satisfactorily address the problems which were of concern to council, and I have sent a memo to the other aldermen to reassure them.

I was grateful for your personal help and that of your departmental officer, as well as the co-operation from Mr Hynd.

With good wishes.

Yours sincerely,

A. J. D. Bell

Mayor"

At this juncture I seek leave to table a photocopy of that letter.

Leave granted.

Whereupon the honourable member laid the document on the table.

Mr CLAUSON: The concern expressed by the Gold Coast City Council and other park-owners related to the right given to residents to sell their mobile homes and assign their rights under an agreement to a third-party purchaser. The owner of the park has the right to refuse permission to the assignment but, to quote the Bill, "he shall not unreasonably withhold approval". The concern expressed about this provision can be divided into three areas. Firstly, whilst responsible owners do not object to the Bill protecting residents once they have moved into a park, they quite rightly say that park-owners must have the right initially to determine who comes into the park, otherwise standards may be adversely affected. In determining whether to allow a person to move into a park, an owner often uses subjective, and not objective, criteria. Long experience in running parks results in many park-owners intuitively knowing who will fit into a park environment and who will not. The Bill, as presently drafted, would limit the right of an owner to control who came into his park. For that reason, some concern has been expressed.

Secondly, under this Bill a resident will be placed in a very favourable position and it must be recognised that in the future, when selling his mobile home and assigning his lease, he will be able to charge for a significant component of goodwill. It is important that the owner be able to strictly control assignments in case certain residents misuse their statutory right and engage in a form of profiteering.

Finally, concern was expressed that parks catering for a particular age or occupational group could be disadvantaged by the provision. It has been argued that an existing resident in one of these parks may wish to sell to a person who falls outside the category of other existing residents. Take, for example, a park designed for aged persons. It clearly would be undesirable that a person not falling within that age bracket could move in simply because one of the existing residents wanted to assign his agreement. I have indicated that I do not believe this is a problem, but some doubt continues to exist and it is better that this matter be resolved by a clear statutory amendment. For the above reasons, during the Committee stage I will be moving an amendment which will make it clear that a park-owner has the absolute discretion in determining who can move into his park.

I now move on to the contributions made by honourable members to this debate. I thank the honourable member for Windsor for his support. I noticed that he and the member for Murrumba mentioned concern about caravan-owners in these areas. It might interest the Labor Party to know that the only State that gives any protection to caravan dwellers in its legislation is Victoria. That legislation became operative only as from 15 February 1989. No other State has legislated to protect either mobile home or caravan residents.

It might also interest honourable members to know that comments by the Victorian Tenants Union as reported in the Melbourne *Herald* of 14 February 1989 claim that

"those residents who are covered by the Caravan Parks Act will receive less protection than that provided to tenants living in houses or flats". Additionally, the union claimed that the Act was "ambiguous, confusing and grossly inadequate to meet its primary purpose of establishing tenancy rights for caravan residents". So much for the Labor Party's alleged concern for mobile home and caravan park residents!

Another point that should be made about the contributions from the members for Windsor and Murrumba is that, when the honourable member for Murrumba suggested that the legislation should be expanded to cover caravan parks, he overlooked the fact that in 1982, under Lord Mayor Roy Harvey, the Labor Brisbane City Council attempted to evict all permanent caravan park dwellers in Brisbane. At that time he stated that the Brisbane City Council opposed permanent caravan park living, so I find it hard to accept at face value the current criticism of this legislation by the ALP and its members.

I thank the honourable member for Nerang for his support for the legislation. He gave a long and accurate history of it. He outlined the attitude of the other State Legislatures to the problem. It is regrettable to see those attitudes pervading the thoughts of the Liberal Party in this place. He outlined the extraordinary growth in the mobile home industry in this State and he touched upon the people who are attracted to that type of dwelling—the young first home owners and the elderly. He drew attention to the need for controlled development in that area.

The elderly, as the honourable member pointed out, gain security in numbers, and a sense of camaraderie and pride in their own place. It is particularly important in this day and age for the elderly to have security in numbers.

The legislation gives security of tenure to the little man who may wish to, and should be able to, enjoy security of tenure in his twilight years without any worry. The honourable member spoke about the rights and advantages of living in and buying and selling mobile homes within mobile home parks. He also spoke about the disturbance to life-style and the worry and uncertainty that had led to the formulation of this legislation.

I come now to the contribution of the member for Sherwood. His contribution was up to its usual standard—critical of the Government, neglectful of the rights of the average person in the street, and indicating total ignorance of the legislation before the House. It is obvious that the honourable member for Sherwood has not even read or understood the Bill, because he claimed that an owner could not apply for the eviction of a resident who had not paid rent. I draw the honourable member's attention to clause 4(a) of Part I of schedule 1, which covers that exact situation.

So far as heirs and successors of residents are concerned—I draw the honourable member's attention to clause 6 of the legislation. Under that clause, only the spouse of the deceased resident or a member of his household who is residing with him has the right to stay. Family members not living on the site have no right to live in the park. They only have the right to resell the mobile home to a person approved by the owner.

The Bill does not tie up the freehold title. Once again, I draw the honourable member's attention to clause 4(e) of Part I of schedule 1 of the Bill.

In relation to the concern of the local authority—I have already tabled a letter from the Mayor of the Gold Coast expressing his satisfaction with the amendments which we propose to move during the Committee stage of the legislation.

It is quite clear that the Liberal Party has once again sold out the interests of mobile home residents. It does not care about them. It is prepared to have them at the mercy of unscrupulous park-owners for evermore. The only half-baked thing about the legislation has been the contribution of the honourable member for Sherwood. His rip-them-off philosophy highlights the moral, intellectual and philosophical poverty of the Liberal Party.

I turn now to the honourable member for Moggill. I inform him that, if protection is required, leases over three years—not five years—are required to be registered. He

referred to the principle of caveat emptor. I remind him that most of the owners of those homes are elderly persons who are in a position of unequal bargaining power. Most persons do not obtain legal advice, yet invest their life savings in one of those structures. It would be irresponsible in the circumstances which face those elderly residents not to give them some sort of protection. Vain talk about caveat emptor is exactly what I would expect from the honourable member for Moggill. His contribution to this debate has been parlous and lacking, as is normal.

I move on now to the honourable member for Redcliffe.

Mr White: This will be good.

Mr CLAUSON: Unfortunately, it could have been good, but it is not. Once again, we have heard nonsense from the honourable member for Redcliffe. We have seen his performance in this place with regard to legislation——

Mr Borbidge: He's slipped a lot.

Mr CLAUSON: Yes, he has slipped a lot. He is very slipshod.

He spoke about retrospectivity and dispossessing the owner of the land. I suggest to him that that is absolute and utter nonsense. He went on to say that it was an admirable aim of the legislation to try to give people security of tenure in the mobile home parks. However, when one analyses what he said, one finds that he said nothing other than to criticise the legislation, other than to indicate his lack of understanding of the human condition and, not only that, his lack of feeling for the average person in the street, which typifies the tragic state into which the Liberal Party has now fallen. It is a party that tries to be everything to everybody. Yet on occasions such as this the silvertail, paté and French bread attitude once again permeates the words in this House—because he contributed nothing. He did not contribute an alternative suggestion as to what should be done for the people in mobile home parks. He did not offer even a scintilla of hope for anybody in the mobile home parks.

The major contribution to the debate by the honourable member was his reference to figures which he then went on to state possibly were not accurate. That is what the honourable member said, was it not?

Mr White: You read my speech.

Mr CLAUSON: It will reflect that statement, unless the honourable member goes up and alters it.

Mr SPEAKER: Order!

Mr CLAUSON: What the honourable member said was that the number of people receiving electricity bills who did not get a discount because they had not applied for it indicated that people who live on the Gold Coast in mobile homes did not need it and therefore were people of affluence.

A short time ago the member for Sherwood interjected and asked me was I going to live in a mobile home. I now put the question to him. As his colleague Mr White has suggested that people living on the Gold Coast in mobile home parks are affluent, is the member for Sherwood prepared to go down there and live in one? The honourable member for Sherwood has suggested that it is top-flight, top-storey living. His colleague Mr White reinforced that with figures, which he admits are inaccurate, to the effect that mobile home parks——

Mr Borbidge: Mr White made the observation as he drove past in his Jag.

Mr CLAUSON: Yes.

It really is quite an interesting feature. However, what it overlooks, of course, is that mobile home parks simply do not exist solely on the Gold Coast for the benefit of the rich and famous such as Mr White and Mr Innes, who would like to live the life of Riley down there but are stuck in this place—for not much longer, I hope.

I think it is very, very sad that the member for Redcliffe has decided to parrot the views of his colleagues in relation to this particular piece of legislation.

Mr De Lacy: Would you say their performance was dismal?

Mr CLAUSON: Quite frankly, I would put it at less than dismal.

Mr De Lacy interjected.

Mr White: What about the retrospective provisions?

Mr SPEAKER: Order!

Mr CLAUSON: I can get to those. That is no problem.

I understand that clause 16 is the one upon which the member for Redcliffe dwells. He has obviously read clause 16. He has grabbed hold of clause 16 and is worrying it like a terrier.

I point out for the benefit of the member for Redcliffe that this particular clause ensures that the Bill, in all its major aspects, applies to existing tenancy arrangements, as well as to those negotiated in the future. In short, the Bill has both retrospective and prospective application. One does not have to be Einstein to work that out, because regard has been had in the Bill to the practical problems of applying the legislation to existing tenancies. For that reason, under clause 4(2), which the honourable member has obviously read, the park-owner is given six months to give a resident the written statement required by the Bill, instead of the three months as with future agreements.

I think that the argument against retrospectivity would certainly have some force if the Bill was changing existing contractual rights and obligations in a fundamental way. However, it is not doing that. The Bill is in fact designed in a commonsense form for the very purpose of assisting people, which the Liberal Party seems insistent upon not doing.

Members of the Liberal Party are totally uninterested in the general public of Queensland. Consequently, I am sure that their attitude will be reflected in the electorate. I heard them scoffing and laughing about this matter. I think that, in years to come, this legislation will be looked upon with as much favour as the retail shop leases legislation and all those protective pieces of legislation designed to protect people in a position less viable than that of those who control them. That is why the legislation has been introduced.

The member for Toowong carried on. He parroted in rote fashion the trite sayings of the other members of the Liberal Party about retrospectivity, socialism and all the other nonsensical, clichéd phrases that they are so apt to drag out whenever there is a debate in this place. However, I understand that the real debate is not in this Chamber. I understand that the real debate is amongst their members at present and that each one is vying with the other for public acclaim.

Mr Davis: That's what we call tactics.

Mr CLAUSON: It is tactics, yes.

In conclusion, I suggest that this legislation is well framed and well thought out. The amendments that I propose to move at the Committee stage will simply serve to enhance the legislation for the benefit of the general public. The Liberal Party, in opposing this legislation, will certainly stand condemned in the coming years.

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

AYES, 67		NOES, 9	
Ahern	Lingard	Beard	
Alison	Littleproud	Innes	
Ardill	McCauley	Knox	
Austin	McElligott	Lee	
Berghofer	McKechnie	Lickiss	
Booth	Mackenroth	Schuntner	
Borbidge	McLean	White	
Braddy	McPhie		
Burreket	Menzel		
Campbell	Milliner		
Chapman	Muntz		
Clauson	Neal		
Comben	Newton		
Cooper	Palaszczuk		
Davis	Perrett		
De Lacy	Randell		
Eaton	Row		
Elliott	Scott		
Fraser	Sherrin		
Gamin	Simpson		
Gately	Slack		
Gibbs, I. J.	Smith		
Gilmore	Smyth		
Glasson	Stoneman		
Goss	Tenni		
Gunn	Vaughan		
Hamill	Veivers		
Harper	Warner		
Harvey	Wells		
Henderson	Yewdale		
Hinton			
Hobbs			
Hynd	*Tellers:*		*Tellers:*
Katter	FitzGerald		Beanland
Lester	Stephan		Sherlock

Resolved in the affirmative.

Committee

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

Clauses 1 and 2, as read, agreed to.

Clause 3—

Mr CLAUSON (11.32 p.m.): I move the following amendment—

"At page 2, omit lines 14 to 16 and insert—

' "caravan" means—

(a) a vehicle ordinarily fitted with wheels and designed for attachment to a motor vehicle;

or

(b) a vehicle designed for use as part of a motor vehicle;

and designed for use for residence therein;'."

Mr INNES: Clause 3 contains the definition of "caravan" and "mobile home". It is clear from both definitions that neither structure is intended to be permanently attached to the land; they are both mobile and transportable. This legislation, which honourable members will explore later at a little length, is designed to give people, whose basic purchase and basic value is in something that is transportable and portable, greater rights than those held by some people who have fixed buildings and fixed structures. In the latter part of his scoffing and superficial reply, the Minister used an analogy——

Mr Ardill: Did you say "scoffing" or "coughing"?

Mr INNES: Scoffing and coughing, yes. Any conservative Minister who introduces retrospective legislation should cough and splutter.

The Minister referred to the retail shop leases legislation under which leases are recognised. People who invest $100,000 in fittings and fixtures for as little as five years nevertheless are seen to have rights that can come to an end. Under this legislation somebody who starts with a $30,000 investment in a structure that is designed to be portable—and by definition in the Act will be portable—the value of which stays the same although it can be relocated in another place at the same value, is to get rights that are better than those that are given to people who have legal leases. Under this legislation that person gets an indefinite lease which can be passed on to people year after year after year—perhaps 25 or 30 years.

Some of the more modern mobile home parks establish long-term leases up to 20 or 25 years. Under this legislation that counts for nothing. Even a lease counts for nothing; it goes on and on and on indefinitely, the owner having to cop the retrospective block that this Government has put upon a valuable title which is called freehold title to land. This is an unbelievable piece of legislation. If one had introduced it, one could have understood——

Mr Hynd: You don't understand.

Mr INNES: Yes, I understand fully. The honourable member does not understand. He does not understand that the Government has set up a title situation which is longer than leasehold. It is not 5, 10 or 25 years; it is indefinite title.

As I said, other people are used to spending large amounts of money on comparatively short leasehold propositions. Clause 3 (2) states—

> "The rights and remedies conferred on an occupier by this Act are in addition to and not in derogation of or substitution for rights and remedies that would be had in law by an occupier . . ."

Ownership has lost its meaning for members of the Government.

Mr CLAUSON: I rise to a point of order. The clause upon which the honourable member is purporting to speak refers to definitions, not tenure. Mr Temporary Chairman, I would like you to draw the honourable member's attention to that fact.

Mr INNES: Mr Temporary Chairman, if I can assist you a little——

The TEMPORARY CHAIRMAN (Mr Booth): Order! I do not want any assistance. I am reading the clause.

Mr INNES: Mr Temporary Chairman, let me point you to the words of the clause which the Attorney-General does not know and understand. Clause 3 (2) states—

> "The rights and remedies conferred on an occupier by this Act are in addition to and not in derogation of or substitution for rights and remedies that would be had in law by an occupier apart from this Act."

It is no wonder that the Minister moves amendments whenever he introduces legislation into this Parliament, because he is not aware of the wording of the Bill. When the Minister rose to a point of order I was referring to the wording of the Bill.

The gentlemen of the National Party should listen to what I am saying. In his reply the Minister referred to the fact that the Victorian legislation——

Mr CLAUSON: I rise to a point of order. As I understand it, the debate relates to the amendment.

The TEMPORARY CHAIRMAN: Order! The debate is on the amendment, but I intend to allow the member for Sherwood to debate the clause.

Mr INNES: I was called to speak on clause 3. Thank you, Mr Temporary Chairman.

In his reply, the Minister invoked the opinion of the tenants' union of Victoria as his guide-line for more ambitious legislation than was introduced in that State. That very same tenants' union lobbied for the introduction of the Rental Bond Board.

The Government's sense of property has been hijacked by a bunch of people who, throughout Australia, are sustained and financed by ALP Federal Government grants to produce a biased and one-eyed view of the world to all and sundry. The National Party's legislation on property rights has been hijacked by the tenants' union—a little covey of idealistic young men who are financed by the Labor Party's Commonwealth grants and buzz around this country trying to dictate terms from one point of view only.

The reason I point to this crucial emphasis only on occupiers' rights and the removal of owners' rights is well illustrated by something of which the member for Mount Isa reminded me. Some decades ago in the United States, a Democratic Mayor of New York imposed rent control and the South Bronx was devastated by the withdrawal of land-owners from that area or from the maintenance of the tenancies in that area. *Time* magazine produced graphic photographs in which one could not tell the difference between the South Bronx and the bombed-out shell of Hanoi.

If the rights of owners are acted against, the owners will depart the scene. In fact, some owners have already gone to northern New South Wales where superb mobile home parks are being established on long-term leases—25-year leases and more. At least the leasehold puts the owner as well as the occupier into some sense of certainty. In my submission I said that this problem could be addressed in other ways. Prospectively, one could have set up legislation that defined and required leasehold tenure. Retrospectively, the Government should have picked up the consequence of its own bleeding heart.

The Minister has said nobody will go into these homes unless he has security of tenure. Yet the very evil that he is addressing is the so-called burgeoning development, the enormous boom in mobile home development, which has taken place, apparently without any security of tenure. There will be a flight of capital away from this attractive option which, despite the lack of security, has clearly attracted hundreds of people to the electorate of Nerang and elsewhere. It is the complete trampling on owners' rights and the preoccupation allegedly with occupiers' rights to which we in the Liberal Party object and which will lead this Government down the rocky path to the flight of capital from this State and in fact the reduction of opportunities for this more modest lower-cost housing option for the people for whom the Government expresses concern.

Mr WELLS: We in the Opposition support the amendment. We listened with great interest to the Attorney-General choking on his words, and we listened with somewhat increasing alarm to the Liberal Party members choking on their silver spoons. The Opposition sat quietly, and apparently in doing so it managed to offend the Honourable the Attorney—I should say the Honourable and learned the Attorney-General. The Opposition did not wish to offend him in this way.

Referring to the definition of mobile homes and caravans, I would ask the Attorney to be kind enough to simply say to us that he will turn his reforming zeal or at least direct the attentions of his talented draftsmen to the plight of caravan-owners and caravan residents in Queensland. The Opposition is not asking him to say that he will bring in a Bill; it is asking him to say that he will have another look at the matter. He has done so in relation to rental bonds. He has now introduced this mobile home legislation. Will he consider the question of caravan-owners? Mr Temporary Chairman, could I note the Minister's affirmative reply?

The TEMPORARY CHAIRMAN: The Minister will reply after the honourable member for Redcliffe has spoken.

Mr WHITE: I am sure that the Attorney-General will rest very well tonight, knowing that the Opposition spokesman is so complimentary about him and the legislation that he has introduced.

I refer to clause 3 subclause (2), which appears on page 3 of the Bill. It states—

> "The rights and remedies conferred on an occupier by this Act are in addition to and not in derogation of or substitution for rights and remedies that would be had in law by an occupier apart from this Act."

That clause should be expunged—deleted—in its entirety, because it is one-sided, retrospective and certainly undemocratic. The clause confers rights only on the occupier and not on the owner. Those rights are in addition to rights that would have vested with the occupier under any agreement previously entered into with the owner. This gives rise to a situation in which at the time an agreement is entered into willingly by both parties, covering in most instances the period during which security of tenure would be granted, the owner's rights to expect vacant possession of his property at the end of that mutually agreed period are abrogated, taken away, expunged, as an indefinite form of security of tenure will be conferred by this legislation on the occupier.

That basically results in the withdrawal of the rights of an owner to have control over his property and heads alarmingly in the direction of compulsory acquisition of property by the State and is certainly socialism or quasi-socialism. That is what it is. If one accepts this premise, it is not the type of legislation that would be expected from a so-called conservative Government, and not the type that would encourage investment in the construction and maintenance of mobile home parks. For that reason, the Liberal Party strongly opposes the clause.

Mr LICKISS: I wish to address the issue of "site", but let me preface my remarks by thanking the Minister for correcting me and saying that the lease is for three years, not five years, and has to be registered on the title. Let me also indicate that, although I did not have an adviser at hand to assist me, I referred to the Minister's second-reading speech, in which he confused the terms "lease" and "agreement". The terminology that he used was, ". . . leases . . . for terms in excess of 90 years." I point out that if that statement had been properly vetted in the first instance, each lease would have to be registered on the title. If that were to happen, a local authority would be able to claim rates over those properties. I notice that the Minister did not go so far as to answer that particular query, because he did not have the capacity to do so.

The clause states—

> " 'site' means land made available for positioning of mobile homes under relevant agreements and includes every part of such land;"

It distinctly deals with an interest in land and includes every part of the land. Subclause (2) states as follows—

> "The rights and remedies conferred on an occupier by this Act are in addition to and not in derogation of or substitution for rights and remedies that would be had in law by an occupier apart from this Act."

The Government is saying that an occupier can go to an owner and say, "I do not want to enter into an agreement. I would much prefer to have a lease. You are the freehold owner of this park. As it is competent for me to ask for a lease over a period of years, and bearing in mind that I am prepared to have it registered on your title to safeguard my security, I would like to have the lease over 10 years." Although this Government calls itself a free-enterprise Government, it is telling the owner that only an agreement can be entered into and that it has to be entered into in a specific way, and not in any other way. Although the owner has title to the land in fee simple, and although an occupier is willing to negotiate with the owner for a lease, the Government is saying that they cannot do that. The subclause specifically provides that an occupier can go to the owner and say, "I want a lease."

From my reading of this clause, I believe that because the owner has been approached by the occupier, the owner can grant a lease. The Minister can correct me if I am wrong. I understand also that the owner cannot go to the occupier and say, "I am prepared to give you a registrable lease, if you want it, and I am prepared to enable you to use a

mobile home located on my land in this park for residential purposes. In fact, under those conditions, it could almost be used for holiday purposes." However, as I stated, this is prevented by this legislation.

The effect of this legislation is to put the whole transaction into a strait-jacket, particularly as far as the owner is concerned. The occupier has only a right to approach the owner. The whole effect is that this legislation will prevent mutual agreement in relation to the handling of land. It will also prevent the acquisition of a greater security of tenure that would enable the occupier to register the lease on a title.

Mr WELLS: I am gaining the impression that members of the Liberal Party will divide the Committee over this clause. There is absolutely no point in their doing so. They are becoming increasingly boring and repetitive.

The fact is that the machinery of this legislation is very simple. If somebody owns a site for a mobile home and some people—at great expense to the extent of $30,000—move a mobile home onto that site, the site-owner will have them for as long as the people want to stay, unless those people misbehave or unless the site-owner applies to the local council for a rezoning of the site if he wants to sell it. I cannot see what is wrong with that type of security. If the site-owner wants to sell the land, he can do so. If the occupier misbehaves, he can be kicked out. What is wrong with that?

The Liberal Party is really holding out for the right of the site-owner to randomly kick out any working-class person for whatever reason he sees fit. Members of the Liberal Party are holding out for pure randomness of action. They just want power that will enable site-owners to push people around. To achieve this, they are standing up and claiming to act on all sorts of principles. They are not operating on the basis of principles; they are operating on the basis of lucre.

The Labor Party opposes the Liberal Party on this clause. The Opposition supports the amendment.

Mr ARDILL: I support the request made by the member for Murrumba that further consideration be given to the rights of people who occupy caravans in these parks.

The TEMPORARY CHAIRMAN (Mr Booth): Order! This Bill relates to mobile homes.

Mr ARDILL: The clause relates to the difference in definition between the two terms.

The TEMPORARY CHAIRMAN: Order! It may, but in the light of the provisions contained in the Bill, the honourable member should confine his remarks to mobile homes.

Mr ARDILL: I am speaking to the difference in definition. What I am saying is that I support the amendment that defines "caravan". I believe that a distinction should be drawn between caravans and mobile homes, which is the purpose of this definition. The legislation should define the difference because the mobile home owner cannot relocate without great difficulty.

I have had personal experience of that difficulty through residents in my electorate who own mobile homes. They are in the position in which they cannot be shifted at a moment's notice. I am sure that greater protection is needed for those people. People who occupy caravans similarly should not be kicked out at a moment's notice. The owner should not have the right to simply say, "You are off the land in two hours," which is exactly what is happening at present.

In case the Attorney-General still believes that the Labor Party is being hypocritical about this matter, I point out by way of explanation that there is a vast difference between what obtained seven years ago and what applies today. Seven years ago there were a number of slums that were called caravan parks which needed improvement. The residents of those places had inadequate facilities. Their caravans were not connected to sewers, had no water facilities and, in some cases, had no facilities whatsoever. There is a vastly different position today.

In addition, at that point in time most local authorities were trying to cut down on the number of permanent residents in caravan parks because there was not enough room for tourists in many caravan parks in holiday areas such as Redcliffe and parts of Brisbane's bayside. The Opposition is not being hypocritical; different times warrant different needs and solutions. The Opposition strongly supports the Minister, but asks that he give further consideration in the future to the needs of people living in caravans.

Mr CLAUSON: I have heard the comments made by the Liberal Party on clause 3. It is unfortunate that it adopts that point of view. I point out that the Bill sets out the minimum rights for occupiers. The honourable member for Moggill is quite incorrect when he says that an owner cannot offer a lease to an occupier. He can offer a lease to an occupier for a term of years, if he so desires; but, if he does so and wishes to terminate the agreement, he must rely upon the terms of that lease and not upon the terms of this Bill.

Amendment agreed to.

Mr CLAUSON: I move the following further amendment—

"At page 2, line 20, after 'caravan' insert—

'(whether with or without an annexe thereto)'."

Amendment agreed to.

Mr LICKISS: I refer again to the statement made by the Minister that it would be competent for an owner to give a special lease to an occupier and refer him to subclause (2) which states—

> "The rights and remedies conferred on an occupier by this Act are in addition to and not in derogation of or substitution for rights and remedies that would be had in law by an occupier apart from this Act."

I understand where it might be desirable on the part of an occupier to ask for a special lease, but so far I have found nothing contained in this legislation which enables an owner to go outside the provisions of an agreement and give a registrable lease on his title. I seek the Minister's clarification on that point.

Mr CLAUSON: Subclause (2) of clause 3 ensures that the rights and remedies conferred on an occupier by the Bill are in addition to rights and remedies he has apart from the Bill. This subclause ensures that the Bill supplements existing occupier's rights and does not directly or indirectly limit them. For example, if an occupier has the benefit of a registered lease, then the lessor will not be able to vary the terms of that lease to an occupier's detriment by relying on any provision contained in the Bill.

Mr LICKISS: Notwithstanding what the Minister has said, I would like to know under what provision and authority—I can see only a prohibition—an owner would have the right to grant a lease to an occupier.

Question—That clause 3, as amended, stand part of the Bill—put; and the Committee divided—

AYES, 65		NOES, 9	
Ahern	Lingard	Beard	
Alison	Littleproud	Innes	
Ardill	McCauley	Knox	
Austin	McElligott	Lee	
Berghofer	McKechnie	Lickiss	
Borbidge	Mackenroth	Schuntner	
Braddy	McLean	White	
Burreket	McPhie		
Campbell	Menzel		
Chapman	Milliner		
Clauson	Muntz		
Comben	Neal		
Cooper	Newton		
Davis	Palaszczuk		
De Lacy	Perrett		
Eaton	Randell		
Elliott	Row		
Fraser	Scott		
Gamin	Sherrin		
Gately	Simpson		
Gibbs, I. J.	Slack		
Gilmore	Smith		
Glasson	Smyth		
Goss	Stoneman		
Gunn	Tenni		
Hamill	Vaughan		
Harper	Veivers		
Harvey	Wells		
Henderson	Yewdale		
Hinton			
Hobbs			
Hynd	*Tellers:*		*Tellers:*
Katter	FitzGerald		Beanland
Lester	Stephan		Sherlock

Resolved in the affirmative.

Clauses 4 and 5, as read, agreed to.

Clause 6—

Mr INNES (12.09 a.m.): In my speech at the second-reading stage, I made the assertion that the title of an occupier to his mobile home could go down to his successor in title. The Attorney-General took exception with that contention and said that I was wrong. He read the first two subparagraphs of clause 6(3)(a) only, which reads—

"Where a person who is bound by and has the benefit of a relevant agreement dies at a time when he is occupying the mobile home under the agreement as his only or principal place of residence, the agreement shall be binding on and shall enure for the benefit of—

(a) any person residing with that person (called herein 'the deceased') at that time, being—

(i) the spouse of the deceased;

or

(ii) in default of a spouse so residing, a member of the deceased's household;".

He did not read the next subclause, which reads—

"(b) in default of any such person so residing, the person entitled to the mobile home by virtue of the deceased's will or the law relating to intestacy, as the case may be, but subject to subsection (4)."

Why did not the Minister read that subclause? Furthermore, is not my contention true that the right to a mobile home can pass down to a successor entitled to it through intestacy or through a will?

Mr CLAUSON: It can pass down to a successor, but he is not as of right entitled to reside in it.

Mr INNES: In what circumstances is a successor not entitled to live in them?

Clause 6, as read, agreed to.

Clauses 7 to 14, as read, agreed to.

Clause 15—

Mr CLAUSON (12.12 a.m.): I move the following amendment—

"At page 8, line 17, after 'Act' insert—

'and the powers of persons engaged in such enforcement'."

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16—

Mr CLAUSON (12.13 a.m.): I move the following amendment—

"At page 8, after line 27, insert—

'**17. Amendment Small Claims Tribunal Act.** (1) A provision of the *Small Claims Tribunal Act 1973-1987* specified in the first column of the following Table is amended as specified in the second column of the Table opposite to that provision:—

TABLE

Provision Amendment	Amendment
s. 4 (Interpretation)	*in the definition* "claimant", *insert after paragraph* (d) *the following paragraph:*— "(e) in relation to a claim in an application made pursuant to or for the purposes of the *Mobile Homes Act 1989*, the owner, or the occupier, within the meaning of that Act;";
s. 16 (Extent of jurisdiction)	*in subsection* (1), *insert after the word* "amount" *at the end of paragraph* (b) *the following words:*— "; and (c) any claim in an application made to it pursuant to or for the purposes of the *Mobile Homes Act 1989*; *in subsection* (2), *omit the words* "or (d)" *and substitute the words* ", (d) or (e)".' "

Mr INNES: The Liberal Party recalls the acknowledgment made by the Minister that clause 16 is retrospective as well as prospective. The Liberal Party has absolute opposition to a conservative Government passing retrospective legislation affecting the right and title to land. Therefore, it opposes clause 16 as it presently stands.

Secondly, proposed new section 17 provides for the only significant right of property that I can recall coming down to a jurisdiction as low as the Small Claims Tribunal. That tribunal is there to deal with small claims and small rights—dividing fences, a few hundred dollars worth of dispute and a few hundred dollars worth of bond.

This legislation is a total blot on the freehold title to land. All rights given to courts under this legislation are given to the Small Claims Tribunal. If anything, it epitomises the complete trivialisation of property rights that are involved in this Bill.

Mr LICKISS: As the Leader of the Liberal Party has said, this legislation not only takes care of what has already happened but also projects itself well into the future. I wish to refer in particular to dealing with land and to agreements.

This legislation is so loaded in that regard that, if an owner knows that land is likely to have its purpose changed, and if before that change takes place he is notified that it is not going to take place—this is the only way in which I can discuss this because the provision exists in the schedule—then it is not the owner who can then regain vacant possession of his land for other purposes. What in fact happens is that the agreement is considered to continue.

This Bill disregards completely the freehold ownership of land and the rights of the registered proprietor in that land.

Amendment agreed to.

Question—That clause 16, as amended, stand part of the Bill—put; and the Committee divided—

AYES, 63		NOES, 9	
Alison	Lingard	Beard	
Ardill	Littleproud	Innes	
Austin	McCauley	Knox	
Berghofer	McElligott	Lee	
Borbidge	McKechnie	Lickiss	
Braddy	Mackenroth	Schuntner	
Burreket	McLean	White	
Campbell	McPhie		
Chapman	Menzel		
Clauson	Milliner		
Comben	Muntz		
Cooper	Neal		
Davis	Newton		
De Lacy	Palaszczuk		
Eaton	Perrett		
Elliott	Randell		
Fraser	Row		
Gamin	Scott		
Gately	Sherrin		
Gibbs, I. J.	Simpson		
Gilmore	Slack		
Glasson	Smith		
Goss	Smyth		
Gunn	Stoneman		
Hamill	Tenni		
Harper	Vaughan		
Harvey	Veivers		
Henderson	Wells		
Hinton			
Hobbs			
Hynd	*Tellers:*		*Tellers:*
Katter	FitzGerald		Beanland
Lester	Stephan		Sherlock

Resolved in the affirmative.

Schedule 1—

Mr CLAUSON (12.25 a.m.): I move the following amendment—

"At page 9, after line 29, insert—

'(d) the recurrent behaviour on the site of the occupier, or of any person residing with or associated with the occupier, interferes with the quiet enjoyment of the site by any other occupier;'."

Mr WELLS: I assume that the paragraph now lettered "(d)" will be automatically lettered "(e)", and that the paragraph lettered "(e)" will be automatically lettered "(f)" as a result of the amendment.

Mr INNES: The schedule, which is now being amended, contains a couple of provisions that encapsulate everything that is wrong with this legislation. Part I deals with the duration of the agreement and the first paragraph deals with the position as far as the owner is concerned. It states—

> "Subject to clause 2, the right to position a mobile home on the site shall subsist until the agreement is duly terminated in accordance with the *Mobile Homes Act 1989*."

That agreement, of course, can be terminated only when and if the owner discovers something wrong done by the occupier. Otherwise, the owner is entitled to indefinite and even inherited occupation.

Paragraph 3, which is titled "Termination by occupier", states—

> "The occupier is entitled to terminate the agreement by written notice given to the owner not less than four weeks before the date on which termination is to take effect."

The Government is blocking freehold title to land indefinitely. The period could be 50 years on one side, whereas an obligation can be placed on the other side to get out within four weeks with a totally intact mobile home, which no doubt is worth the value that was paid in the first place.

Those two paragraphs epitomise the total imbalance in the legislation. An owner wishing to exercise the rights of ownership and to recover the full right to possession of the land will allow the area to become a slum. He has lost the incentive to maintain the land in the best condition possible because he is entitled to future options. With a long-term lease of a home unit, a person can readily have a term of 10 or 15 years, as a result of which he puts in $20,000 or $30,000 worth of carpets, drapes and special adaptations. That person has a limited lease. I gave the illustration of a small business with $100,000 of fittings occupying a five-year shop lease in a shopping centre. The Government is giving fewer rights to somebody who received a fixed term of years and is totally ignoring the rights of an owner in favour of somebody who can get out at four weeks' notice. It is a farce.

Amendment agreed to.

Mr CLAUSON: I move the following further amendment—

> "At page 41, omit lines 41 to 43 and insert—
>
> '6. (1) The occupier is entitled—
>
> (a) to sell the mobile home;
>
> and
>
> (b) to assign his rights and obligations under the agreement to a person approved by the owner.
>
> (2) The grant or refusal of the owners' approval is in the absolute discretion of the owner.
>
> (3) In his efforts to sell the mobile home, the occupier shall not engage in, or permit others on his behalf to engage in, acts that affect the environment of the site or the quiet enjoyment of the site by other occupiers.' "

Mr WELLS: The Opposition does not oppose the amendment. However, it opposes the attitude of the Liberal Party, which is not prepared to accept that a catalogue can be drawn up for the circumstances in which somebody can be thrown out of accommodation that has cost him more than $30,000 to put together. Honourable members have not heard from the Liberal Party at any stage during this debate what other circumstances it wants, apart from those that are listed in the schedule, which enables

the owners of these sites to throw people out. What additional circumstances do the members of the Liberal Party want to obtain before the owners can throw people out? It is most unsatisfactory to hear members of the Liberal Party standing up for what they claim to be a major principle. However, they never tell us in what circumstances they want the power to be able to throw people out of their homes.

Amendment agreed to.

Question—That schedule 1, as amended, stand part of the Bill—put; and the Committee divided—

AYES, 63		NOES, 9	
Alison	Lingard	Beard	
Ardill	Littleproud	Innes	
Austin	McCauley	Knox	
Berghofer	McElligott	Lee	
Borbidge	McKechnie	Lickiss	
Braddy	Mackenroth	Schuntner	
Burreket	McLean	White	
Campbell	McPhie		
Chapman	Menzel		
Clauson	Milliner		
Comben	Muntz		
Cooper	Neal		
Davis	Newton		
De Lacy	Palaszczuk		
Eaton	Perrett		
Elliott	Randell		
Fraser	Row		
Gamin	Scott		
Gately	Sherrin		
Gibbs, I. J.	Simpson		
Gilmore	Slack		
Glasson	Smith		
Goss	Smyth		
Gunn	Stoneman		
Hamill	Tenni		
Harper	Vaughan		
Harvey	Veivers		
Henderson	Wells		
Hinton			
Hobbs			
Hynd	*Tellers:*		*Tellers:*
Katter	FitzGerald		Beanland
Lester	Stephan		Sherlock

Resolved in the affirmative.

Bill reported, with amendments.

Third Reading

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

LIQUOR ACT AMENDMENT BILL

Second Reading

Debate resumed from 4 April (see p. 4031).

Mr WELLS (Murrumba) (12.39 a.m.): In his second-reading speech, the Minister stated that one of the purposes of the Bill was to enable licensees of non-viable premises to withdraw voluntarily from the industry. One might think that that represents the conversion of the National Party Government to economic rationalism—a conversion which must have taken place since yesterday morning, because that was not exactly the attitude that the Honourable the Premier was adopting.

The provisions of this Bill which, we are told, are designed to enable licensees of non-viable premises to withdraw voluntarily from the industry, also enable those licensees

to cease to be licensees without suffering the pecuniary disadvantages that they would suffer under the present arrangements. The Opposition welcomes this sort of rationalisation with respect to the industry.

But then the crunch comes. This is where it is discovered that we are not dealing with economic rationalists at all. In his second-reading speech the Minister stated that, in order to subsidise the reforms that he is implementing, it will be necessary to increase the licence fee. In some cases the increase in the licence fee will be of a very significant order. An increase from 8 per cent to 10 per cent or from 10 per cent to 12 per cent does not sound a great deal, but when that is considered as a proportion, such as two on eight, it means that the licence fee will be increased by 25 per cent.

Many of the licensees who will be affected by this legislation are in country hotels. They are people who are in a very crucial service industry in the towns in which they are located. The impact of the financial difficulties upon a hotelier in a country town is very much more severe than the impact of such difficulties on a hotelier in the city. In some Queensland towns the hotel is the major service industry.

In the areas to which the Bill is directing its attention, the licence fee will be increased and will put onto those hoteliers the very pressure that this Bill is supposed to be implementing measures to ease. At one end the Bill is trying to ease the pressures on hoteliers by saying that the voluntary withdrawal from the industry can be eased by certain measures, but at the other end the Bill is encouraging the withdrawal from the industry of hoteliers by placing this additional burden on them. In the long run the burden of the addditional tax—and that is what it is; these deregulators are introducing an additional tax—will mean that there will be an additional excise on beer and other alcoholic beverages. The burden of that excise will fall on the people who buy those commodities. It will fall on the ordinary drinker—the ordinary Queenslander. He is the person who will be hit by this Bill.

If this Bill really was just a piece of economic rationality, if this really was a case in which the Government was going to merely ease the way for some hoteliers, who are already in difficulties, out of the industry, and in order to do that collect a few bob at the other end, why are we sitting here at a quarter to 1 in the morning considering this legislation? The reason why we are sitting here at a quarter to 1——

Mr Clauson: Because on the previous legislation some people wasted so much time.

Mr WELLS: I take the point of the Honourable the Minister that a great deal of time was wasted on the previous legislation. However, it was open to the Leader of the House to say, "No, we will deal with this legislation tomorrow." Why does it have to be dealt with today? The answer is that it is a money Bill. That is what it is. It is not a Bill about implementing a scheme of rationalisation for the liquor industry; it is a Bill about collecting money. The Government wanted to get its money Bill through today, and it was determined to get its money Bill through today even at the expense of sitting until a quarter to 1.

The Opposition does not support this Bill. It will not divide the House on the Bill. The intent of the Bill is something other than what it appears to be on the face of it. The Opposition has suspicions about it. It is not happy about it, but it will not divide the House.

Mr INNES (Sherwood—Leader of the Liberal Party) (12.44 a.m.): The Liberal Party believes in the assistance of the rationalisation of the liquor industry. The principle seems to be reasonable. When it was announced in the Budget, the Liberal Party welcomed it. However, it was not so enthusiastic about the other Budget provisions that involved increasing liquor licence fees. It is realised that some finance is necessary to facilitate the operation of the rationalisation scheme.

However, it seems to be an unfortunate principle that concessions on excise duty were given by the Federal Government, allegedly in the interests of the lower paid workers, and then the State Government jacks up the taxes on precisely the same

commodity, thereby negating the alleged social purpose of the concession for the target group who were to benefit most by the exercise in Federal Government discretion on taxation. It would be a fairly bad principle if the States or the Commonwealth picked up the concessions that were given by one level of government to a target group. That type of action would reduce incentive to provide any taxation relief to a particular group.

As I said earlier, whereas the abuse of liquor is quite wrong and quite costly to the community—and there can be no question about that—one cannot help feeling that the poor old average worker bears the brunt of many taxation policies. The average worker feels entitled to have a couple of beers on a Friday night. If he is a smoker, he might feel entitled to have a cigarette. He probably enjoys very little other recreation. By the time he has paid the mortgage and gives the remainder of his pay packet to his wife to go to the supermarket, very little of his wages would be left, particularly during the last two or three years.

There is a great danger that, because of an altruistic social purpose invented by other people which is designed to persuade people to give up smoking or give up beer, we as legislators—the people who feel the financial effects of taxation the least and who would have a drink anyway—seem to ensure that the average worker and his modest recreational activities become a whipping-post for taxation policies. I think that that is regrettable.

The Liberal Party supports the move to rationalise some aspects of the industry. Members of the Liberal Party believe that the increase in liquor licensing fees—albeit justified because it will assist the scheme—is unfortunate because it has replaced the tax burden which falls most heavily on the average worker.

Mr CAMPBELL (Bundaberg) (12.48 a.m.): I rise to participate in this debate to make one point about the large increase in taxation that will be used to pay for this so-called adjustment or rationalisation. Reference has been made to an initiative that will be used in negotiations for compensation before the surrender of licences takes place. I point out that it is proposed to introduce a 25 per cent increase in taxes for the majority of licensees and a 16 per cent increase in taxes for spirit merchant licences. If this money is supposed to be put into a pool for compensation, I ask the Minister: will this money be held in trust so that the additional tax raised will actually be used for compensation? If the Minister discovers that the additional taxes raised are greater than the amount of compensation required, will he give an undertaking that those taxes will be reduced in the future?

I believe that, if the Minister uses the necessity for a pool of compensation as an excuse to increase taxes, he should give an undertaking to the House tonight to reduce taxes in the future if all the funds are not used for the designated purpose. I think it is wrong for this Government to use compensation as an excuse without providing an undertaking that taxes will be reduced if the funds are not required for compensation.

The Opposition opposes the legislation on the basis of the 25 per cent increase in taxes and a 16 per cent increase in licence fees. If the money is to be used for compensation, it should be held in trust for that purpose instead of simply being put into the general revenue fund.

Hon. P. J. CLAUSON (Redlands—Minister for Justice and Attorney-General and Minister for Corrective Services) (12.50 a.m.), in reply: I note the comments made by various members who have contributed to the debate on this issue. However, I hasten to point out that this measure has been taken after long and serious consultation with the Queensland Hotels Association. The decision to increase charges is not taken lightly.

The Government recognises that it is necessary for rationalisation to occur. It recognises also that, as a result of various modern phenomena such as the RID program that was implemented because of increased awareness of the dangers associated with drinking alcohol and driving motor vehicles, the hotel industry has suffered. Consequently, the Government recognises that difficulties experienced by the hotel industry are manifold.

Negotiation with the QHA has taken place on the basis of rationalisation. The QHA is looking forward to the passing of this legislation because it understands that it is necessary for an increase in licence fees to be imposed to fund the rationalisation scheme. However, although it is regrettable that it is necessary to increase the rate of licence fees in this State, it will still mean that, on average, licence fees are still lower than those imposed in the other States of Australia. I emphasise the words, "on average".

This Government has tried to confine the increase to a reasonable level, taking into account that it is part of the rationalisation process and arrangements determined in consultation with the QHA. In the long term, I believe that this legislation will assist in maintaining the viability and strength of the hotel industry in this State.

Motion agreed to.

Committee

Clauses 1 to 7, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

ADJOURNMENT

Hon. P. J. CLAUSON (Redlands—Minister for Justice and Attorney-General and Minister for Corrective Services) (12.54 a.m.): I move—

"That the House do now adjourn."

Comments by Minister for Mines, Energy and Northern Development on Storage of Ammonium Nitrate at Portsmith

Mr De LACY (Cairns) (12.54 a.m.): On 22 March 1989 the Cairns City Council approved an application for the storage of ammonium nitrate in a warehouse on an industrial estate in Cairns. On 25 March the Minister for Mines, Energy and Northern Development, Mr Tenni, attacked the council by saying that 10 000 people in the immediate area would be killed if an accidental detonation took place. He said that he had asked Mines Department explosive experts, who were "the best in the country", for their comments. On 29 March he went further when he said it was "the height of stupidity to situate a storage facility for explosives in Portsmith." Naturally enough, these alarmist statements, coming as they did from a supposedly responsible Cabinet Minister, caused great concern in the Cairns community. The *Cairns Post*—unaware of the true facts—stated in an editorial on 27 March that Mr Tenni was quite right to refer the site approval to his department's experts.

The facts are that the application was advertised in the *Cairns Post* on 29 December 1988. Only one objection was received and none at all from Mr Martin Tenni or his department. Could this lead honourable members to believe that his concern was motivated by politics rather than by the welfare of the citizens of Cairns? The next thing I discovered is that the Cairns City Council in fact sought advice from the Mines Department on the storage of this material and included in its consent the following condition—

> "3. The ammonium nitrate shall be stored in accordance with the standards set out . . . in accordance with the requirements of the Department of Mines and Energy."

On the basis of this alone, the Minister ought to apologise for his misleading scaremongering which caused so much concern and alarm. He has been exposed as a political fraud who is more interested in petty point-scoring than in the presentation of the facts.

It gets worse! On 28 March the Town Clerk wrote to Mr Tenni advising him that council officers had received advice from his department and had included Mines Department conditions in the consent. The next day Mr Tenni acknowledged that letter and that storage could take place under those conditions, but did not dispute the Town Clerk's assertion that advice had been sought from the Minister's department. The following day, in an interview recorded for the FNQ Channel 10 *Newsweek* program, Mr Tenni stated—

> "He (the Cairns Mayor) did not approach me—nor can I find anyone in my Brisbane office where an approach was made. I will challenge him if you like to tell me, the name of the person, or a copy of the correspondence where he made special representations to me or my Department in Brisbane concerning this particular proposal."

Even after he had been told that an approach had been made and had acknowledged this advice, he still issued the challenge.

For the sake of the record, I state that the person who was approached and who responded to the council's request was Mr Bob Sheridan, chief inspector of explosives with the Mines Department in Brisbane. Talk about not letting the facts get in the way of some good old-fashioned politicking! In any other Parliament in Australia, a person—particularly a Minister—who deliberately chose to mislead the public in this way would have to resign.

It gets worse still! Honourable members must not forget that the people of Cairns are waiting with bated breath for Mr Tenni to consult his officers. I refer again to Mr Tenni's statement that it was "the height of stupidity to situate a storage facility for ammonium nitrate in Portsmith." I presume that the Minister still stands by that statement. However, I understand that the company, CFL, stores up to 20 tonnes of ammonium nitrate at any one time in one of its warehouses in Cairns. This is not done by approval of the council, but by approval from the Mines Department, that is, Mr Tenni's department. Ammonium nitrate is only allowed into Queensland, or transported, handled and stored in Queensland, under specifications laid down by the Mines Department. I wonder how the Minister reconciles this with his ill-considered attack on the Cairns City Council.

In summary—the whole episode represents disgraceful, small-minded and irresponsible behaviour.

Time expired.

USSR Military Policy

Mr GATELY (Currumbin) (12.59 a.m.): Tonight I wish to refer to a matter that concerns me greatly, which should be of concern to most Australians: the apparent change in attitude of the Soviet Union and its leader, Mikhail Gorbachev, and his attempts to hoodwink the rest of the world into believing that the Soviet Union is a changed nation.

I wonder why the supposed new candidate in the southern part of Australia ran off to Russia to find out how to do things. He has visited Sweden, which is an admission in itself that the Federal Government's strategy through the union movement and ACTU is simply not good enough for Australia.

I am concerned about the sorts of things that Russia is trying to thrust upon the nations of the world through the United Nations. Page 2685 of *The European Year Book 1988—A World Survey USSR* shows the areas where the USSR is currently engaged in conflicts. It has attempted to come to some agreement with the USA to remove missiles from various parts of the world. The USSR agreed to remove all its short-range

missiles from Europe provided the USA agreed not to increase its own stock of such weapons. The document states on page 2685—

> "In May 1987 Gorbachev announced that the Soviet Union would agree to remove all its medium-range missiles from Asia, on condition that the USA withdraw its own nuclear weapons from Japan, the Republic of Korea and the Philippines."

I wonder if Mr Gorbachev wants to use the same tactics to lull Australians into the false sense of security that they do not need any defence forces. The Soviet Union has military strength scattered throughout Europe, in Czechoslavakia, Hungary, Poland and the German Democratic Republic. That last country is divided by the Soviet Union's Iron Curtain.

If Mr Gorbachev is fair dinkum, I lay down a challenge to him and his country to pull down that wall to show the world that he is fair dinkum.

Opposition members interjected.

Mr GATELY: Opposition members should be making the same sorts of statements instead of supporting him with their comradeship. They should just go straight to it and tell him to pull down the wall.

I shall now consider Russia's dismal effort in Afghanistan, a country upon which it wreaked much devastation. In the years that Russia occupied that country, its efforts were a dismal failure. With much less fighting power, the Mujaheedin were able to repel the Soviet Union. That should be a lesson to all nations of the world. It should not be considered to be a fait accompli that the Russians have control of many such places. The Mujaheedin were able to force the Russians to leave their country simply because they believed in themselves; they struggled long and hard; they were not prepared to give up; they were not gutless; and they were not Godless like the communists, who were trying to impose their Godless attitudes on those people.

The people of Australia ought to wake up to what the Federal Government has done to the defence forces of this nation by continuing to reduce them to the extent that they would not be able to beat a heap of school kids on a Sunday afternoon at a school kids' picnic.

Financial Plight of Licensed Clubs

Mr PALASZCZUK (Archerfield) (1.03 a.m.): It is indeed a sad indictment of this State Government that, seven months after the tardy enforcement of the laws governing in-line machines, as of now nothing has been introduced to help the ailing licensed clubs of Queensland. This follows a seven-month wait for the Government to provide them with a solution that would attract patrons after a crackdown on in-line machine gambling. Patronage at licensed clubs has fallen off so dramatically that it is only a question of time before some of these clubs go into liquidation.

Queensland clubs have been in financial difficulty since Fitzgerald inquiry evidence led to the Justice Departments tightening the policing of gambling. Honourable members would remember that, for all its holier than thou attitude, this Government was on a nice little earner from the registration fees on in-line machines. For 18 years this Government turned not only a blind eye to the illegality of the operation of these machines but also turned a handy profit by doing so.

What have the clubs received in return? Nothing but a kick in the guts! Since last August the licensed clubs have been waiting for the Premier to honour his promise of assistance to them. So far that has not been forthcoming. In other words, it has been another broken promise. In this Chamber the Minister for Justice and Attorney-General has called me a Philistine for standing up for the licensed clubs of this State. The *Concise Oxford Dictionary* describes a Philistine as an uncultured, unimaginative person, which of course I am not. Considering that money raised from in-line machines was generally used by clubs to finance junior sport and the development of our young, which added to our culture, I think that the only Philistine in this debate is the Minister himself.

Mr Scott: You in turn are an enlightened member.

Mr PALASZCZUK: I thank the honourable member for his interjection.

I say this because, with one stroke of his pen, the Minister has all but destroyed the sporting base of our culture. He has done this because, in his own words, the clubs were cheating; they were breaking the law. Yet for 18 years they had the tacit approval of this Government. Of course, over the last 18 years they had the approval not only of the National Party but also of the Liberal Party.

Mr Ardill: And paid for the privilege.

Mr PALASZCZUK: Yes, and they paid for the privilege.

To show just how hypocritical this Government can be, I will consider the activities of its committee, which is composed of the Minister for Justice, the Minister for Finance, the member for Mansfield, who is now the Minister for Family Services, and officers from the Justice Department. That committee was formed supposedly to look at ways of aiding the clubs to get out of their financial difficulties. The committee was commissioned by the Premier himself who, when launching the committee said, "I will provide an alternative to poker machines." In the Premier's own words, what a nonsense! So far he has not even provided a response to the licensed clubs' submissions.

All honourable members are aware that the patronage of licensed clubs has fallen dramatically since the removal of in-line machines. They would also be aware that licensed clubs are so far in the hole financially that, if assistance is not provided as a matter of urgency, the licensed club industry as we know it will disappear. The only way to save the clubs is to allow them to attract increased patronage, not by using the Finance Minister's idea of a keno package as offered by Jupiters Casino, but by the only alternative that will keep Queensland dollars in Queensland and not—I repeat "not"—in the coffers of New South Wales clubs. The Government must consider poker machines.

On 29 September 1988 I outlined to this House how poker machines and their operators could be kept honest and how corruption could be strangled at birth. I again outlined this system to the House on 26 October 1988. It is high time that this Government of yesterday's men gave a lead to the clubs to at least give their committees some glimmer of hope of rescue from the financial mess that they now find themselves in.

Proposal for Swimming-pool at Burleigh Heads

Mrs GAMIN (South Coast) (1.08 a.m.): Burleigh Heads, where I live, is known as one of the loveliest stretches of beach and foreshore parkland on the Gold Coast. We pride ourselves on our beaches, and our parks are used and enjoyed by our residents and by the many visitors who come back year after year for holidays.

The week-end before last, Burleigh Heads beach was chosen as the site of the Australian surf life-saving championships. It was a pity that the appalling weather spoiled those championships and caused so much trouble to the Burleigh Heads/Mowbray Park Surf Life-saving Club, which put in so much time and effort to stage the championships.

Just south of the life-saving club, however, the site of the old swimming-pool on Goodwin Terrace is the one thing that spoils that parkland for us. Since the old pool was demolished, it is an eyesore, it is a mess, and residents and visitors have been loud in their complaints. It has been a long-time Land Administration Commission lease, and I am pleased that the Minister for Land Management has now made it very clear to the lessee company that it must get on with the job of reconstructing the swimming-pool, and putting up the restaurant as approved, or action would be taken in the Land Court for surrender of the lease for non-compliance.

The site has had a chequered history. It used to be a popular swimming-pool in the old days. When I first came to Burleigh more than 20 years ago it was well used by the local schools; the swimming club used it on Friday nights; older residents who found the surf too rough swam there regularly; and our kids learned to swim there. But it

gradually deteriorated over the years, until it was no longer a viable economic operation, and eventually it closed down.

At one time, five or six years ago, a proposal came forward to build an eight-storey waterslide on the foreshore near the pool. Honourable members can imagine what a storm of protest that raised. The Labor alderman of the day agreed to it—the most stupid decision he ever made. Weight of public opinion finally forced him to move for this decision to be rescinded, and it cost him his council ward at the next local government election.

The lease was sold to a developer, who applied for permission to erect a restaurant, a disco and a swimming-pool. The Gold Coast City Council knocked back that application. The developer appealed to the court, and the court upheld his appeal, with council instructed to put down conditions. The disco was refused, but the approval for the restaurant and pool went ahead. Discussions went on and on for months, and the court agreed to council's conditions. The restaurant would not be multi-storied. In fact, it would be no higher than the existing public toilet block already on the site. The pool would be 50 metres long and open to the general public. Then that lease, as conditions were being negotiated, was again sold last year.

The new lessee obtained an extension of time for completion of the building from the Land Administration Commission in November last year, with the condition that $2.5m worth of work should be completed in September 1989, with work to proceed at a satisfactory rate. And then absolutely nothing happened. Not only was the rate not satisfactory; there was no rate of work at all.

After great difficulties, the Gold Coast City Council forced the lessee to demolish the unsightly pool structures—the dressing sheds and kiosk. They were just a haven for derelicts at night—kids, booze, drugs. It was a real mess. So the structures were demolished and a plywood fence erected. Again, nothing happened.

I have been on the receiving end of complaints for a long time now; so has the Gold Coast City Council. Residents and visitors are constantly complaining about the mess, saying that it is ugly and that the foreshore is spoiled, and asking what is going to happen. This mess—this eyesore—is right on Goodwin Terrace, one of the most beautiful stretches of foreshore parkland on the whole of the Gold Coast.

But the chips are down now. The Minister for Land Management has advised me in writing today that the lessee company has undertaken to resume work and will proceed to completion by September 1989, as required by the lease conditions. The company has supplied a statement of the projected monthly financial expenditure, and will also furnish monthly reports to the Land Administration Commission. The lessee has been given a time-scale for performance from now until the date of expiry, and I am pleased that the Minister has taken this strong action.

The place is a mess. It has got to be cleaned up and turned into something that is in keeping with the surrounding areas—something that can be used by the people of Burleigh and the visitors who come to our area. Land inspectors will be keeping an eye on the project. So will I and so will the dozens of people who come into my office wanting action.

It is a pity that the project has taken so long. We have only reached this stage because the commission finally told the lessee on 31 March that action would be taken in the Land Court after 28 days' notice for termination of the lease for non-compliance.

Time expired.

Noosa Northshore Resort Development

Mr CAMPBELL (Bundaberg) (1.13 a.m.): Last week, I raised the business dealings of a Mr Barrie Loiterton, whom I described as an international con man, and the dealings in rezoning land for the Noosa Northshore Resort development.

In a ministerial statement, the Minister for Local Government attacked my comments regarding Mr Loiterton and his dealings with the Queensland Government. The Minister made statements that were wrong and misled Parliament regarding the Noosa north shore issue. He personally attacked me, but did not refute my facts.

The Minister stated—

> "Any claim that the Federal member for Maranoa, Mr. Ian Cameron had adjoining land rezoned is also completely untrue. Mr. Cameron did apply for a rezoning but that was refused by the council and no appeal proceeded to the Local Government Court."

That statement is false.

My first point is that Mr Ian Cameron's syndicate has had land approved for rezoning by the Noosa Shire Council. Secondly, the council imposed conditions that were unacceptable to Mr Cameron, and Mr Cameron has lodged a Local Government Court appeal against the conditions of the approval. Thirdly, the council is, to my knowledge, defending its decision.

Clearly, the Minister gave false information to the House in his attack on me. He also stated—

> "Exactly what the honourable member for Bundaberg had in mind when he alleged that, in his words, 'the personal gain of a Federal member of Parliament' had to do with the circumstances surrounding the Leisuremark proposal really escapes any rational comprehension."

Again, the Minister is naive in his criticism of me.

Fact 1 is that Mr Ian Cameron—one must not forget he is a National Party colleague of the Minister—publicly lobbied in 1986 the Premier, Sir Joh Bjelke-Petersen, the Local Government Minister, Russ Hinze, and the Lands Minister, Mr Glasson.

Fact 2 is that Cameron, in partnership or in agreement with Loiterton, had options to purchase land to rezone as part of what was described as Australia's biggest tourist development.

Fact 3 is that the local National Party member, Mr Simpson, member for Cooroora, supported strongly the Loiterton proposal and backed the introduction of special legislation to allow the development to proceed.

Fact 4 is that rezoning of Loiterton's land would create a tremendous increase in the value of Cameron's own adjoining land.

Fact 5 is that, in early 1987, the Queensland Cabinet considered a submission with the backing of the Premier for rezoning of the land for the proposed tourist resort. The reported decision of Cabinet, made under a great public outcry and opposition of local community and conservation groups, was to make no decision and to hand back the responsibility to the Noosa Shire Council.

Fact 6 is that it was only public opinion—not Government propriety—that stopped the Queensland Government rezoning the land. Yet the Minister categorically denies that the Government was in any way involved in this issue.

The Minister states—

> "It is totally incorrect to claim that anybody, least of all this Government, approved it."

However, it was reported that, on 13 March, Cabinet gave the green light for the Noosa tourist development. That involved at least one Minister's giving approval in principle for an exchange of land for a national park as a condition of the rezoning.

Finally, that Minister says that he is not involved. His lack of action or genuine concern or his biased views are shown in a letter dated 8 March 1989 to Mr D'Arcy. It states—

> "As a result of further representations being made to me by the Noosa Shire Council expressing concern that the Noosa North Shore area was a fragile landform

with very limited people-carrying capacity, I undertook an inspection of the area with officers of the Local Government Department to determine whether or not, a special study of the type normally undertaken in respect of overseas national parks and their ability to accommodate visitors, was warranted.

As a result of that inspection, I concluded that while the area was sensitive in many respects, the carrying out of such a study could not be justified."

That shows the responsible attitude of the Minister.

I now ask the Minister and his colleagues to investigate the business background of Mr Loiterton. I also request the Ministers to deny, firstly, that representations were made at a ministerial level by a person representing a non-existent business entity, Resort Management Services Limited. Secondly, rezoning applications were made by private companies which have defaulted under section 240 of the Companies Code by not fulfilling their reporting and annual general meeting requirements for 1987 and 1988.

Thirdly, as at 30 June 1986, the two companies involved in the development had net tangible assets of minus $358 for Leisuremark Australia; for Notretoil Investments, minus $135,995; and Resort Management Services Limited had not made any financial reports since its inception in early 1988. Fourthly, the developers did not own the land proposed to be rezoned until April 1988, almost two years after initial rezoning discussions were held with the Noosa Shire Council. Fifthly, as a result of business activities in Fiji in 1986-87, Mr Loiterton owes the Fijian Government corporate taxes and stamp duties amounting to millions of dollars.

Time expired.

Motion agreed to.

The House adjourned at 1.19 a.m. (Wednesday).